



A Note on Voting:

Online & telephone voting begins mid-April and will continue until April 30. Watch for an email from Computershare during the second week of April with your access code.

The StopSOP slate is encouraging our supporters to vote for ALL members of the slate (and those non-slate candidates we endorse who also undertake to roll back the compelled Statement of Principles). Voting exclusively for these candidates will help to avoid vote-splitting. (Remember: you can vote for candidates in all regions, not just where you live or work.)

Check our [website](#) for an up-to-date list before you vote.

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

This is the fourth in a series of regular 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 #4: THE MANDATORY SOP UNDERMINES THE INDEPENDENCE OF LAWYERS AND IS AGAINST THE PUBLIC INTEREST

When Shakespeare wrote in King Henry VI, “First we kill all the lawyers”, it wasn’t because they were over-billing. It was because lawyers stood in the way of tyranny. When people are abused, they turn to lawyers to protect them. Lawyers are the last line of defence for the weak and the oppressed. The primary duty of lawyers and paralegals is to serve the public and to protect the interests of their clients. It is not to achieve the political aims of their regulator or the state. Fulfilling this duty requires independence - of thought, belief, and opinion. Independence must exist and must manifestly appear to exist. LSO requirement 3(1) is inconsistent with our independence. It imposes a duty to express our concurrence with values that the regulator wishes to have embraced. The independence of legal professionals is as essential to the rule of law as the independence of courts. The historical record bears testimony to the political and social struggles, strife, and sacrifice that were endured to win it. It should not be abandoned with casual indifference.

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 **Brian Smeenk** (Labour and Employment Lawyer, Toronto)



I love our country. It truly is a beacon of freedom, democracy and opportunity, envied around the world. An independent legal profession is one of its cornerstones.

Thus never before have I been so disappointed with those that govern our profession. The Law Society of Ontario is becoming a kind of Orwellian thought control institution. Its required "Statement of Principles" requiring us to "acknowledge" certain supposed "obligations" never before imposed on any citizen in Canada, is a dangerous incursion on our civil liberties and the independence of the profession.

As the son and brother of immigrants, I understand the importance of giving everyone the opportunity to succeed. And I passionately believe that if we as a society can provide equal opportunity to all, regardless of where we come from, what colour our skin is or what religion we practise, we are all better off. Canada does this comparatively well, but we can always do better. That's why I became a labour lawyer. And it's why I started the [Merit Award Bursary Program](#), a charity that helps those with disadvantaged backgrounds pursue higher education.

Why then is the SOP so abhorrent? Because it's an attempt to compel speech. It is the antithesis of freedom of expression. It is undemocratic.

This policy goes well beyond what our human rights laws require: to not discriminate on prohibited grounds. This policy asserts that lawyers and paralegals have an obligation to "promote equality, diversity and inclusion generally". And we must express how we will do so.

The law does not force Ontarians to "promote" any cause, no matter how benign.

It is easy to say these are laudable goals for the legal profession. It seems like saying motherhood is good. But, true as that may be, nowhere does the law require [nor should it] that anyone is obligated to promote motherhood. Nor is anyone required to write a "statement of principles" about promoting motherhood.

The Benchers should have known better.

The SOP is a very dangerous development if you believe in freedom of expression, and if you value a robust and free-thinking legal profession.

A profession that obliges its members to sing in unison can't say it supports independence. We need to change our governing body.

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 (and non-slate candidates we endorse). You can vote for candidates outside of your own region. Meet four of our candidates:



John Fagan

We should repeal The Law Society's "Statement of Principles" requirement, an instance of unjustified compelled speech. As a person of the left, and of a certain age, I am vibrantly aware that threats to free speech in North America once came mostly from the right; times change, but the need to stand up for free speech does not. Beyond that, the "Statement of Principles" requirement is just poor policy. Compelling lawyers to profess such "Statements of Principles," while creating damaging uproar, will never help anyone achieve any advancement in the legal profession. I will support licit and useful action toward overcoming any residual racism lurking in the profession.

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

Cheryl Lean

As your representative I can speak for the interests of sole practitioners and small firm lawyers working outside large urban centres. I will demand respect for the practice of Family Law within the profession and will defend our profession's traditions and values.



The law society's mission creep and bloated budget have led to increasing law society fees. The law society needs to get back on track and focused on its core competency and rationale, regulating the legal profession.

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



Brian Prill

As a Bencher I will:

- work to repeal the mandatory Statement of Principles;
- advocate for policies of inclusion for all and not exclusion based on special interest group biases;
- advocate for policies that promote increased use of technology in the practice of law;
- advocate for new and innovative business models that allow for new and experienced lawyers to discover creative ways provide legal services and improve access to justice;
- work to simplify the regulatory regime and reduce the number of social engineering policies that we have been subject to;
- work towards improving the quality and the delivery of education programs that

improve our members' use of technology, practice management and business management tools.

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

Robert Adourian

I am pained to say that I cannot support the Statement of Principles as presented by the Society. It is too vague, and the terms are not sufficiently defined. Many members worry that it amounts to “compelled speech.” This initiative has caused a rift in our profession.

Yes, we need to actively work to rectify imbalances in our profession. Education, broad consultation with members and open discussion forums will do more to achieve these goals than requiring licensees to check a box. If elected, I will do my utmost to listen to your concerns, honour your confidence and work on building consensus.



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

Worth Reading...

Globe & Mail Editorial, November 2017: [Ontario Law Society can't put words in peoples' mouths](#)

Marty Gobin in the Ottawa Citizen: [The Law Society's diversity policy doesn't include diverse views](#)

Endorsement of the StopSOP Slate

The SOP is compelled speech and compelled speech means compelled values. Requiring licensees to think and speak a certain way in order to maintain their livelihoods is not only an incredible overreach and beyond the scope of the LSO, but more importantly a violation of the fundamental principles our pluralistic society was built on.

~ **Robert Karrass**, Toronto

The StopSOP Slate is also endorsed by:

Brian Smeenk, Toronto

Howard Levitt, Toronto

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

Doug Turner QC, Uxbridge

Ned Steinman, Ottawa

Paul Conway, Unionville

Ayoub A. Ali, Mississauga

Richard Barrett, Mississauga

Carol Bargman, Thornhill

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

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

Aaron Milrad, Toronto

Douglas Treilhard, Ottawa

Martin Diegel, Ottawa

Oliver Moore, Ottawa

Pierre Plourde, Oshawa

David Purdon, Mississauga

Sean Aylward, Toronto

Visit our [Supporters](#) page to see the names of hundreds of your colleagues who are opposed to the compelled Statement of Principles.

How You Can Help StopSOP (click for links):

[DONATE to Campaign Expenses - any contributions welcome!](#)

[SPREAD THE WORD - forward this newsletter to your colleagues \(click for a PDF version\)](#)

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

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

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

Professor Ryan Alford on the history of political litmus tests in the legal profession:

