



## **The Law Society of Ontario's Statement of Principles: A Problem and a Solution**

This is the first in a series of weekly e-blasts, brought to you by the StopSOP Team. Visit [our website](#) to find out more and to meet our slate of 23 Bencher candidates opposing the compelled Statement of Principles.

### **The Problem:**

#### **Recommendation 3(1) - Statement of Principles (SOP)**

**AS ADOPTED BY CONVOCATION:** The Law Society will “require every licensee to adopt and to abide by a statement of principles acknowledging their obligation to promote equality, diversity and inclusion generally, and in their behaviour towards colleagues, employees, clients and the public.”

This requirement is part of a mandated and "accelerated" culture shift within the legal profession.

### **PROBLEM #1: THE MANDATORY SOP IS UNJUSTIFIED COMPELLED SPEECH**

Requirement 3(1) requires every licensee “to adopt ... a statement”. Simply put: to require is to compel; and a statement is speech. Thus, the SOP requirement constitutes compelled speech. You don't have to *believe* it, but you do have to *say* it. In *National Bank of Canada v. Retail Clerks' International Union*, Mr. Justice Beetz of the Supreme Court of Canada said that forcing someone to

express opinions that they do not have “is totalitarian and as such alien to the tradition of free nations like Canada, even for the repression of the most serious crimes.”

A state-imposed regulator is never justified in forcing this cognitive dissonance on its members. In the Western legal tradition, the state may not require citizens to adopt an officially-sanctioned version of morality, ethics or personal values. This new duty to *promote* equality, diversity and inclusion forces all Ontario lawyers and paralegals to subscribe to a set of personal values which our regulator (LSO) wants advanced in our profession.

The promotion of mandated values goes beyond respecting the dignity of individuals, abiding by human rights laws, and treating all persons equally without discrimination. The SOP imposes an obligation on individual lawyers and paralegals to express [their personal valuing](#) of the concepts of equality, diversity and inclusion, the definitions and interpretations of which will be in the exclusive domain of the LSO. In effect, they are social or economic constructs into which our regulator will pour its requirements to carry out a particular progressive agenda (called an “accelerated culture shift”). These constructs co-opt the thought, beliefs and opinions of individual members, contrary to our fundamental freedoms under the *Charter of Rights and Freedoms*.

The #StopSOP Slate of Candidates is committed to repealing Requirement 3(1) of the EDI initiative.

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### ***"Why I'm Opposed to the Statement of Principles"***

(a weekly feature by a StopSOP supporter)



**By Raj M. Bharati (Called to the Bar in 2005)**

What’s the big deal about having to prepare a statement of principles? Who could be possibly be against promoting equality, diversity and inclusion?

Keep in mind that the statement of principles is just the start. We now have to complete compulsory equality, diversity and inclusion CPD hours and create mandatory human rights and diversity policies. Surveys will measure how we “feel” about

diversity and inclusion in our workplaces, and the Law Society will use the survey results, along with workplace demographic data, factoring in whether you have sufficient “equality-related policies and practices”, to assign your workplace a publicly available “inclusion index” score. LSO will use this score to measure your progress in achieving diversity and inclusion.

If you're like me, maybe you don't agree with the Law Society's superficial view of diversity. Maybe you do value diversity, but you believe real diversity comes from diversity of thought, experience and opinion – not tick boxes on a form. Maybe your workplace is welcoming and inclusive despite not having the right policies and procedures in place. And where does it all end? The Law Society's Equity Initiatives Department's objective is “better representation of racialized licensees, in proportion to the representation in the Ontario population ... at all levels of seniority”. If we don't achieve this result, does that mean we still have more “systemic racism” to stamp out with ever more coercive means?

But it's difficult to question any of this when it's all being done in the name of equality, diversity and inclusion – which we all committed to promote. Maybe that forced statement of principles was a big deal after all.

The Law Society is leading us down a path that has little to do with its legislated principles of maintaining professional standards of competence and regulating in the public interest. It has allowed itself to become an agent of social activism and an instrument of the “diversity industrial complex”, taking us all along for the ride, forcing us to support the incessant demands of an increasingly out-of-touch diversity establishment.

Racism and discrimination are undoubtedly serious social problems and the Law Society certainly has a role to play in addressing them. But I don't believe any progress will be made by telling members of our profession how to think or what values to hold, or through endless bureaucratic rigmarole or meaningless virtue signalling. The Law Society has alienated many potential allies with its overbearing, ham-fisted approach.

It's time to get the Law Society back on track. This bench election, join me in voting for candidates with the fortitude to stand up for principled, effective regulation, starting with rolling back the mandatory statement of principles.

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### **The Solution:**

The Law Society remains a democratically-elected body (for now). We, as members, have the ability to rein in the Law Society and get it back on track. This April, vote for the entire StopSOP Slate of Candidates, and only the slate. You can vote outside your own region. Meet three of our candidates:



#### **Lubomir Poliacik**

I was born and raised in communist Czechoslovakia. My parents, brothers and I left in 1969, leaving behind family, friends and employment because my father, a government functionary, was unwilling to publicly declare his support for the 1968 occupation by “the fraternal forces” of the Warsaw Pact and for the new regime and its “principles”.

The Law Society’s requirement of a Statement of Principles is abhorrent to me. To be clear, I am not opposed to diversity, but to the imposition of personal or political principles by our professional regulator on its members.

[Read Lubomir's Platform & Bio](#)

#### **Chi-Kun Shi**

I am running to be a bencher at the Law Society of Ontario because I am offended that the LSO is forcing us to choose between the privilege to practice law in Ontario and signing the Statement of Principles. If elected, I would like to see the mandatory nature of the SOP eliminated.

I cherish that we live in a society with guaranteed fundamental freedoms. As an ethnic minority and a woman, I am less threatened by anyone who vocally opposes diversity, equality and inclusion than by the loss of my freedom of expression.



## [Read Chi-Kun's Platform & Bio](#)



### **Professor Ryan Alford**

Last year, the Law Society adopted a requirement that lawyers demonstrate “a personal valuing” of its chosen ideals. Despite appreciating that this compelled speech infringed Charter rights, and predicting that it would inevitably lead to another costly legal challenge, the Society rejected any compromise and relied on an aggressive conception of its regulatory powers and its own interpretation of how to balance lawyers’ rights against its own objectives. In this election, Ontario’s lawyers can put a stop to this. Equity, diversity, and inclusion are important objectives. They should be promoted effectively in ways that do not infringe fundamental rights or exceed the Society’s statutory powers.

## [Read Ryan's Platform & Bio](#)

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### **In the News...**

[How Social Justice Ideologues Hijacked a Legal Regulator \(Quillette\)](#)

[Group Against LSO Statement of Principles to Launch Bencher Election Bloc \(Canadian Lawyer\)](#)

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[SPREAD THE WORD - forward this newsletter to your colleagues](#)

[TAKE A STAND - add your name to the supporters list on our website](#)

[BE AN INFLUENCER - email us to endorse the slate](#)

[Most Importantly - VOTE for the StopSOP slate, starting mid-April](#)

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Want to hear both sides? This debate at the Runnymede Law & Freedom Conference in January 2018 considered the arguments for and against the compelled Statement of Principles.



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