

GERALD CHAN

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Region	Incumbency	Slate or Coalition Affiliation	Law Association Membership
Toronto	Not An Incumbent	Good Governance Coalition	Toronto, York

LiRN Funding and Libraries	
Will you support the Law Society maintaining its current level of funding for LiRN, adjusted annually for inflation?	Yes
Do you recognize the importance of the Law Society’s support for the LiRN budget in maintaining licensee competence across Ontario?	Yes
<i>A central part of the LSO’s mandate is to ensure the competence of its licensees. Law libraries play an integral role in promoting competence, especially for small firms and sole practitioners outside of larger centres. As the LiRN is responsible for coordinating the county and district law library system, it is critical that the LSO support sustainable funding for the LiRN. This will reduce costs in the long run. It will save many licensees from having to bear the cost of legal resources individually. And it will reduce the money that must be spent on regulating competence through discipline.</i>	
If you are an incumbent, do you regret voting to cut the LiRN budget by 10% in November 2020?	N/A
N/A - not an incumbent.	
Do you support offloading funding for LiRN/law libraries to the Law Foundation of Ontario?	No
<i>I do not support offloading funding for LiRN/law libraries to the Law Foundation of Ontario for three reasons. First, the Foundation’s cash flow is not consistent from year to year. This financial variability does not provide LiRN with the stability it needs to operate effectively. Second, while the LSO appoints three of the five trustees of the Foundation, the LSO does not control the Foundation and how it chooses to allocate its funding. To offload funding to the Foundation would be to abdicate responsibility for a critical part of the LSO’s statutory mandate: promoting professional competence. Third, a signification portion of the Foundation’s funds are intended for Legal Aid and other important access to justice initiatives. For example, Innocence Canada (for which I volunteer as a member of the Case Review Committee) has received Foundation funding, empowering it to do critical work for the wrongfully convicted. The Pro Bono Inmate Appeal Program (of which I am a member) has also received Foundation funding, enabling it to continue providing representation for marginalized inmates in the Court of Appeal. The proper funding of law libraries should not come at the expense of these important access to justice initiatives.</i>	

Legal Aid Funding	
Will you advocate for Legal Aid Ontario funding improvement and sustainability to ensure that being a Legal Aid-empanelled lawyer remains a viable area of practice for the private bar?	Yes
🔗 If you answered “yes”, how?	
<i>If I’m elected, I will advocate for LAO funding improvement and sustainability. I am a LAO-empaneled lawyer (on the Extremely Serious Criminal Matters roster). I have represented numerous clients on LAO certificates, most often in criminal appeals. In doing so, I have gained intimate familiarity with the role that LAO plays in ensuring access to justice for the most marginalized members of our community. By offering LAO-empaneled lawyers from the private bar, LAO is able to ensure that standards of competence are met and to respect the right of individuals to their choice of counsel. I have also seen firsthand how costly it can be for the administration of justice when LAO is not properly funded. In the criminal context, underfunding leads to unfair trials and wrongful convictions for those with the least means. This invariably increases the long-term costs to the administration of justice in the form of re-trials and case reviews. FOLA recently called on the provincial government to increase annual spending on LAO from \$350M to \$480M. This strikes me as the minimum required increase, which would merely restore LAO funding to its 2014 level. That underscores just how underfunded LAO has been. More must be done.</i>	
Please describe efforts that you believe should be undertaken by the Law Society to advocate for investment in LAO and increased financial allocation to LAO from the provincial and federal governments’ budgets.	
<i>The LSO does not fund LAO directly. However, the LSO plays a role in the appointment of LAO’s board members. The LSO should recommend candidates to LAO’s board who have a demonstrated a real world understanding how LAO works and a strong commitment to a robust system of legal aid. The LSO should also be the leader in public and government relations advocacy for increased funding to LAO. As the regulator of legal services in Ontario with a mandate to serve the public interest, the LSO is in a unique position to lead this form of advocacy. Its statements may carry more weight than those of legal associations whose mandate is to protect the interests of their members. The LSO can also play a critical role in advocacy as a leading member of the Alliance for Sustainable Legal Aid (ASLA). ASLA’s membership includes two organizations in which I have long been an active member—the Criminal Lawyers’ Association (Ontario) (CLA) and The Advocates’ Society (TAS). I have seen their efforts to advocate for LAO funding up close. The LSO needs to harness its relationship with these organizations as well as the other members of ASLA (e.g., FOLA, OBA, Family Lawyers Association, Refugee Lawyers Association) to lead a coordinated and concerted effort to educate the public about the long-term cost savings of a properly funded legal aid system. This educational campaign should supplement the other forms of LSO advocacy vis-à-vis the government, including letter-writing, appearances at standing committees, and meetings or conversations with senior government officials.</i>	

Paralegal Scope of Practice	
On December 1, 2022, Convocation approved the Family Legal Service Provider (FLSP) license to allow paralegals who complete specified training to assist clients with certain family law services. The FLSP is to be reviewed in 3 years. Should paralegals’ scope of practice be expanded?	
It should be expanded no further than the FLSP	
🔗 If you answered “yes”, in what ways, why, and what additional training (if any) should be required of paralegals?	
<i>No response was required, but the candidate wrote: Because the above question only allowed a few options, let me add this caveat. As a criminal defence lawyer, I have followed the debates around the role of paralegals in providing criminal law services. I have not followed the debates around the role of paralegals and family law nearly as closely, although I can appreciate that the issues may engage similar concerns. I understand that the scope of practice for paralegals in family law was only recently expanded for those who obtain the FLSP license. At the moment, there is no further expansion of scope under consideration. If any expansion is proposed in the future, I would consider it carefully and consult widely to determine whether it would promote access to justice, which requires that legal services be provided at an affordable cost and that they be provided competently by licensees with sufficient training.</i>	
Lawyer licensees pay an annual competency levy as part of their annual fees that contributes towards LiRN, which funds courthouse libraries. Would you support a requirement for paralegals to also pay an annual competency levy?	Yes
<i>Because the above question only permits a yes-no answer, let me add this caveat. I would carefully consider this issue and consult extensively with all stakeholders. Law libraries are an important means of promoting competence and, in doing so, enhancing access to justice. Providing paralegals with access to this resource and requiring paralegals to contribute towards its funding is an option worth considering. However, I would like to study it further before committing to a position.</i>	

Law Association Involvement	
When did you become a member of each of the associations you selected above? Which board or executive roles, if any, have you served in as part of these associations? Please list relevant dates and roles.	
Toronto - September 3, 2016 York - March 3, 2023	
Why are you a member of each of the associations you selected above?	
Collegiality with the local bar in jurisdictions where I practice and to keep abreast of the issues affecting my colleagues in those jurisdictions.	