The Hamilton Law Association exists to enable its members to become successful, respected and fulfilled in their profession.

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RE: Hamilton Law Association Submission in Response to Access to Justice Committee Call for Comment on Review of Law Society’s Access to Justice Approach

I am writing on behalf of The Hamilton Law Association’s (“HLA”) Board of Trustees and members in response to The Law Society of Ontario’s (“LSO”) Access to Justice Committee’s call for comment paper, dated February 28, 2019. Please accept this submission as general commentary on the call for comment and in response to the questions posed at page 6 of the call for comment.

The HLA considers access to justice as a central and important issue in the legal and broader community in the Central South Region and in Hamilton in particular. That there are “unmet legal needs” in our geographical region is unquestionable. We are well familiar with some of the issues that the call for comment cites, including the rising numbers of self-represented litigants, as is the experience in the Hamilton Unified Family Court, the first Court and location of its kind in Ontario.

The call for comment essentially seeks commentary and constructive criticism of the LSO’s access to justice initiatives. Yet meaningful qualitative and quantitative data are absent from the call paper. While the named initiatives – 1) facilitating access to legal services; 2) promoting accurate and clear legal information for the public; 3) supporting an accessible, fair and effective justice system; and 4) providing assistance to external organizations – are commendable and likely of significant value, it is difficult to engage in a meaningful criticism without concrete data and information about how the LSO is measuring progress. Such information would also facilitate the development and
implementation of “a more concrete access to justice action plan”, one of the LSO’s strategic priorities for 2015-2019.

The HLA suggests that meaningful information could be gained by the LSO in consultation and discussion with local practitioners aware of local issues.

To address the fifth question posed, the HLA engages in many Access to Justice initiatives, including providing public access to the HLA’s library resources and holding public education events. Most recently, we held a “Human Rights 101” and “Residential Tenant Rights” seminar at McMaster University, as a brief example. Additionally, the HLA maintains a comprehensive website with various resources for the public with several links, among others, directing to Legal Aid services in Hamilton, a “Find a Lawyer” directory, and links to other legal support groups such as CLEO, FLIC, and the like.

In respect of whether the LSO should impose a levy on lawyers to “support” additional access to justice initiatives, the HLA does not see any merit in any proposal that seeks to require lawyers to finance access to justice through a levy. This is particularly so given the absence of any data or matrices for measuring data or progress on initiatives to date and also in the absence of particulars of additional or future initiatives, what issues they will specifically target and how success will be measured.

Our understanding is that the LSO provides financial support to Pro Bono Ontario and other organizations, including that which is financed in part by interest from “mixed trust” accounts through the Law Foundation. The LSO’s Access to Justice initiatives should be continued and sustained. Present resources available for initiatives such as these should be protected. Inspection of how resources are positively affecting local access to justice needs in a specific manner should be considered.

Thank you very much for the opportunity to provide feedback in this matter.

Yours truly,

W Patric Mackesy
President

President W Patric Mackesy • Vice-President Mark Giavedoni
Secretary-Treasurer Kanata Cowan • Executive Director Rebecca Bentham
cc. Andrew Spurgeon, Regional Bencher, Central South
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