



Tab 5

Report to Convocation June 26, 2014

Bencher Election Working Group

Working Group Members:
Derry Millar (Chair)
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Julian Falconer
Janet Leiper
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Purpose of Report: Decision and Information

**Prepared by the Policy Secretariat
(Jim Varro 416-947-3434)**

TERMS OF REFERENCE AND COMMITTEE PROCESS

1. The Bencher Election Working Group, established in June 2011 to review the bencher election process, has held ten meetings and reviewed a number of issues. This second and final report includes information on matters the Working Group has reviewed since its last report to Convocation in June 2013, and one decision item relating to the voting period.

MATTERS RELATED TO THE BENCHER ELECTION PROCESS

Motion

2. **That Convocation amend voting procedures for the lawyer and paralegal bencher elections, as follows:**
 - a. **Make the date for the Elections Officer's preparation of the polling list for the lawyer bencher election on or shortly after the second Friday in April in an election year, and**
 - b. **Make the date for the Elections Officer's preparation of the polling list for the paralegal bencher election on or shortly after the second Friday in March in an election year.**

INTRODUCTION

3. The Bencher Election Working Group was established in June 2011 to review the bencher election process and, in particular, issues that arose during the 2011 election that related to:
 - a. the nomination process;
 - b. candidacy and the region specified for election;
 - c. the length of the election period, including the voting period;
 - d. information on the progress of voting;
 - e. campaign materials and methods;
 - f. distribution of and access to the e-mail to launch voting; and
 - g. accommodation issues relating to online voting.

4. The Working Group also agreed to consider relevant issues arising from the September 2011 Bencher Planning Session. This included reviewing the regional bencher designation in bencher elections.

5. In June 2013, based on the Working Group's report, Convocation approved a number of proposals for reforms to the election process. As a result, By-Law 3 which includes provisions on the elections was subsequently amended.
6. The June 2013 report also included:
 - a. information on other matters that the Working Group reviewed and considered to enhance various aspects of the election process, and
 - b. a proposal for a call for input on the regional bencher election scheme, which Convocation approved.
7. This report discusses the results of the call for input, the Working Group's views on the regional bencher election scheme and other matters considered. The report also includes, as a first item, a proposal to revise the length of the voting period, based on the experience with the paralegal bencher election concluded on March 31, 2014.

LENGTH OF THE VOTING PERIOD

8. Based on the Working Group proposals in June 2013, Convocation agreed to shorten the voting period for the election, which also has the effect of adjusting the time for preparation of the list of eligible voters and preparation of the online voting site.
9. Based on the Election Officer's experience with the recently completed paralegal bencher election, a further change is sought.
10. In an election year, the lawyer bencher election is on the last day in April that is not a holiday. In a year for the paralegal bencher election, the election is on the last day in March that is not a holiday. Currently, the voters' list is frozen at 5 p.m. on a Friday afternoon (the first Friday in April for the lawyer bencher election and the first Friday in March for the paralegal bencher election). The By-Law says that "on or shortly after" the following Monday, voting is to open (with preparation of the polling list),

following final preparation of the voting site and setting up the file for the emails that will be sent to all eligible voters to start voting.¹

11. The online voting site provider is hard pressed to have the voting site ready even by mid-week in the week following the freezing of the voters' list. Preparation of the site includes not only the online ballot, but loading and linking the Voting Guide information for each candidate, creating the electronic file of eligible voters and preparing the communications to all eligible voters for the opening of voting. There is also a French-language site that must be prepared. For the smaller paralegal bencher election in 2014, voting opened late in the morning on the Wednesday following the Friday.
12. In the Working Group's view, a few more days would be helpful for preparing for the opening of voting. For this reason, the Working Group is proposing that the period to prepare the polling list, in the words of the By-law, be extended to the Friday following the Friday when the voters' list is frozen. This change will not shorten the voting period appreciably. It will still permit approximately three weeks for voters to vote.
13. If Convocation approves this recommendation, the appropriate By-Law amendment will be prepared for a future Convocation.

¹ For the lawyer bencher election the section currently reads:

Polling list

18. (1) On or shortly after the first Monday after the first Friday in April, the Elections Officer shall prepare a polling list.

For the paralegal bencher election, the section currently reads:

Qualification of electors

136.14. (1) A person who is licensed to provide legal services and whose licence is not suspended on the first Friday in March is entitled to vote in an election of paralegal members.

Electors' list

(2) On or shortly after the first Monday after the date mentioned in subsection (1), the Elections Officer shall prepare a list of all persons who are entitled to vote in an election of paralegal members.

REPORT ON THE CONSULTATION ON THE REGIONAL BENCHER ELECTION SCHEME

14. Following Convocation's approval of the consultation, the Working Group prepared a consultation document (see [Tab 5.1](#)) based on the proposal included in the June report for a modification to the regional bencher election scheme.
15. In brief, the proposal began with an issue identified at the 2011 Bencher Planning Session. The proposal would continue the scheme to ensure that at least one bencher will be elected in each of the eight regions in the province. However, rather than the regional bencher being the candidate in each region who receives the largest number of votes from voters in that region, the proposal would provide that the regional bencher would be the candidate in the region elected on the basis of votes from all regions for all candidates.
16. The call for input was issued in July 2013 and was published on the Law Society's website and in the Ontario Reports. Letters were sent to a list of legal organizations requesting input.
17. The Law Society received 12 responses, of which 10 provided substantive comment.² Of these, two were from individuals, and eight were from legal organizations.
18. Nine of ten submissions asked the Law Society to maintain the current regional bencher election scheme. The submissions expressed a strong preference for regional benchers being elected based on the votes of lawyers within the region (the *status quo*) rather than on the total votes of all lawyers if the overall election results do not elect a bencher in a region (the proposed change). The submissions generally favour the *status quo* on the basis that:

² One organization wrote to advise that it would not be providing a submission and another advised in writing that it had nothing further to add in response to the Call for Input.

- a. It provides a better mechanism than the proposed change to ensure that benchers with a strong knowledge of regional issues may be elected to Convocation, which ensures that Convocation may consider regional issues in fulfilling its mandate. It also provides legitimacy to Convocation;
- b. It ensures that the electoral system does not give an advantage to candidates based in urban areas, and enables lawyers in the regions to have a greater say in selecting a representative from their region; and
- c. There is no perceived need for change.

A summary of the submissions (without attribution) is at [Tab 5.2](#)

The Working Group's Views

19. Based largely on the feedback received to the call for input, which included a number of county law associations, the Working Group decided that it would not recommend changes to the regional bencher election scheme. While the number of respondents was small, the overwhelming response was that change was neither supported nor necessary.

OTHER MATTERS CONSIDERED BY THE WORKING GROUP

Encouraging the Vote

20. As reported by the Working Group in June 2013, the Law Society has struggled for several years with how to increase the voter turnout in the bencher election, despite significant communications and outreach efforts.³
21. The percentage of eligible voters who voted in the last few lawyer bencher elections is below 40%. The recent experience with the paralegal bencher election showed a

³ Currently, there are comprehensive and frequent communications that announce the bencher election and accompany its progress from the close of nominations through to the results. In the last two elections, dedicated efforts by the Treasurer, benchers and staff to increase awareness around the process involved travel to a number of locations in advance of the opening of voting to meet with members of the local bar, encourage candidates to run and encourage voters to vote.

disappointing 20% voter turnout despite a very comprehensive communications initiative.

CPD Offering

22. Further to discussions Diana Miles, the Executive Director of Professional Development and Competence, the Working Group canvassed content for a potential CPD program regarding Law Society governance for accredited professionalism hours. The Working Group determined that such a program should provide basic information regarding the *Law Society Act* and by-laws, the roles and responsibilities of benchers, and the rationale for self-regulation. In addition, the Working Group agreed that the primary focus of the CPD should be on how members can become more easily and effectively engaged with the Law Society on issues that matter to them.
23. The Working Group believes that an educational component as described above may encourage some additional engagement during the election period.
24. The Working Group agreed that staff would refer the CPD issue to the Professional Development & Competence Department for review.

Use of Social Media During Bencher Elections

25. The Working Group discussed how social media could be used during the bencher elections, both as a method through which the Law Society may inform members about bencher elections, and by which candidates may inform and interact with voters in the election campaign.
26. The Working Group discussed, for example, having the Law Society host various social media platform pages for candidates' campaign information. Bencher candidates already use hyperlinks within their candidate statements, and may connect to their social media sites through this page.

27. The Law Society's Director of Communications, Roy Thomas, advised that the Law Society uses a variety of social media, which are useful tools to engage members, particularly younger members of the professions. The Law Society has a presence on Facebook, LinkedIN, and Twitter, a YouTube channel, and also communicates through the Treasurer's blog. The Law Society has already used social media as part of its communications strategy in the recent paralegal bencher election.
28. The Working Group also learned that candidates have different interest levels in using social media, and different preferred social media outlets. For those interested in using social media, there are virtually no barriers, as social media sites and certain social media management tools such as HootSuite can be used for free. In short, social media may already be used – and is being used - by bencher candidates at little or no cost.
29. It would not appear that assistance from the Law Society, either in educating candidates about social media or in developing its own social media platform for bencher elections, is necessary at this time. Further, a Law Society media platform may have the follow effects:
 - a. It might unnecessarily duplicate the role of the candidate statement page, which as noted can include hyperlinks to other webpages, including social media pages;
 - b. It might make candidates feel they must spend time developing social media resources when those candidates might prefer to deliver their campaign messages through other channels;
 - c. A fixed platform might stifle candidate social media innovation.
30. There would also be resource implications for the Law Society in supporting a social media outlet and responsibility for monitoring traffic on its site.

31. Given these circumstances, the Working Group felt that candidates are in the best position to determine whether or how to best leverage social media during bencher elections.

CALL FOR INPUT DOCUMENT



**Call for Input
July 2013**

**Bencher Election Working Group –
Proposed Modification to the Regional Bencher Election
Scheme**

**Working Group Members:
Derry Millar (Chair)
Constance Backhouse
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**Prepared by the Policy Secretariat
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INTRODUCTION TO THE CALL FOR INPUT

The Bencher Election Working Group, established in June 2011 to review certain aspects of the bencher election process, presented a report to Convocation with proposals for changes to some administrative elements of the process. On June 27, Convocation approved these changes.

The Working Group's report also included a recommendation that a call for input be issued on a proposal for modification of the regional bencher election scheme. Convocation agreed to the call for input.

This document explains the proposal and provides background on the current regional bencher election scheme and issues that led to the Working Group's proposal.

Written submissions in response to the call for input should be sent to the Law Society no later than **September 30, 2013** to:

Bencher Election Working Group
Policy Secretariat
Law Society of Upper Canada
130 Queen Street West
Toronto, ON M5H 2N6

