



April 22, 2025

The Honourable Douglas Downey  
The Attorney General of Ontario

*Via Email (doug.downey@ontario.ca)*

Dear Mr. Downey:

**Re: Request for Extension – Civil Rules Review Phase Two Consultation**

I write in relation to the Civil Rules Review Phase Two Consultation Paper, released on April 1, 2025. The Civil Rules Review Working Group invited submissions on the drastic and sweeping proposed changes articulated in the Phase Two Consultation Paper, and imposed a deadline for feedback by June 16, 2025.

As you know, FOLA represents Ontario's 46 county and district law associations, and through them, their 12,000 lawyer members. We are the voice of the practicing lawyer in Ontario, including thousands of our members who practice civil litigation.

The proposed changes to the Civil Rules will have a direct impact on lawyers practicing civil litigation, as well as everyday Ontarians seeking access justice throughout the province. The proposed abolition of Examinations for Discovery, as well as the front-loading of obligations – and front-loading of associated costs - on represented and self-represented litigants alike, will make the civil justice system in Ontario less attainable, more expensive and increase the strain on judicial resources, ultimately harming the people of Ontario, including rural communities. There will be more trials and less negotiated settlement under these proposed changes. Civil justice in this province will become more difficult to practice for lawyers, and less accessible for Ontarians.

FOLA acknowledges there are problems with the current system of civil justice in Ontario, and that impactful reform is needed. In inviting submissions in response to the Civil Rules Review Phase Two Consultation Paper, the Civil Rules Review Working Group specifically indicated that “identifying problems with the proposals is most helpful if paired with proposed solutions”. The Civil Rules Review committee has been afforded **sixteen (16) months** to draft their proposed system of reform to the Civil Rules; yet the committee has provided FOLA and other groups **less than 75 days** to review the sweeping proposals, engage membership and provide a written and substantive response. The timeline provided for response makes meaningful member consultation challenging, as FOLA intends to engage

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their members throughout Ontario to ensure a province-wide vision for change is considered and proposed.

We all share the common goal of improving the civil justice system in Ontario, including improving efficiency and increasing access to justice for the people of Ontario and our rural communities. FOLA has started engaging their 46 member associations in earnest. However, providing province-wide views and perspectives should not be rushed into the 75-day timeline provided.

In addition to a request for an extension on the timelines to provide a response to the Civil Rules Review Phase Two Consultation, **we would also kindly request your availability for an urgent in-person meeting** to discuss the Civil Rules Review process. As we have previously expressed at the outset of the establishment of the Civil Rules Review process that we have serious concerns about the composition of the Civil Rules Review Working Group. The sweeping and drastic nature of the proposed changes by the Civil Rules Review Working Group, which reflect its Bay Street constituents, will have an immeasurably negative impact on lawyers practicing civil litigation all throughout Ontario, and importantly everyday Ontarians and rural communities seeking access to justice. An immediate and urgent in-person meeting to discuss this process would be appreciated.

We are all working towards the common goal of improving Ontario's civil justice system, and we look forward to engaging in a productive discussion on how we might actually achieve that end. I look forward to your response to the above requests.

Sincerely,

*Allen Wynperle*

Allen Wynperle, Chair

cc.

The Honourable R. Cary Boswell

Allison Spiegel