



ONTARIO ASSOCIATION OF INSOLVENCY AND RESTRUCTURING PROFESSIONALS

PRESIDENT'S NEWSLETTER • SEPTEMBER 2003

IN THIS ISSUE

- Introduction and OAIRP Strategic Plan
- 2003/2004 Board and Executive
- Additional Registrar Resources for Toronto
- Legal Counsel attendance at taxations
- OBA Insolvency Section Programs
- Sponsorship of 2003 CAIRP Annual Conference
- Senate Committee on Insolvency Reform

INTRODUCTION AND OAIRP STRATEGIC PLAN

On behalf of the Board of Directors of the Ontario Association of Insolvency and Restructuring Professionals, we welcome you back from the summer. The purpose of this Newsletter is to introduce you to the Board, to set out the goals and objectives of the OAIRP for the 2003/2004 year, and to update you with respect to matters of interest to Ontario insolvency and restructuring professionals.

The OAIRP is a non-profit organization which exists to attract, develop and support its members who provide insolvency and restructuring services, and to ensure the highest degree of public confidence in the integrity, objectivity and competence of members and the system of insolvency administration in Ontario. The OAIRP currently has 431 members with 54% of the membership practicing in the greater Toronto area. Our members work in both personal and corporate practices, with over half of the members (56%) in smaller/medium size firms and 44% in large firms. The Association maintains close relationships with the CAIRP and the Ontario Bar Association in order to further our common objectives.

Earlier this year, the Board determined that the Association needed to develop a current and relevant Strategic Plan. With the assistance of Richard Steinecke, LL.B as facilitator, and Norm Kondo, LL.B as consultant, an Ad Hoc Committee of the Board developed a Strategic Plan for the Association which was adopted by the Board at our meeting on July 23, 2003. The OAIRP Strategic Plan consists of three primary goals as follows:

- 1. To improve communication with members*
- 2. To be a visible and credible advocate for both the profession and the public interest in local and Provincial issues*
- 3. To enhance the value of the OAIRP to members*

Specific and achievable strategies to meet these goals have been defined and we will report our successes in implementing these strategies throughout the year. Member involvement in our activities is always welcome and I invite you to contact me with your comments and interests.

2003/2004 BOARD AND EXECUTIVE

At the Association Annual General Meeting held on May 29, 2003, the Directors listed below were elected to the Board until the next AGM. Executive and Committee responsibilities are also noted:

Paul Casey, Toronto	President, Corporate Practice
Allen MacLeod, Ottawa	First Vice-President
Angela Pollard, Richmond Hill	Second Vice-President, Continuing Education
John Page, Toronto	Secretary
Michael Dean, Toronto	Treasurer
Alan Spergel, Toronto	Personal Insolvency
Jay Harris, Richmond Hill	Professional Conduct
Ken Tassis, Toronto	Judicial Liaison
Catherine Hristow, Toronto	Corporate Practice
Andrew Fisher, Oshawa	Communications
Daniel Weisz, Toronto	OSB/CCRA Liaison
Nicholas Brearton, Toronto	
Kathy Lenart, Hamilton	
Christopher Mazur, Stoney Creek	
Bruce McLennan, London	
Wes Treleaven, Toronto	

We also acknowledge with thanks the participation of Norm Kondo of the CAIRP and Douglas Palmateer of the Ontario Bar Association for their OAIRP liaison responsibilities.

ADDITIONAL REGISTRAR RESOURCES FOR TORONTO

The contract of Registrar Scott Nettie concluded on August 31, 2003 leaving the Toronto trustee community with only one Registrar to handle the growing volume of estates. Upon learning of the Office of the Attorney General's plans not to renew the contract of Deputy Registrar Nettie, the Association determined that the most effective way to communicate the need for additional Registrar resources in Toronto would be through the engagement of Leonard Domino & Associates to assist the OAIRP in discussing the issue with the Ontario government. Leonard Domino & Associates are professional lobbyists with over 20 years of experience working with key decision makers at Queen's Park.