or by email to jstrawcz@lsuc.on.ca

THE REGIONAL BENCHER ELECTION SCHEME

Introduction and Summary of the Proposal

1. The Bencher Election Working Group as part of its study reviewed the scheme for the election of the regional benchers. This was an issue identified at a bencher planning session in September 2011 to determine priorities for Convocation policy agenda for the bencher term.
2. The regional bencher election scheme ensures that among the 20 benchers elected from outside Toronto, at least one bencher will be elected in each of these seven regions in the province. This is accomplished through election of the regional bencher, who is the candidate in each region who receives the largest number of votes from voters in the particular region. A candidate does not “run” as a regional bencher candidate. The voting determines who is elected as the regional bencher. In the Toronto region, the regional bencher is, of course, always among the 20 benchers elected.
3. One of the unintended consequences of the scheme is that candidates with many more votes (based on votes from voters in all regions) than the regional bencher may not be elected, including other candidates in the regional bencher’s region. Thus, candidates from regions who demonstrated broader support from the members were not always the bencher elected.
4. The suggestion from the bencher planning session was that the bencher election results be based on votes from all regions for all candidates, and that if a region did not have an elected bencher, the current regional election scheme would apply to elect the candidate with the most votes from that region’s voters.

5. The proposal described in this paper to modify the regional bencher election scheme varies from this approach in that the popular vote would be used to elect the regional bencher if the initial results did not produce a bencher in every region.
6. The proposal for modification to the scheme, if it proceeds, would be as follows.
7. The regional bencher would be the candidate in a region who, finishing in the top 20 positions inside or outside of Metropolitan Toronto, receives the highest number of votes from voters in *all* regions.
8. If the election results based on votes from all voters do not elect a bencher in a region in the top 20, the regional bencher will be the candidate in the region who, placing 21st or lower outside of Metropolitan Toronto, receives the most votes from all voters.
9. When that happens, the candidate elected will replace the candidate who would have otherwise been elected as one of at least two benchers in another region and who is the candidate who receives the least number of votes from all voters. This will ensure that there is at least one bencher elected in every region from the general vote. It will preserve the benefits of regional benchers while giving more weight to the overall democratic process.

History of the Current Process

10. Although apparently dating back to the 1870s in its origins, the idea of a regional bencher scheme in more recent times was the focus of at least four of Convocation's committees in the 1980s and 1990s.
11. The current scheme began with a decision in 1990 to adopt a form of regional representation. This was based on a submission from the County and District Law Presidents' Association (CDLPA) to the 1989 Special Committee on Bencher Elections (the Ferguson Committee), which followed an earlier committee struck in 1985. The

following excerpt from the October 1990 report of the Ferguson Committee is of interest:

72% of the respondents to the questionnaire favoured regional representation. Among the organizations which responded, L'Association des juristes d'expression française de l'Ontario, the County and District Law Presidents Association, the County of York Law Association and Legal Assistance Kent, each expressed positive support for the concept.

Though some respondents expressed concerns about the suitability of basing the system upon the regions set out in the Courts of Justice Act, a significant number believed that some form of regional representation would lead to improved voter turnout and more effective representation in Convocation. The members of the Committee took seriously the view, repeatedly expressed in the submissions received, that members were apathetic toward benchers' elections because they felt no connection with the benchers. The problem has manifested itself in declining voter turnout (71.2% in 1979, 62.5% in 1983 and 54.1% in 1987) and your Committee gave much consideration to means of reversing this disturbing trend.

One of the most persuasive arguments raised against regional representation was that it challenges the tenet that a bencher is elected to govern the profession in the public interest as a representative of all members, not merely as a representative of members in a particular area. It was also noted that a system of regional representation might work against those candidates for election who do not have a distinct regional base.

Your Committee carefully considered these concerns. After much debate, it was decided to recommend a system under which some benchers will be elected by voters within regions and others will be elected by all voters in the province. ...

...

Your Committee acknowledges that the regional election of eleven¹ of forty benchers falls considerably short of the more comprehensive

¹ The original scheme had four regions within Metropolitan Toronto, but this was later changed to eight regions in total (Metropolitan Toronto and the seven other judicial regions).

scheme of regional representation proposed by the County and District Law Presidents Association.² It was clear however that the majority of the Committee were convinced that this was not the time to recommend such an extensive change. ... The recommendation that one bencher be elected from each region is a compromise: nevertheless your Committee considers it to be the only measure of regional representation likely to gain the approval of Convocation at this time. If the proposal is adopted, it may be that, following the 1991 election of benchers, Convocation will wish to reconsider the number of benchers elected from each region.

