



Canadian Association of
Black Lawyers (CABL)
20 Toronto Street
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February 25, 2020

Delivered via e-mail

Convocation
c/o Treasurer
Law Society of Ontario
Osgoode Hall
130 Queen Street West
Toronto, Ontario M5H 2N6

Dear Members of Convocation,

Re: Fagan motions to eliminate EIAC and EAG - February 27, 202 Convocation

The Canadian Association of Black Lawyers (CABL) is a national network of law professionals (students, lawyers and the judiciary) with an overall mandate to promote the advancement of black lawyers within the profession by providing support systems, promoting academic and professional excellence and advancing issues of equity and diversity among the bar and judiciary.

The Canadian Association of Black Lawyers (CABL) is in receipt of the two Notice of Motions, dated February 5 and 6, 2020, respectively, for the Law Society of Ontario's Convocation on February 27, 2020. These motions relate to two separate incidents, both involving an Equity and Indigenous Affairs Committee (EIAC) event on January 16, 2020. The outcome sought in these motions are to censure a specific EIAC member and LSO's Discrimination and Harassment Counsel and examine the role of the Equity Advisory Group (EAG), with the express intent of limiting or excluding their involvement in future governance activities at the law society.

Brief Historical Background

In May 1997, the Law Society of Ontario unanimously adopted the Bicentennial Report and Recommendations on Equity Issues in the Legal Profession (the "Bicentennial Report"). The

adoption of the Bicentennial Report led to a series of systemic changes to promote equality and diversity within the legal profession and within the Law Society.

Previously, in 1989, the Equity in Legal Education and Practice Committee was created. In the mid-1990s, the Law Society created a standing committee of Convocation, the Equity and Aboriginal Issues Committee (the "Equity Committee").

In 1996, two committees (the Women in the Legal Profession Committee and the Equity in Legal Education and Practice Committee) were merged into the Admissions and Equity Committee, which later became EAIC. EAIC's mandate was to develop for Convocation's approval, policy options for the promotion of equity and diversity having to do in any way with the practice or provision of legal services in Ontario and for addressing matters related to Aboriginal peoples and Francophones; and to consult with Aboriginal, Francophone and other equality-seeking communities in the development of such policy option.

It also created the Equity Initiatives Department, with five permanent staff members and one articling student; and the advisory group EAG¹, consisting of expert lawyers in the area of equality rights and legal associations that promote equality and diversity.

Mandate of EAG

CABL is but one long-standing member of EAG. All members serve on a volunteer basis and meet at least once a month.

The mandate of EAG is to assist the Equity and Indigenous Affairs Committee/Comité sur l'équité et les affaires autochtones (EAIC), in the development of policy options for the promotion of equity and diversity in the legal profession by:

- Identifying and advising the Committee on issues affecting equity communities, both within the legal profession and relevant to those seeking access to the profession;
- Providing input to the Committee on the planning and development of policies and practices related to equity, both within the Law Society and the profession; and
- Commenting to the Committee on Law Society reports and studies relating to equity issues within the profession. Members of the Equity Advisory Group

¹ formerly known as the treasurer's advisory group

CABL's Position on the Proposed

CABL finds it extremely unfortunate that interpersonal conflicts are being used by a few Benchers as a basis to eliminate a robust and long-standing relationship between the Law Society and diverse members of the profession.

Equity issues cannot be determined or evaluated on a majoritarian basis. Even elected Benchers can invariably benefit from the specialized experience and backgrounds of representatives from communities who have the knowledge that diverges from those of many mainstream lawyers. These insights may not always be positively received by the legal community, or be easy to hear, but they have intrinsic value and worth because they are perspectives that are far too frequently ignored and overlooked.

Finally, we repeat our comments from our letter dated June 25, 2019: to strive for equity, diversity and inclusion should be uncontroversial for as a profession that serves a diverse public.

In the interest of fostering greater cooperation and collaboration, and in reaffirming the Law Society's commitment to creating a more inclusive legal community, CABL calls on members of Convocation to reject both of these motions, and instead seek to resolve these individual, interpersonal conflicts in a private venue.

CABL further endorses and adopts the open letter from the Members of the Equity Advisory Group, dated February 25, 2020.

Yours truly,



Lori Anne Thomas

President on behalf of the Canadian Association of Black Lawyers (CABL)