



“You’re A What?” A new Bencher’s view of Convocation and why you should care about the 2023 Bencher election

By Cheryl Siran

Being asked to comment on what it is to be a Bencher inevitably leads to this question. For whatever reason, individuals both within the profession, and in the community, have a limited or non-existent view of what a Bencher is, what a Bencher does, and why it matters to them. Here, I hope to shed some light on these questions, to inform licensee voters on why voting is important both for the profession, and the people of Ontario.

What is a Bencher?

Benchers are tasked with governing the legal profession in the public interest. A Bencher is an elected or appointed member of the Board of Directors for the Law Society. There are 40 lawyers Benchers – 20 inside Toronto, and 20 outside Toronto - along with five elected paralegal Benchers and eight appointed lay Benchers. There are eight regional seats to ensure geographic representation, with the balance of Benchers elected based on overall votes.

What we do we do?

We are the governing body for the legal profession. The Law Society’s authority to license and regulate lawyers and paralegals in the public interest is granted by the Ontario government through the [Law Society Act](#) and regulations made under the Act. As a self-governing profession, we have been entrusted to govern for the protection of the public. This is a privilege, not a right, and the government has the authority to revoke this privilege should we fail to fulfill our legislative aims.

As per our mandate, we are tasked with ensuring the rules and regulations for the practice of law accord with the aims of public protection. This includes everything from regulation on trust accounts, client identification, and confidentiality; to professional development and competence requirements; to individual and firm audits, discipline proceedings, and penalties up to and including disbarment. Sadly, it is the last items that raises the most attention, and seemingly puts licences at odds with the regulator, which is unfortunate as the LSO has many supports and resources for licensees that are often overlooked.

Why does it matter to you?

If you are a licensee, I would think the answer to this question is simple. Those you elect to put in Convocation are responsible over a four-year term to take steps to amend rules, regulations and guide the LSO in terms of strategic planning and priorities. You should vote because the work of Convocation impacts you, in all aspects of your everyday practice right to the fees you pay.

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However, as lawyers, it is my view we have a duty to think beyond our self-interests, and ourselves and consider the impact of law generally and legal regulation specifically, on the people of Ontario. Our highest responsibility is to act in their best interests of people in all that we do from the initial client meeting, right to those of who sit in Convocation. To that end, in the context of a Bencher election, is the public protected by a Board filled with self interested individuals? Or those with narrow or single issue views? What about those who have never acted for the clients on the front lines or are divorced from the significant challenges faced by those practicing in rural and remote communities across the province? as a voting licensee, these are the types of questions you should be asking of candidates for the items that matter most to you.

Where does that leave us?

In my view, being a Bencher requires significant understanding of legislation, regulation, and board structures. For me, I want a Convocation filled with different voices, from geographically different areas, a myriad of practice areas, and representative of the Ontario community at large in our personal diversity.

In particular, an increase in solicitors in Convocation would be welcome, as there remains a disproportionate number of litigators in Convocation, who often do not understand the nuances of practising in solicitors work, yet are tasked with regulating it.

Ultimately, an effective governing body needs to be reflective of the public it serves. Benchers work to preserve, and build, public confidence in the ability of the profession to govern itself effectively. It is an important role, and I hope you will take the time to involve yourself in the process, whether by running, or by voting.

The next election is in April 2023 - another 4-year term for lawyers and paralegals to govern and guide the profession. I hope you will take a few moments to ask a few key questions of those running for Bencher, and then choose the candidates you believe accord with your view of what Convocation should be addressing in the next term, and what qualities re important to you in the candidates.

Cheryl Siran is an elected Bencher and lawyer practicing in Kenora, Ontario. This is a guest article for FOLA.