12. Convocation voted to put this Report over until after the CDLPA plenary in November 1990. At the November 1990 Convocation, the scheme was approved in principle. In 1992, Convocation struck the Special Committee on Bencher Elections (the Scott Committee) to consider implementation of the policy decision. In March 1993, Convocation approved the Scott Committee's recommendation that Convocation affirm the 1990 decision and implement the scheme. The Report included the following explanation:

While persuasive arguments were developed during our deliberations in favour of the status quo, it became obvious, as must have been the case for the Ferguson Committee, that some form of regionalization must be developed, however modest a first step, if the concerns of the profession are to be considered.

...[A] modicum of regionalization, it was felt, ought to be considered to meet the needs of the membership of the profession and to assess the impact, over time, of such a scheme on the work of the Law Society. The Ferguson Committee, quite obviously motivated by a similar concern, opted for a scheme which would involve the election of a single Bencher

² The County and District Law Presidents Association recommended that each region should have two benchers, with an additional bencher for every 750 lawyers over the first 750. At current membership numbers, this formula would have given a minimum of two benchers for any region (for example, the North West Region) and a maximum, outside Metropolitan Toronto, of five benchers per region (for example, the East Region). The County and District Law Presidents also recommended that five members be elected at large from any part of the province. Their scheme would have required an increase in the total number of elected benchers to forty-five. The Committee did not support "such an extensive measure of regionalization."

for each judicial district outside Metropolitan Toronto and the four electoral districts inside Metropolitan Toronto. This...was a form of regionalization which, it seems clear, was regarded as a substantive expression of the idea in the interests of assessing its impact and reacting to the concerns of the community of lawyers in the Province.

...

It is clear that the subject of Bencher elections attracts strong and entirely legitimate views on all sides. The status quo has much to recommend it. Yet, from the work of the Ferguson Committee and your own Committee, it is clear that the profession wants some form of regionalization.

13. The regional scheme was implemented in time for the 1999 bencher election. The gap between adoption of the scheme and implementation was due to the requirement for *Law Society Act* amendments to provide the authority in the by-laws for regions for the election.
14. At January 1999 Convocation, certain aspects of the regional scheme (e.g. how to fill vacancies for the regional bencher between elections) were before Convocation for decision through the report of the Task Force on the 1999 Bencher Election and Referendum³, chaired by Paul Lamek. The introduction to this report stated:

The driving force for regional bencher representation has been the belief that it would encourage member participation in the elections, as there has been an increasing decline in voter turnout. Voter turnout was 71% in 1979 but declined to 53% in 1991 and 43% in 1995. There has been a marked decline in female member voter turnout: in 1991, 51% of eligible female voters cast their ballots, but in 1995, only 27% of eligible female voters cast their ballot. Notwithstanding, there has been an increase in the number of female benchers elected: 10 in 1991 (25%) to 15 (37.5%) in 1995.

The counter arguments to regional benchers have been based on the mandate of the Law Society to govern the profession in the public interest. To this effect, it has been pointed out that the issues addressed

³ The Referendum was on bencher remuneration.

by Convocation are not regional, but pertain to the whole province. The concern has been that regional representation may detract from the focus of the work of Convocation by bringing about the subjugation of the public interest to local or particular constituencies.

15. Of interest is the following motion moved at the January 1999 Convocation, which the minutes indicate was not put, that is very similar to the proposal raised at the 2011 bencher planning session:

It was moved by Mr. Wright, seconded by Mr. Krishna that whereas regional representation is a highly salutary policy deserving our unwavering support; and whereas Convocation should derogate from the democratic process as little as possible and, where possible, reduce unnecessary costs, complexity and administrative headache; be it moved that the 1999 bencher election be conducted as follows:

1. The 1999 vote will be held as in the past.
2. Following the vote, the list of elected benchers will be scrutinized to ensure that each of the 9⁴ electoral districts is represented.
3. In the event that a region is not represented, the list of non-elected candidates will be scrutinized to determine the candidate with the higher number of votes who is from the unrepresented region.
4. The said candidate shall replace the elected bencher who received the lowest number of votes from a region that elected at least 2 benchers.

