



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

This is the third in a series of weekly e-blasts, brought to you by the StopSOP Team. Visit [our website](#) to find out more, read past editions of our newsletter, and 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 #3: THE MANDATORY SOP IS INDICATIVE OF MISSION CREEP AND FINANCIAL MISMANAGEMENT BY THE LSO

Did you know that the LSO's 2018 budget projected an operating deficit of \$7,541,400, and the 2019 budget projects an operating deficit of \$8,711,400?

Did you know that the “public awareness campaign” sponsored by the LSO to increase its own public recognition among Ontarians is budgeted to cost \$1,200,000 (\$600,000 spent in 2018, and a further projected expenditure of \$600,000 in 2019)?

The Law Society has been expanding its mission, and that mission creep comes with an ever-expanding bureaucracy and ballooning costs. The SOP is emblematic of both. Are you aware that the Equity Initiatives Department of the LSO employs a staff of seven full-time employees with an annual budget of \$1,500,000? This newly-established department will be a permanent one. Its budget will expand in the years ahead to design, monitor, and ultimately enforce the LSO Equality Diversity & Inclusion initiative.

Did you know that the LSO's 2019 budget calls for 615 full-time-equivalent (FTE) employees, with an average annual remuneration of \$113,758 (based on \$69,961,200 budgeted for salaries and benefits) and total expenditures of \$142,535,700? Yes, that is 142 million dollars, a budget approaching that of the budget of the City of Oshawa, with a population of 160,000 people and 773 FTE employees.

Did you know that over the last four years of the current governance by existing Benchers, the LSO's budget has increased over 30 per cent from \$109,014,215? For further comparison, total expenditures for 2006 were just \$66,486,000. The budget has more than doubled in just 13 years (albeit with some growth in the profession during this period as well, including the addition of paralegals).

How much of your annual dues is the LSO spending to defend its use of the

word "promote" and its violation of lawyers' and paralegals' Charter freedoms in compelling the Statement of Principles?

Did you know there is a solution? The StopSOP slate of Candidates is committed to repealing Requirement 3(1) of the EDI initiative.

"Why I'm Opposed to the Statement of Principles"
(a weekly feature by a StopSOP supporter)

By Melanie MacEacheron, Ph.D. (Social Psychology), LL.B.

That a chilling effect on speech and behaviour (and thought, which informs both) is presented by compelled speech, seems obvious. Simply the vagueness of the mandated principles, plus the fact that, even as a non-practicing lawyer I still must create a SOP, tells me two things. First, that my very thought and belief – not just how I practice-- are being mandated, and that future speech that is deemed as 'anti-diverse' may very well become disciplinable.

I have Asperger's traits (and perhaps the condition itself). Note this condition is heritable and life-long. Asperger's traits served me well when I practiced. They included a need and sincere regard for rules, the ability to recall and relate many rules at once, the ability to see the same reality from a perspective different enough that I detected the logical impossibility of things others took for granted, and decreased understanding of what is required for social approval (which forced me to wrestle with unpopular ideas). These gifts that I brought to my short span of legal work (for employers for whom I do not speak), assisted with criminal appeals, helped women in Sub-Saharan Africa live more freely from domestic assault, and involved research—including for the LSO—on ethical issues.

I like to tell one youngster I know who has Asperger's, that because we live in a free society he is free to be and safe being different, and to say what might

offend. That is an inextricable part of his and my brains—our souls, if you like. He—and I—have no choice but to be different in this way. And to occasionally vex others, and say out loud, when the Emperor has no clothes. And isn't that a necessary essence of at least some in our profession? Doesn't precisely that help the unpopular criminal defendant, whose rights are still vital and who might be innocent? But I don't think this youngster can become an Ontario lawyer now. He would say slightly the 'wrong' thing – once – and risk being accused of anti-diverseness, and losing not just his license but his reputation as a person who is actually very committed to equality. Actually, when he's old enough to understand, he would likely just see this abrogation of right and call it out—and reject the profession. Of course, he is gravely missing out. But you, Ontario, are really missing out, too: He and others born like him would have made great lawyers.

I don't practice currently, and so have relatively greater freedom to speak, though not without possible career or personal implications. But for me, writing this will not mean that people working under me may lose their jobs, and it is at least somewhat unlikely I will lose my current one. Consider the many, however, for whom this is much less of a certainty, and who may not have spoken up against SOP for that reason. If I didn't speak up, and adopted a SOP, I believe I would be passively condemning as somehow inappropriate those lawyers conscientiously objecting (or wishing they could and still keep their jobs), as well as rendering them lower in number-- making them more targetable. I will never do this. I would rather, with greatest disappointment, lose my practice license.

[\(Read Melanie's full essay on our website.\)](#)

The Solution:

The Law Society is a democratically-elected body. 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:



Philip Horgan

The Law Society should support our deeply cherished constitutional freedoms, including the allowance of lawyers to make their own decisions on matters of public debate. Its civic “totalist” advocacy risks sacrificing our independence and freedom as a profession to the next roll-out of ideological demands.

The Society needs to remain frugal. Why are our fees the highest of any similar jurisdiction? I stand for holding the line or reducing dues, which in turn will allow for greater pro bono options, and enhanced access to justice.

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

Sam Goldstein

RETURN TO CORE COMPETENCY:

The Law Society of Ontario’s core competency is to protect the public by ensuring members of the profession are competent and ethical.

REDUCE FEES:

The Law Society of Ontario has fallen victim to mission creep resulting in steadily rising budgets and increased professional fees.

ELIMINATE OVER REGULATION:

Good lawyers should be left to practice law.



Unnecessary surveys and compliance requirements get in the way of serving clients.

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



Gary Graham

After nearly 3 decades in big law and big business I have chosen to practice in my home community, providing strategic corporate/commercial advice out of a two-partner law office in Burlington.

