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## **BENCHER ELECTION 2023**

I apologize for the length of this newsletter.

I have struggled for months as to how I wish to vote. Hopefully like you I have read everything available about each candidate and the positions taken on behalf of the #STOP SLATE and the Good Governance Coalition. In the past I would only vote for 10 – 15 Bencher candidates splitting my vote among those whom I felt were excellent candidates. In 2019 I found that virtually every one of my votes was wasted on candidates who were not elected because the election dynamic had radically changed with the introduction of the STOPSOP slate. Its brilliantly run campaign was very successful in having elected a number of lawyers many of whom, on their own, then lacked credentials of service to the professions, well earned reputations or name identity sufficient to otherwise be elected.

Concurrent with my goal today of seeing the best qualified candidates elected as Benchers is an urgent desire to ensure that the profession does not lose the right of self regulation which I believe to be a clear and present danger. Where lawyers have lost self regulation elsewhere in the world has left them far worse off. Imagine having your professional license administered at Service Ontario alongside your drivers license or OHIP card?

In recent weeks I have spoken with a large number of lawyers absolutely fed up with the conduct of Convocation since 2019 and intend to vote for “independents”. I have said to them and believe that votes for even great, unaffiliated candidates will be, like my 2019 votes -- wasted. I suspect that in another era without the polarized well organized slates many of the independents would now be elected. Today I don't think that is possible and a vote for the unaffiliated candidates plays into the divide and conquer mentality of the organized slates.

## **OPPOSING PLATFORMS:**

## FULL STOP CANDIDATES SAY:

### STOP BLOAT

REDUCE the Law Society budget, annual fees, and bureaucratic interference in the business of members and firms.

### STOP CREEP

RESTORE the Law Society to its core mandate of regulating competence and integrity in the public interest, and curtail mission creep.

### STOP WOKE

REMOVE social engineering, group identity politics, and "woke" or other ideological agendas from the Law Society.

## GOOD GOVERNANCE CANDIDATES SAY:

- We will each vote independently and in the public interest, not as a bloc.
- We are professionals who believe good governance is evidence-based and respects a diversity of views.
- We will bring decorum and respectful debate to Convocation, and respect the Law Society's professional management and staff.
- We will respect stakeholders, including the judiciary, government, and the public.
- We support legal and paralegal professions that are equitable, diverse, and inclusive. And a Law Society that actively addresses discrimination and which includes representation from each of its many perspectives.
- We support establishing an LSO working group to determine whether it needs electoral reform to prevent the running of slates in Bencher elections.
- We affirm paralegal services are critical.
- We value the energy of newer professionals and are dedicated to supporting new licensees and entrants to the profession.
- And we accept, support, and will abide by the LSO's Bencher Code of Conduct.

## MY VOTING INTENTION:

The current political dynamic of having opposing slates and unaffiliated candidates has forced me to revisit my decades old voting approach. I intend to vote smartly to preserve our right to self governance and ensure appropriate, thoughtful limited regulation of the profession only to the extent required. That should be achieved through a modernized and efficiently run Law Society as cost effectively as possible while fulfilling solely its statutory mandate.

## MY VOTING OPTIONS:

- NOT TO VOTE

This is an irresponsible option. I believe we all must vote to participate in our legislative right of self governance and ensure we achieve the election of Benchers who will fulfill the responsibilities assigned to them.

- TO ADOPT MY PAST PRACTICE AND FROM THE 104 CANDIDATES PLUMP MY VOTE FOR A VERY LIMITED NUMBER OF 10-15 LAWYERS I IDENTIFY WHO WILL MAKE OUTSTANDING BENCHERS

This was the past principled approach that I intended to follow until I again carefully considered the LSO voting mechanism and the flawed consequence of competing slates in 2023. To follow my past practice will result, as it did in 2019, to the defeat of almost all of my selected candidates. The power of the competing slates to attract loyal and committed voters will, in almost every instance overwhelm my individual vote. My plumped vote will not achieve my goal and in fact will help in the election of candidates I do not approve of.

- TO PROTEST THE CONFLICTING ABHORENT POLITICS OF CONVOCATION BY NOT VOTING FOR ANY CANDIDATE ON A SLATE AND VOTE ONLY FOR "INDEPENDENTS"

Sounds good. Elections are precisely the democratic mechanism to protest offensive past practice and discipline those previously elected by defeating them at the polls. There is in fact much to protest about Convocation's conduct since 2019. By voting I do want to express my displeasure for what went on but our system does not allow me to directly vote against any candidate. I can only vote affirmatively to achieve what I want with the overall outcome. My protest vote for unaffiliated candidates will have the same result as my past practice of vote plumping. My votes – except to register protest – will be wasted to the extent the independents will not secure enough votes to win and my votes will again be split to the advantage of candidates I do not wish to be governed by.

- TO VOTE FOR ONE OPPOSING SLATE OR THE OTHER

I am opposed to slates and do not believe they should be part of our Bencher election process. Elected Benchers ought not to have constituencies, but rather must govern in the public interest.