16. A final motion in this debate was ruled as contrary to the statute by the Treasurer:

It was moved by Mr. MacKenzie, seconded by Mr. Ruby that there be no regional bencher.

How the Regional Scheme Has Operated

17. The results of the last four bencher elections were examined to determine the effect, if any, of the regional scheme. Voter turnout was also examined to determine if the scheme has had any effect on the number of votes cast.

⁴ Corrected to 8.

18. The votes for all those who were elected as regional benchers in each of 1999, 2003, 2007 and 2011 were reviewed to determine two questions:
 - a. Whether the candidate elected as regional bencher would have been elected without a regional scheme; and
 - b. Whether there otherwise would have been a candidate elected from the region.This analysis does not include the Toronto region, where, as noted, the regional bencher is always in the top 20.
19. In reviewing the results of this analysis, the fact that under the current regime candidates could properly decide to campaign only in their region was taken into account. Therefore, it cannot be assumed that the election results would have been the same if a different regime had been in place. However, the results provide useful background.
20. In 1999, six of the seven regional benchers outside Toronto would have been elected in the top 20 based on votes from all voters or by acclamation (this was the case with the candidate from the northeast region). The seventh individual, for the northwest region, finished 24th. With the acclamation, all seven regions otherwise had an elected bencher in the top 20.
21. In 2003, all seven regional benchers would have been elected in the top 20 outside Toronto based on votes from all voters. The candidate who received the least number of votes among this group (with 2055 votes), was 20th. All but two regions (northwest and central east) otherwise had a bencher elected in each of the regions.
22. In 2007, it was a different result. Only three of the regional benchers outside of Toronto would have otherwise been elected in the top 20 based on votes from all voters (the cut-off for the top 20 outside Toronto was 1932 votes). The four others elected regionally received votes placing them 25th (1746 votes), 26th (1664 votes), 27th (1585 votes) and 40th (884 votes). However, all but one region (northwest) had a bencher elected apart

from the regional bencher. The next eligible candidate from the northwest region finished 21st (with 1901 votes) and was elected during the term in 2009 when a vacancy occurred.

23. In 2011, the result was similar to 2007. Four of the regional benchers would have otherwise been elected in the top 20 outside Toronto by votes from all voters (the cut-off was 1940 votes). The three remaining regional benchers finished 22nd (1793 votes), 36th (1305 votes) and 46th (731 votes). However, all but one region (central west) had a bencher elected apart from the regional bencher. The next eligible candidate from central west finished 26th.
24. In summary, the analysis showed that nearly every region had a candidate who was elected a bencher based on the general vote, without operation of the regional bencher scheme. The analysis also showed that voter turnout declined in election years 1999, 2003 and 2007 (42.02%, 36.77% and 34.48% respectively). There was an increase in 2011 (37.21%). The percentage in 1995 was 43.72%.

Summary

25. The “driving force” for a regional bencher scheme - to encourage participation in the election - did not appear to have the intended effect. Rather than higher voter turnout in the elections that followed implementation of the scheme, voter turnout actually fell after 1995 until 2011.
26. As noted earlier, the majority of regions had representation at Convocation aside from the regional bencher. If the proposed scheme was in place in previous elections, the next eligible candidates to fill regional positions would typically have moved up from within the 21st to 30th positions.
27. It is accepted that there is value in having representation at Convocation from every region. This facilitates views that reflect a variety of experiences within the province,

and through that, provides a window to the interests of the larger public for whom regulation of the profession exists. This also helps to achieve governance of the profession that reflects consideration of these views and is responsive to the needs of stakeholders.

