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A name change may be up for discussion at LSUC

Friday, June 23, 2017 @ 09:24 AM | By Amanda Jerome

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What's in a name? The Law Society of Upper Canada by any other name would still be reputable.

A name change may be up for discussion at the LSUC's June 29 Convocation as the Strategic Communications Steering Group is including it in a presentation

on its initiatives.



Julian Falconer

“It’s one of a package of issues that the steering committee is making recommendations on, all directed at ensuring that the law society is a regulator in touch with the public,” said Julian Falconer, chair of the steering group.

“Right now we have a strategic initiative in place to check on our own ability to truly be in touch with the public. Included in that exercise is taking a serious look at what represents a barrier to public communication. So nothing is off the table and the name of the Law Society of Upper Canada is certainly something that has raised issues in some corners about it being a vestige of the past. We’re looking at all these issues, but in the end it’s going to be a decision that the benchers at Convocation make,” he added.

Falconer said the steering committee is still in the process of organizing its presentation to Convocation, so the name change might be brought forward as an information session at Convocation, with a debate to follow in the fall.

Falconer said the name change is tied to the LSUC’s commitment to the Truth and Reconciliation Commission's mandate. He said as a regulator the LSUC is expected, and legislatively mandated, to regulate in the public interest. The public includes Indigenous communities, which he said for far too long have not been properly considered.

“I do a lot of work for Indigenous communities and recognize that there are implications to the term ‘Upper Canada,’” said Falconer. “There are implications to the time period, to that particular chapter of our Canadian history. There are also positive things about the tradition, so that’s what’s got to be debated by the law society. It’s certainly part of reconciliation. Part of the recognition of our obligations to attempt to rectify issues with Indigenous peoples is to make sure that we’re accessible, to make sure that doors are open and not closed. To make sure the messages we send are positive ones and messages that people can relate to. When I’m in the North doing my work, you can imagine how much of a challenge communicating who the Law Society of Upper Canada is. It simply doesn’t resonate with certain sectors of the population. So just speaking for myself, that’s an issue, but that doesn’t mean that will ultimately be the direction that the benchers go. That will be up to them to make that call.”

According to the LSUC, the Strategic Communications Steering Group was appointed by treasurer Paul Schabas to guide consideration of Convocation's strategic priorities to review and make recommendations to improve public awareness of how to address legal problems, enhancing the law society's public communications strategies and considering licensee engagement activities. The name of the organization may be included in considerations related to improving public awareness.



David McRobert

David McRobert, a lawyer in Peterborough with experience working in Aboriginal law, has been encouraging the discussion of a name change since the 1980s.

“I’m delighted with Julian Falconer’s comments. He is a very progressive guy,” said McRobert. “I’m delighted to hear he thinks this is an issue that warrants their attention. I think that’s a very positive development.”

McRobert, a law history buff and member of the Osgoode Society for Canadian Legal History, understands the appeal of a historical name. However, he believes that words have power and a name that implies elitism isn’t doing the law society any favours.

“If we’re serious about reconciliation with Aboriginal people [we need to change the name.] There’s such a long history of terrible things that we’ve done to Aboriginal people and, regrettably, lawyers and judges have often been behind the expropriation of their land and their mistreatment,” he said. “Lawyers and judges should be at the forefront of policy change.”

McRobert said the name is also confusing for clients who may be new to Canada and don’t understand the history it signifies.

“You tell the clients ‘you can contact the Law Society of Upper Canada and you’ll be able to get 30 minutes of free legal advice.’ I talk to some clients about that and they go ‘What? Can you repeat that? Who do I contact?’ And they don’t even know [who I’m talking about],” he said. “If I have a Filipino client they have no idea what I’m talking about. Then I have to explain to them ‘oh yeah there was Lower Canada and an Upper Canada.’”

“If we’re going to communicate as lawyers, paralegals and legal professionals to the public, we have to have a name that Ontarians at an instant know what it means — it is the regulatory body of the lawyers and paralegals in the province,” said McRobert.

Although McRobert is in favour of preserving history, he does believe in updating the name to reflect changing values and consciousness. He even included the suggestion of a name change in his platform when he was running for election as a bencher in 2011.

“I hope I’m not having this discussion in five years, or in 10 years, but if we are I won’t be entirely surprised,” he said. “A name with a historical cachet, is that what makes the law society unique? Is that what’s important to us as lawyers?”

The LSUC was founded in 1797 making it the oldest law society in the country. A motion to change the law society’s name was brought forward by Tom Vincent at the 2012 annual general meeting, but it was voted down. What’s in a name? The Law Society of Upper Canada by any other name would still be reputable.

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