This motion is about good governance and accountability.

As participants in Convocation, we strive for good governance in the public interest.

The committees are the place where full, frank, and sometimes difficult deliberation is supposed to occur in this place.

Good governance in the public interest includes accountability.

We are all accountable. Most of us electorally in Bencher elections. Some to the provincial government. All of us pursuant to the Bencher Code of Conduct.

The staff of this place are accountable to the Law Society as their employer.

All of us to the public interest.

You can imagine my surprise when I found a participant at the EIAC committee broadcasting details of the January meeting on social media.

Like all of you I recognized it as a breach of the sanctity of the committee process, of the rules of this place.

I then learned that certain people are not bound by any of the governance and accountability structures that bind the rest of us.

The Equity Advisory Groups are accorded special status in this place. That's what Equity has come to mean – special status.

They're not elected by the membership. Not answerable to an elected government. Not bound by our policies or the code of conduct.

No fiduciary duties to the public and the membership. No duty of confidentiality. No accountability.

What happens when these groups violate the deliberative process of this place?

Nothing. Nothing happened.

Today you were asked to consider a motion to censure. To express this bodies' disapproval. A statement. The bare minimum. That motion was ruled out of order by the powers that be.

That should give you pause to learn that we do not have the ability to call our own house to order and to demand accountability in respect of the Equity Advisory Groups. They do not have to account for their actions.

Ask yourself. Why are these groups afforded that special privilege? Then ask yourself why have all of the activist law groups moved so quickly to voice condemnation of these motions?

The answer is simple….Equity.

Equity has come to mean special status for some people. They are privileged.

Equity is beyond review, critique, or oversight.

Equity has been elevated to religion in this place.

That is not good governance.

As an example, the last Bench undertook a large scale exercise in governance reform.

Governance experts were retained and opined that Convocation was too big. Too inefficient. Not accountable.

They passed sweeping reforms. The reforms were focused on the participation of ex-officio benchers, emeritus Treasurers. Must take debate and voting rights away from them. Not good governance. No accountability.

Well guess what escaped the sharp eyes of the expansive governance reform process.

The special status called Equity.

Another example.

In August, the Treasurer struck the committees. I think his comments are informative:

“One of the themes coming out of the bencher election is to ask whether we are regulating appropriately, whether we are proportionately regulating licensees and whether the Law Society is operated in support of programs that are appropriate in the public interest from a cost benefit perspective. I say that separate and apart from our equity mandate which have been raised by some.”

The Treasurer than formed a Program Review Task Force to review the programs of the LSO from a cost benefit perspective.

Yet Equity was uniquely spared.

Equity was specifically hived off from review, consideration, or accountability.

Well colleagues, I am of the opinion that the public interest demands that nothing here is sacred.

That good governance as a Regulator, and the public interest, demand that we oversee all aspects of the legal profession.

The Equity Advisory Groups are no different.

There is no justification for any special interest group, unelected, unaccountable, to have status that is not afforded to other groups representing other interests.

Its undemocratic. Its elitist. It is not in the public interest.

If I'm going to be accountable to the public interest for my actions both electorally and to the public under the code of conduct, the Equity Advisory Groups should be no different.

To be clear, I don't care about what was said in a social media post, I care that someone given special status to appear at committee took to social media about our deliberative process while not bound by any of the duties, responsibilities, and accountability that the rest of us have.

At June Convocation, Benchers Falconer, Lewis, and Esquega brought a conduct issue to the floor of Convocation on about 2 hours notice.

I did not hear any howls of outrage then, and yet we have provided 20 days' notice.

The motion before you calls for the following:

1) EIAC is directed to recognize the right of Benchers to attend and participate at EIAC committee meetings;
2) That a committee of Benchers be appointed to study the advisability of according non-benchers the privilege of regular attendance and participation at meetings and other events of the Committees of Convocation;

3) That the committee study the advisability of creating and maintaining a standing group of unelected advisors such as the EAG;
4) And that pending the report of that process EIAC shall conduct its meetings without the regular attendance and participation of unelected persons, except for the purpose of allowing such persons to submit reports requested by EIAC or make submissions to the EIAC, as permitted by the committee.

I ask you to vote for the motion.