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BENCHER ELECTON 2023

This election is vitally important to the future of our professions' ability to self regulate. The process and issues are cumbersome and complex. Please make the effort to understand and participate by voting and ensuring all your colleagues vote.

MAKE NO MISTAKE. THE SOLE ISSUE IN THIS ELECTION IS TO VOTE FOR LEADERSHIP THAT YOU HAVE CONFIDENCE IN. Do not be distracted by other issues, however important, like county libraries or annual fees. Election rhetoric can not be counted on as predictive of future performance. By voting, you will ensure that all issues will be fully and properly debated by elected Benchers you trust will understand their responsibilities and obligations.

ESSENTIAL BENCHER QUALITIES:

Please see [BBN 176](#) for the attributes I consider essential for a candidate to be worthy of your vote. You will have additional factors of importance to you.

[Click here to see the published Voting Guides](#) of the candidates running for election. For the 40 lawyer positions, there are 51 lawyers seeking election outside of Toronto and 53 within Toronto. 19 Paralegals are running for 5 positions in a province wide election.

GOOD GOVERNANCE COALITION – 40 lawyer candidates and 5 Paralegal candidates
<https://www.goodgovernancecoalition.ca/team>

#FULLSTOP – Slate of 35 candidates
<https://fullstoplso.ca/>

UNAFFILIATED CANDIDATES – 29 lawyers and 12 Paralegals
[\(CLICK HERE\)](#)

FOR MORE DETAILED INFORMATION GEOGRAPHICALLY VISIT:

TLA website for Toronto candidates ([click here](#))

FOLA website for outside Toronto candidates ([click here](#))

I have looked at the entire slate of 104 lawyer candidates and invite you to do so as well. Many more than 40 possess the qualities and characteristics I would personally endorse. Some of those excellent candidates are participants of the Good Governance Coalition, some are on the STOP slate and some are unaffiliated. But to decide how you wish to vote it is necessary to

UNDERSTAND OUR VERY COMPLEX VOTING PROCESS:

[Voting procedures for the 2023 Bencher Election](#) have been published on [LSO.ca](#).

Lawyer candidates - regional election scheme

Forty lawyer benchers will be elected - 20 from inside Toronto and 20 from outside Toronto. Of the 40 lawyer benchers, eight will be elected as regional benchers. However, all lawyers can vote province wide which becomes very important when considering below how few votes are needed to be elected.

Paralegal candidates

Five paralegal benchers will be elected provincewide.

There are separate ballots for lawyers and paralegals.

The ballot for lawyer voters is separated into two alphabetic sections. One section lists candidates from inside Toronto. The other section lists candidates from outside Toronto. Lawyer voters can cast 40 votes in total – 20 votes for lawyer candidates inside Toronto and 20 votes for lawyer candidates outside Toronto. Voters need not cast all 40 votes, but the voting system will not permit voters to vote for more.

Lawyer candidates from each region who receive the most votes from lawyer voters **in that region** will be declared regional benchers. The remaining 32 lawyer benchers will be the 13 lawyer candidates from outside Toronto who receive the most votes from all lawyer voters and the 19 lawyer candidates from inside Toronto who receive the most votes **from all lawyer voters**.

TO VOTE SLATE OR NOT TO SLATE:

Each of the STOP Slate and Good Governance Coalition is enthusiastically encouraging lawyers to vote en bloc for their selected candidates. That is in an effort to secure the election of all their candidates to the exclusion or reduction of other candidates.

LEARNING FROM THE PAST:

I urge you to re-read Joe Groia's opinions on Bencher election apathy([click here](#)).

In years past, with apathetic voter turn out it did not take a lot of votes to make the cut at 20. In 2019, from outside of Toronto the 20th placed Bencher required only 2465 votes and inside Toronto the 20th (who happened to be the Treasurer) only needed 2971 votes. In 2019 only 16,156 lawyers voted being 30%. That was the lowest percentage of votes since 1999 (42%) yet from the highest number of eligible voters.

The election of 8 Regional Benchers only requires local support. But to be elected as

an out of Toronto Benchers-at Large can be achieved through organized Toronto votes.

2019 history teaches that of the 16156 valid ballots recorded, **on average each ballot was cast only for 15.3 candidates.** Most voters will not vote en bloc for all Good Governance Coalition or all STOP Slate candidates. The instinctive inclination will be to vote for some of each of the slates and the unaffiliated candidates.

Lawyers, without understanding the effect or knowing what it means may vote for less than 40 candidates thus choosing to plump their votes. For individual voters, plumping is thought to be the way to boost voter power. Plumping is when a lawyer may cast as few as 1 or 2 or up to 10 or 15 votes instead of the full 40 allowed. The advantage is focusing voting power on the candidates a lawyer really wants to win. At the same time, the lawyer also doesn't dilute the power of their votes by voting for someone who might simply be unable to win. Some call that a wasted vote as we have seen claimed in federal and provincial elections by not voting for one of the major parties.

As is always the case in Benchers elections all candidates of whatever affiliation are in competition with each other.

The fact is if a voter plumps their votes or splits 40 votes across the slates or among 104 lawyer candidates then not all of the voter's top preferences are likely to be elected.

For perspective of what occurred in 2019, it is now easy to understand with the low voter engagement and with a live issue like the reviled Statement of Principles why the STOP slate was so successful in defeating excellent incumbents and other worthy candidates. Voters simply do not understand the effect of how they choose to vote (or not vote at all). That election was the first since 1995 that one group of candidates had self selected and ran as a group slate. The combined STOP slate "power" and single volatile SOP issue aggregated the necessary low threshold of votes required in each region and generally. The voting mechanism resulted in a Convocation composition that was ineffective, divisive, acrimonious and did not maturely regulate the professions in the public interest. For those of you who did not watch any webcasts, for an example of dysfunction, acrimony, and disruptions since 2019 [click here](#).

STAY TUNED:

To vote Slate or Not.
To plump your votes or not.

In my next newsletter I will explain how I intend to vote.

My sole focus will be to ensure the election of 40 Benchers who will be true to the job of regulating the professions in the public interest. Sideshows, egos, and grandstanding belong elsewhere.

Key dates:

- **April 19 to April 28, 2023:** Voting occurs
- **May 1, 2023:** Results announced
- **May 25, 2023:** Benchers officially take office at meeting of Convocation

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