

The Lawyer's Daily

LSUC will be known as Law Society of Ontario in 2018

Thursday, November 02, 2017 @ 2:28 PM | By Amanda Jerome

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The approach of a new year signals a new name for the Law Society of Upper Canada (LSUC) as benchers decided in a majority vote to change the regulator's name to Law Society of Ontario.



Julian Falconer, chair of the Strategic Communications Steering Group

Benchers at Convocation, held Nov. 2, were presented with four names to choose from: Law Society of Ontario, Ontario Law Society, Legal Regulator of Ontario, or Legal Professionals of Ontario. The names, prepared and submitted by the Strategic Communications Steering Group, were released to the profession and the public prior to Convocation's vote for them to express their preferences.

Julian Falconer, chair of the steering group and presenter of the name change motion, said more than 17,000 licensees responded to messages sent out regarding the new name with 83 per cent of them favouring the name Law Society of Ontario. The majority of the 953 members of the public who responded to a poll also favoured the name Law Society of Ontario.

Falconer reminded Convocation that the motion to change the name was based on research conducted by an external consultant enlisted by the steering group to gain knowledge of the public's perception of the law society.

"During the course of the research, the issue about the 'Upper Canada' part of our name was raised. As we discussed, it was clear from what we heard from the public the name did us no favours in helping us connect and be relevant to the public. In fact, the research suggested it was a barrier," said Falconer in

his address to Convocation.

The idea of a name change was first broached by the steering group at Convocation in June where Falconer advised the benchers they should be prepared to vote on the issue in the fall.

“In 2018 we plan to run an awareness campaign that will educate the public on the services the law society provides for them. Regulating in the public interest has to mean being proud of your level of connection to the public. It has to mean that when you send researchers out you get positive feedback about your ability to engage and what you do,” Falconer added before the vote on a new name.

Bencher Michael Lerner spoke up before the vote and said that in all his years as a bencher he has never seen an issue inspire this much response from the profession.

“The vast majority of people told me that they would accept a name change, but that they are opposed to the process that was followed. They’ve said that there’s a good reason why governments don’t have elections in the summertime because people are distracted. They said that this whole issue will make them feel more disconnected from the law society simply because of the process that was followed,” he said.

“I would submit the name belongs, and is owned, by the 50,000 members of the profession and those that came before. I will oppose the motion and I will oppose each of the names that have been proposed because of the response that I have received from a significant number of members in person, by telephone, by e-mail, and by fax, as I believe it is representative of the people who have elected me,” he added.

Lerner was not the only one who took issue with the name changing process. Many benchers followed his example and claimed they would abstain or vote against the names being voted on.

Bencher Peter Beach moved that the motion be tabled until January 2018, so that more information could be provided to law society members on the issue.

“The point here, and I think it’s a point that has been missed by Convocation, is that the whole process has been flawed. This motion has been rammed down our throats with virtually no notice to the profession and very little to the benchers,” he said.

“It’s quite clear, and I agree with Mr. Lerner, that when one consults with members they’re horrified by this. They are opposed to the process. They want to be heard on this and we are doing a great disservice to the law society to simply ignore the wishes of the members,” he added.

Beach referenced fellow bencher Robert Armstrong, who pointed out at the last Convocation that elected benchers aren’t here by divine right.

“We are elected by members of our profession. And in my view, you have a responsibility to those members to represent them, and consult with them, and if you fail to do so you’re failing in your duties as benchers,” Beach said.

Beach's motion to table was defeated, but his sentiments were echoed by many benchers, including Jack Braithwaite, who also called for greater consultation with the profession.

"I believe the name belongs to the profession, not to the public. And I think the profession should have had a chance to make a decision on what they wanted," he said.

In defence of the process that was taken, Falconer reminded the benchers that an information session was held on this subject before the June Convocation where benchers were made aware of the impending name change vote.

"The difficulty I have with raising process concerns is the record doesn't bear them out," Falconer said, addressing treasurer Paul Schabas on the issue.

"I have spent my career pursuing transparency issues. Demanding that there be public debate about matters, which is why I thought it was so important that you, treasurer, directed that the profession and my colleagues be notified on the record at the end of June. How many times do we need to be told that we're about to decide something before going to decide it? At some point it gets a bit awkward for us to, in essence, rely on what we're hearing in feedback. The feedback I'm hearing is congratulating you, treasurer, and congratulating the bench on moving on this and being agents of change," he said.

With Falconer's comments still hanging in the air, a roll call vote was led. Thirty-three benchers voted in favour of the name Law Society of Ontario and one bencher voted for Ontario Law Society. Six benchers abstained and five benchers voted against the names altogether.

The organization will begin to operate under its new name on Jan. 1, 2018, while the legal name of the regulator will remain as Law Society of Upper Canada until an amendment is made to the *Law Society Act*. The name change process will be phased in over a 12-month period to allow for a gradual adoption and to ensure any materials with "Upper Canada" on it are used up.