

# DAVID HOWELL



David is a member of ESB Lawyers LLP. He graduated from Osgoode Hall Law School and received a BA from Queen's. David was called to the bar in 1985.

David practices business law and estate planning for business owners. He has completed the CICA In-Depth program in income tax.

David is a Past-President of the Hamilton Law Association and is a member of the Corporate Commercial Sub-Committee of the HLA.

David is a past president of the Estate Planners Council of Hamilton and a past director of the Hamilton Health Sciences Foundation and Royal Botanical Gardens. He is a member of the Canadian Tax Foundation.

## ***Our profession matters***

Our profession plays a vital role in our society. We are defenders of individual rights. We help people with their critical life problems and decisions. We help businesses and our economy prosper and succeed.

As lawyers we have the privilege of self-regulation. This privilege brings with it the responsibility to govern our profession in the public interest. We have the opportunity to make our profession better and to make our contribution to society greater. After 30 years as a lawyer in Hamilton and Toronto, I have the experience, ability and enthusiasm to advance these interests.

## ***Experience matters***

I bring experience to this responsibility:

- 30 years as a lawyer in Hamilton and Toronto

- 8 years as a trustee of the Hamilton Law Association, including service as President last year
- Member of the County and District Law Presidents' Association
- Governance experience as a director of the Royal Botanical Gardens, the Hamilton Health Sciences Foundation and the Hamilton Civics Hospitals Foundation
- I was born and raised in Hamilton, and I have been married to my wife Bea for 25 years and we have three children now in university, Catherine, Tom and Matt

### ***The issues matter***

I will bring a practical approach to find solutions that work for lawyers and the public.

#### **1. Access to Justice**

One of our biggest challenges is improving access to justice. We have too many unrepresented litigants. We have too many citizens who cannot access the legal system to help them with their important life decisions and problems.

Access to justice is an issue without a one size fits all solution. Legal aid is an important ingredient. I will work to find access solutions.

#### **2. Alternative Business Structures**

The Alternative Business Structures ("ABS") issue deals with potentially fundamental changes to the way that law firms are owned and legal services are delivered. Change, if made, may be difficult or impossible to reverse.

The introduction of ABS entities with non-lawyer ownership could threaten core values such as professionalism and independence and could have unintended

consequences such as reducing the availability of legal services in small communities. There is an absence of empirical evidence that non-lawyer ownership will achieve public interest goals. We should watch and learn from experiences in places such as the United Kingdom and Australia that have permitted non-lawyer ownership.

### **3. Racialization, Diversity and Equal Opportunity**

I will work to improve the diversity of our membership and to ensure equal opportunity for all of our members. All of our citizens and members should feel that they are welcome and equal participants in our society and in our profession.

### **4. Issues Facing the Real Estate Bar**

Real estate lawyers in Ontario face special problems and challenges. These issues arise from many factors including competitive demands, title insurance, difficulties with secure funds transfers, fraud and other factors.

The County and District Law Presidents Association and the Ontario Bar Association have encouraged the Law Society to review and take action on these issues.

The Law Society responded by establishing a Real Estate Liaison Committee. Their work is now underway.

As a solicitor, I understand the importance of these issues and will work to address these concerns.

### **5. Library Funding and Local Law Associations**

The Law Society is considering large budget cuts to local law libraries. They have created a working group to look at this issue.

Legal research and law libraries are important to ensure professional competence.

As members of the Hamilton Law Association, we know that law libraries and local law associations provide many services in addition to the delivery of legal information. Our association is a hub of activity and provides great support to our

members. I am concerned that funding cuts to local association libraries could have collateral impacts on those associations and on the delivery of other services by them to local lawyers.

I believe strongly in the importance of law libraries and local associations. I will bring this perspective to my work as a Bencher.

***Your voice matters***

Hamilton has a tradition of having strong Bencher representation at Osgoode Hall. Our most recent Benchers, Joe Sullivan and Jim Scarfone, served us and the public well and with honour.