28. The proposal to modify the regional bencher election scheme would continue to safeguard regional representation and acknowledge the member support of those who would be elected within a region based on the overall vote.

RESPONSES TO THE CALL FOR INPUT

Individual Responses

While supportive of the rationale for change to the current election scheme, and not asking the Working Group to change its proposal, this respondent expressed concern with the proposed procedure where no regional candidate receives sufficient votes to be within the top twenty candidates from outside the Toronto area. He notes that under the proposed scheme, a regional candidate may become the regional bencher by having only won by a narrow margin in the region, but having received far fewer votes than the next regional candidate received from all voters across the province. He suggests that “the fact that all but one region had a bencher elected apart from the regional bencher means the proposed modification will have a very limited (if any) impact on the present situation where the result of the regional vote trumps much stronger support the regional runner up candidate may receive from all voters”.

The other individual respondent opposes the proposed amendments, on the grounds that it would increase the costs of campaigning, and because it risks leading to Toronto area voters determining the regional Benchers in the rest of the provinces.

Organizational Responses

1. This organization recommends maintaining the status quo based on its view that the current scheme increases the likelihood of francophone or bilingual benchers being elected.
2. This organization supports the status quo, and adopts the submission below.
3. This organization reports that not one member suggests departing from the current scheme. Its members prefer electing the regional bencher from their ranks. They are concerned that under the proposed scheme the regional bencher who received few or no votes from within the region could be elected, and that such an individual “may not

therefore have regard to the best interests of members of the public and those practicing law in the [region]”.

4. This organization supports maintaining the status quo. It reports that it consulted with its constituents, and that the responses were “overwhelmingly against the proposed change to the regional bencher election scheme”. It reports that there was not a single response favouring the proposed change. The two main comments are:
 - a. Lawyers within a region are in the best position to choose the best candidate for the region; and
 - b. Shifting to a scheme whereby a regional bencher is elected on the basis of the overall vote could lead to large Toronto based firms with “satellite offices within a region” potentially coming to dominate in the region.
5. This organization supports the status quo on the basis that regional representation should be maintained, and because their constituents “believe that the lawyers in each region should elect the Regional Bencher.”
6. This organization sought input from its elected council members in all regions outside the GTA for its submission, and also supports the status quo. They generally support regional representation on the grounds that it:
 - a. Enables the Law Society to fulfill its public protection;
 - b. Instills confidence in the Law Society as regulator; and
 - c. Provides a “known and trusted liaison” with the Law Society.

However, they submit that there does not appear to be any perceived need to change the current system. It maintains that lawyers within the regions are best placed to determine who will best serve the purpose of regional representation. In its view, “choosing a lawyer who has a broad base of support from outside the region (reflected in a strong pan-provincial vote) provides less confidence to those practicing within a region than the elected regional bencher who will have the requisite understanding of local issues”. They also

suggest that the current system reaches an appropriate balance between effective regional representation and ensuring that there are opportunities for candidates from smaller communities to be elected.

7. This organization supports a scheme whereby the Regional Bencher is determined based on the votes of lawyers within the region. It is concerned that any scheme permitting all Ontario lawyers to elect Regional Benchers would favour those who can afford to campaign across the province, and could lead to the election of Regional Benchers who are not best suited to represent the region. It additionally recommends that:
 - a. Each Bencher or person running for Regional Bencher must practice and have their “main” office in the region for which they are running;
 - b. Each candidate be required to be a member of the local and district law association; and
 - c. The Law Society consider providing two benchers for each region so that all Ontario regions have the same number of representatives.

8. This organization expresses unanimous support for the status quo. Its members support electing their regional bencher from their ranks, and express concern that “the influence that the elected Bencher for [their region] would be diminished if the Regional Bencher Scheme were modified”.

*THIS SECTION CONTAINS
IN CAMERA MATERIAL*