



CRIMINAL LAWYERS' ASSOCIATION
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BY EMAIL ONLY

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

Dear Members of Convocation of the Law Society of Ontario:

Re: Fagan/Brown Motions - February 27, 2020 Convocation

The Criminal Lawyers' Association (CLA) is one of the largest specialty legal organizations in Canada, with more than 1500 members. We are a voice for criminal justice in Ontario. We are often called upon to provide our advice and perspective to all levels of government and the judiciary on issues relating to legislation and the administration of criminal justice.

We write to you on behalf of the Criminal Lawyers' Association to express our concern in relation to the motions brought by Benchers John Fagan and Jared Brown which are scheduled to be heard at the February 27, 2020 sitting of convocation.

It is understood that the ostensible genesis of these motions was an exchange between a member of the Equity Advisory Group (EAG) and a "STOP SOP" Bencher at the conclusion of a talking circle with The Equity & Indigenous Affairs Committee (EIAC), of which the Bencher is not a member. Both the member of the EAG and the Bencher in question have made public their accounts of this exchange. While these accounts vary, there is agreement that the exchange occurred only after the meeting of the committee and concerned the propriety of the Equity Advisory Group providing assistance to the EIAC committee.

The Fagan/Brown motions set to be heard by Convocation seek two primary outcomes:

1. The censure of the member of the EAG for publicly commenting on what had occurred.

2. The immediate exclusion of EAG members from attending EIAC meetings and the striking of a committee to “study” whether EAG or similar groups ought to ever be allowed to attend such meetings in the future.

It is the view of the Criminal Lawyers’ Association that these motions are a transparent effort to exclude racialized and diverse voices from the Equity & Indigenous Affairs Committee and therefore from Law Society policy writ large.

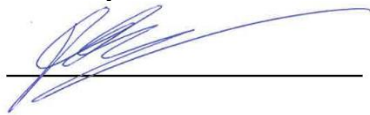
The Criminal Lawyers’ Association has long recognized the importance of addressing issues related to equity, diversity and inclusion (EDI) within the justice system and the legal community. Although there has been progress, discrimination pervades the justice system at every level and affects the clients of our members on a daily basis. Further, there can be no doubt that systemic racism within the legal profession negatively impacts the careers and lives of many of our members. The response to these injustices must be comprehensive and sustained.

The Criminal Lawyers’ Association further recognizes that any effort to counteract discrimination and systemic racism must include ongoing and robust input from diverse voices, especially those from racialized backgrounds. It is a tautology that no governmental or regulatory body can produce just policy without input from stakeholders - in this case, the diverse and valuable voices provided by the Equity Advisory Group.

The Criminal Lawyers’ Association was disturbed and disappointed with the “STOP SOP” slate’s efforts to roll back hard-fought EDI gains with the repeal of the Statement of Principles. Our Association is now extremely alarmed with the Fagan/Brown motions which go further insofar as they are aimed at not just rolling back progress but silencing diverse voices to ensure that no future progress can be made.

It is, therefore, the hope of the Criminal Lawyers’ Association that the Fagan/Brown motions be defeated and condemned in the strongest terms.

Yours truly,



On Behalf of the Executive of
The Criminal Lawyers’ Association