



March 12, 2024

Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Doug Downey
Ministry of the Attorney General
McMurtry-Scott Building
11th Floor, 720 Bay Street
Toronto, ON M7A 2S9

Via Email (premier@ontario.ca, attorneygeneral@ontario.ca)

Dear Premier Ford and Attorney General Downey:

Re: Invitation to Roundtable Discussion – Federation of Ontario Law Associations

The Federation of Ontario Law Associations (FOLA) represents Ontario's county and district law associations, and through them, their members. County and district law association members are primarily lawyers in sole practice and small firms in communities across Ontario. In effect, most of our membership base are small business-owners. They work at the front-lines of our justice system and see its successes and shortcomings every day.

We write in relation to recent comments from the Premier concerning judicial appointments, the judicial appointments process, and the Judicial Appointments Advisory Committee (JAAC). FOLA is one of the organizations with a representative on the JAAC.

No doubt you are already aware of the concerns from the legal community about the government's public comments on judicial appointments. These concerns have been echoed by several leading legal organizations, as well as from former Chief Justices of the provincial court. Ontarians must have confidence that their matters in court are heard by fair and impartial adjudicators. The merit-based selection and political independence of judges is paramount to the health of our legal and democratic system, to upholding the rule of law, and to maintaining public confidence in the administration of justice.

Compounding these concerns, new information released today by the *Globe and*

*"The Voice of the
Practising Lawyer
in Ontario"*

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Mail indicates that over two-thirds of the government's appointments have been prosecutors or Crown counsel. The optics of this perpetuates the myth that only Crown counsel can faithfully apply the law in criminal cases. This does a disservice to the court and misrepresents the role of legal counsel in our system. It is a significant misperception that Crown prosecutors are inclined towards a "tough on crime" ideology while defence counsel are inclined towards a "soft on crime" ideology.

What we do not know is whether defence counsel are applying for judicial vacancies in the same numbers as prosecutors. Certainly, recent commentary has discouraged many from doing so and has set back the goal of fostering a diverse provincial court bench.

It is on this basis that FOLA wishes to extend an invitation for you both to attend a roundtable with representatives of leading legal organizations, on a date and time of your choosing in the coming weeks, to discuss some of these issues.

We would like to do this to provide you with this opportunity to hear directly from representatives of the bar about the appointments process, diversity on the bench, and the work of defence counsel. By the same token, we hope that this will provide a useful forum for the government to share its priorities and clarify some of its objectives. We trust that you share the goal of fostering a diverse slate of merit-based judicial applicants to fill future vacancies and that the participants in our roundtable can provide helpful insights.

Our proposed participants would include FOLA, some representatives of our member county and district associations, and a representative from each of 14 other provincial associations: the Women's Law Association of Ontario, Women in Canadian Criminal Defence, the Roundtable for Diversity Associations, the South Asian Bar Association, the Law and Mental Disorder Association, L'Association des juristes d'expression française de l'Ontario, the Family Lawyers' Association, the Canadian Association of Black Lawyers, the Canadian Hispanic Bar Association, the Canadian Muslim Lawyers' Association, the Filipino Canadian Lawyers Network, the Canadian Association of Lawyers with Disabilities, and the Federation of Asian Canadian Lawyers.

We hope to facilitate this meeting at a location in downtown Toronto. Please contact me or Ian Hu, our Director of Policy and Advocacy (ian.hu@fola.ca), to coordinate. We are happy to discuss the format or to fix an agenda to make this a productive and useful consultation and engagement opportunity for your

government.

We appreciate the hard work of the Attorney General to modernize our court system and his office's effort to be responsive to the concerns of the legal community. We look forward to continuing that productive relationship as part of this conversation.

Sincerely,

A handwritten signature in black ink that reads "Douglas W. Judson". The signature is written in a cursive, flowing style.

Douglas W. Judson
Chair