Over the summer, meetings were set up and attended by OAIRP Directors, Domino, and representa-

tives of the Office of the Attorney General. Discussions were also held with the Chief Justice and members of the Ontario Insolvency Bar. From these meetings, we learned that the Attorney General's Office was aware of the current backlog in estate administration and that they had been monitoring the situation for some time. Unfortunately, the Office of the Attorney General is not committed to creating a second Registrar position in Toronto at this time. However, the Attorney General's Office is continuing to collect data on the volume and backlog of files in Toronto as compared to other Ontario regions, and will be working with bankruptcy judges, the Registrar, clerks, lawyers and trustees to streamline the current system.

The Association is continuing to dialogue with Provincial government representatives on this issue.

LEGAL COUNSEL ATTENDANCE AT TAXATIONS IN TORONTO

It has been the historic practice before the Toronto Bankruptcy Bench that taxations of trustee's fees exceeding \$10,000 required a trustee to be accompanied by legal counsel. The OAIRP believes that there may be situations where fees exceed this threshold where the additional costs of legal counsel are not justified. As a result, the Association wrote to representatives of the Superior Court of Justice, the Office of the Superintendent of Bankruptcy, and Registrar May Sproat to recommend that the strict application of this practice be amended.

We are pleased to report that Registrar Sproat has now confirmed that there will be no requirement for

a trustee to engage legal counsel for taxations. However, it is suggested that with respect to taxation of more complex files that trustees will wish to carefully consider the assistance of legal counsel. In addition, Registrar Sproat has recommended that taxations be dealt with in Chambers and that no attendance by the Trustees will be necessary (unless specifically ordered by the Registrar or unless there is an objection to the statement of receipts and disbursements). As a result of not requiring a Court attendance by trustees on taxations of accounts, Registrar Sproat has revised her weekly schedule of hearing dates and appointments and will be advising the OAIRP of the new schedule shortly.

ONTARIO BAR ASSOCIATION – INSOLVENCY SECTION PROGRAMS

The OAIRP has enjoyed a very close working relationship with the Ontario Bar Association Insolvency Section for many years. This relationship has included joint presentation of professional programs, joint participation in various committees and working groups, and the sharing of membership data and communications where appropriate.

The OAIRP believes that our close relationship with the Insolvency Section is of significant value to members and we encourage the participation of mem-

bers as presenters and attendees at OBA functions. The Insolvency Section also encourages the participation of our members at their professional programs and has confirmed that OAIRP members registering for Insolvency Section programs are entitled to the discounted Section Member rate.

The OAIRP is currently working with the Insolvency Section Program Coordinators to develop and co-host a program for the coming year.

SPONSORSHIP OF 2003 CAIRP ANNUAL CONFERENCE

The CAIRP held another successful Annual Conference at the Deerhurst Resort in Huntsville Ontario in August, 2003. As the host Province this year, the OAIRP supported the Conference through the sponsorship of the opening night reception and the invitation

to Ontario Registrars to attend the Conference as guests of the OAIRP.

The OAIRP congratulates the Annual Conference organizers for their efforts in delivering another excellent program.

SENATE COMMITTEE ON INSOLVENCY REFORM

Many members of OAIRP participated in the preparation of the joint submissions (CAIRP/IC) on commercial and personal insolvency reform. The Senate Standing Committee on Banking, Trade and Commerce has resumed sitting and is hearing more witnesses. As long as the Senate reports before Parliament

prorogues, the Policy Branch can start the process of drafting legislation. If Parliament dissolves before the Senate reports, the committee has to be reappointed and the process starts over again, although witnesses who have already appeared will not be recalled.

Our profession's submissions to the Senate can be found on CAIRP's website at:
<http://www.cairp.ca/english/communications/esubmissions.html>



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