However, today we are confronted by two well organized slates. Since 2019 I have seen the negative effective of the STOP slate voting virtually as a block with the occasional STOP Bencher voting independently. As critical as I am of that, I also observe that many of the other elected Benchers similarly voted as an opposing block of resistance. The problem of course is that neither group was fulfilling the function of independent thought after informed debate. Convocation became a site of trench warfare without conventions of respect or civility. We ought not to have party politics at the Law Society where elected Benchers are beholden to their head office or group think. I encourage you to review Joe Groia's excellent article on this: <https://www.canadianlawyermag.com/news/opinion/the-law-society-should-notadopt-a-party-system/362548>

## WHAT TO DO:

Having thus railed against slate politics I am pragmatic and practical. I will vote in a way that will effect change in Convocation. Above, I have included the summary platform of the opposing groups. I endorse many of the principled criticisms of the FULLSTOP slate but frankly don't understand some expressed goals. I can not vote for a group whose only mantra is "STOP". I want more from elected officials.

Freedom of thought and principled opposition to the status quo is imperative in any democratic institution. We should of course strive for transparency and to maximize efficiencies. I have carefully watched the STOPSOP group since 2019. I supported some of their positions (including opposition to SOP) but was continually disappointed in the absence of leadership and thoughtful contributions to debate which often descended merely into negativism and rancour caused in part by the attitudes of other elected Benchers. Affirmative proposals for improvement were not frequent and STOPSOP often lacked any understanding of the implication of positions to be taken. Reducing a budget may be a good idea to achieve a "critical review of the LSO's financial stewardship". But seeking a budget reduction of a fixed percentage or amount without assessing from where money should be cut is great headline politics but is not productive. I urge you to read the attached terrific summary of this state of affairs by Sid Troister, incumbent/candidate ([click here](#)). Further, what an unsightly spectacle to learn of a Bencher feeling compelled to sue the Law Society or talk of Slander Notices.

I remain troubled by slate politics and frankly, at any other time would not have voted for some of the candidates selected by the Good Governance Coalition. I personally would have made different choices certainly including a number of the unaffiliated candidates. I have again scrutinized each of the Coalition candidates. I observe and support the broad range of characteristics of those candidates as more closely reflecting the demographics of today's Law Society than has ever been achieved in previous elections. Despite my reservations about the entire process, I am persuaded that individually those lawyers do possess the characteristics I see as prerequisites for election. ([Please see BBN 176](#)). In addition we can thus have 30 (out of 40) newly elected Lawyer Benchers who were not in Convocation since 2019. Including paralegals, the Coalition will produce 29 of 40 women Benchers. A great

way to hit restart.

I must reject the negative campaign of "STOP". And I do subscribe to the goals enunciated by the Good Governance Coalition. However, to me the most important Coalition commitment is to disband after the election and not participate in Convocation as a voting block. FULLSTOP stands for STOP and I must believe will continue to behave as in the past as a substantially unified block. However laudable I find some of the FULLSTOP goals, mindless adhesion to a "party line", is not acceptable to me as an appropriate or effective way our leaders should conduct Convocation. The Good Governance Coalition candidates are committed to act independently on the basis of their enunciated principles. While I never take to the bank election rhetoric, I will repose my trust in the Coalition candidates, once elected as Benchers, to work hard and effectively in the governance of the profession in the public interest. I reach this conclusion with apologies to some of the excellent incumbent STOP Benchers and candidates, as well as to the unaffiliated candidates (2 of whom are incumbents) who offered themselves to serve the professions.

**I will vote for (please print for easy reference):**

**CITY OF TORONTO**

**John Callaghan  
Gerald Chan  
Rebecca Durcan  
Annamaria Enenajor  
Heather Hansen  
Pam Hrick  
Shalini Konanur  
Atrisha Lewis  
William C. McDowell  
Isfahan Merali  
Catherine Rhineland  
Jonathan Rosenthal  
Stephen Rotstein  
Julia Shin Doi  
Megan Shortreed  
Mark Surchin  
Sidney Troister  
Margaret Waddell  
Tanya Walker  
Peter Wardle**

**OUTSIDE TORONTO**

**Neha Chugh  
Laura Emmett  
Jennifer Gold  
Jacqueline Horvat  
Karen Hulan  
Jasminka Kalajdzic  
Mitch Kitagawa  
Joelle Malette  
Cathi Mietkiewicz  
Greg Monforton  
Sonia Ouellet  
Natalia Rodriguez  
Kevin L. Ross  
Quinn Ross  
Cheryl Siran  
Andrew Spurgeon  
Stephanie Sutherland  
Kathryn Whitehead  
Matthew Wilson  
Mike Winward**

I accept that some, if you have read this far, will not agree with my reasoning or conclusion. BUT IN ANY EVENT VOTE AS YOU WISH FROM APRIL 19-20. Go to the LSO Portal ([LSO.on.ca](http://LSO.on.ca)) for details on how to vote.

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