There certainly appears to be an empire-building element to the operations of the Law Society. Do we need to have the best wine cellar and run an insurance operation that perhaps could be outsourced? Organizations that have de facto taxing power, when left unmanaged, will grow. Mission creep is like a law of organizational physics. From the limited public information, it appears we are supporting an organization that employs over 615 employees. Headcount is a useful metric to track, and we should expect the Benchers to be doing that.

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

Worth Reading...

[Professor Arthur Cockfield's fascinating paper examining how the SOP came to pass and his conclusion that it coerces speech in harmful ways, not only for lawyers, but for the administration of justice.](#)

[Professor Leonid Sirota's compelling explanation for his personal opposition to the SOP.](#)

Endorsement of the StopSOP Slate

"I 100% support StopSOP. I am fervently opposed to the LSO telling me what my personal belief system should be. I am a Christian and abide by Christian values, which include treating all humans equally. The Law Society should stick to regulating lawyers in the practice of law, not in regulating a personal belief system. What is next?"

~**Charles M.K. Loopstra Q.C.**, Toronto

"Quite apart from the persuasive objections expressed by lawyers and others on your website and elsewhere in the media, which I also share, I am outraged by the patronizing conceit of benchers who dare assume that I, and all other members of the profession, am tainted by intrinsic prejudice requiring their active intervention and my prompt immunizing ingestion of their compelled antidote."

~**Richard H. Baker**, Niagara-on-the-Lake

"A shocking invasion of privacy & a direct threat to a form of disbarment."

~**Aaron Milrad**, Toronto

"I am pleased to endorse the slate because the LSO has neither the legal nor the moral right to compel speech or make professional licensing contingent on passing an ideological test."

~**Douglas Treilhard**, Ottawa

“The SOP is a slippery slope that leads to more division by polarising people, as is now so obvious and is becoming a world wide issue. Forced adoption of processes like this are the tools of a despot typically and something a Law Society should not encourage through coercion, as lawyers are in the forefront of fighting for freedom from coercion, the rule of law, and basic human rights and dignity.”

~**Martin Diegel**, Ottawa

The StopSOP Slate is also endorsed by:

Brian Smeenk, Toronto

Howard Levitt, Toronto

Ned Steinman, Ottawa

Doug Turner QC, Uxbridge

Paul Conway, Unionville

Ayoub A. Ali, Mississauga

Richard Barrett, Mississauga

Carol Bargman, Thornhill

Dylan McGuinty Jr., Ottawa

Andrew Rogerson, Toronto

Warren Fullerton, Windsor

Rod Godard, Windsor

Robert G. Kreklewetz, Toronto

Warren Milko, Hamilton

John Abraham, Toronto

Albert Frank, Toronto

Michael Thiele, Ottawa

J. Robert Armstrong, Toronto

Peter Liston, Ottawa

Neal Guttman, Windsor

Tony Baker, Toronto

Alan Dryer, North York
Marilyn Lee, Toronto

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\(click for a PDF version\)](#)**

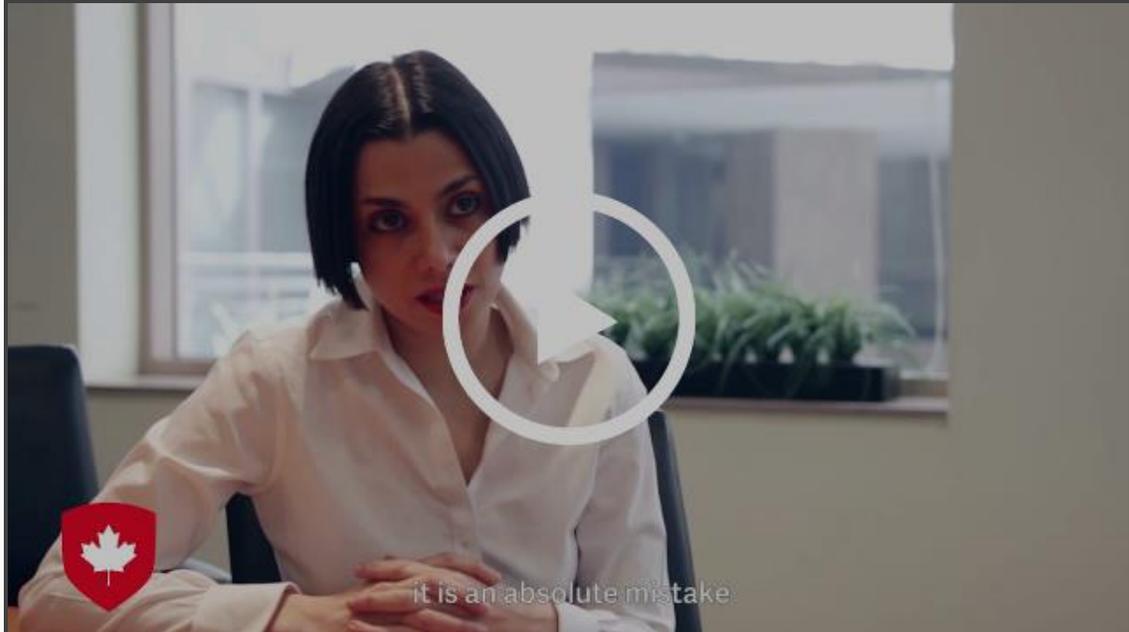
[TAKE A STAND – add your name to the supporters list on our website](#)

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

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**[Most Importantly – VOTE for the StopSOP slate, starting mid-April.
Computershare will email voting details to everyone in early April.
\(Click for a printable checklist of our candidates\)](#)**

Sadie Etemad: The Statement of Principles will not help fight racism.



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