



Kent Law Association
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June 10, 2025

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

Executive Legal Officer and Secretary
Civil Rules Committee
Court of Appeal for Ontario
130 Queen Street West
Toronto, ON M5H 2N5
CRC.Secretary@ontario.ca

Mr. Trevor Jones, MPP Chatham-Kent-Leamington
111 Heritage Road, Suite 100
Chatham, ON N7M 5W7

Mr. Steve Pinsonneault, MPP Lambton-Kent-Middlesex
14-60 McNaughton Avenue
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Mr. Anthony Leardi, MPP Essex
310 Thomas Road
Amherstburg, ON N9V 2Y9
anthony.leardi@pc.ola.org

Re: Civil Rules of Procedure Reform

Greetings:

I write in my capacity as the incoming President of the Kent Law Association. The Association has discussed at its Annual General Meeting the subject of the proposed rule changes.

The Association expresses a concern, at least initially, more about the process than the result. As many others I expect have advised you, the consultation period is too brief and too limited.



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In fact, from personal experience, even one of the consultation sessions by Zoom was inaccessible to many prospective attendees, myself included.

The Kent Law Association had its Annual General Meeting on June 04, 2025 and unanimously has supported a Resolution of the Federation of Ontario Law Associations (FOLA) dated May 16, 2025. A copy of that Resolution is enclosed.

Personally, I became aware nearly two years ago that there were major reforms in the Civil Rules in process. Despite that, I neither seen nor heard of any discussion papers, proposals, trial balloons or anything else until the report was presented with an abbreviated consultation process. In my personal opinion, it gives the appearance of a preordained result.

The Kent Law Association requests, as has FOLA, that this matter be considered on a more realistic time frame, with a willingness to consider differing opinions.

I trust that the foregoing will be taken into consideration.

Yours truly,

PAUL COUREY

cc. Kent Law Association members; and

Federation of Ontario Law Associations
Attn: Kelly Lovell
kelly.lovell@fola.ca

Federation of Ontario Law Associations
Attn: Ian Hu, Director of Policy & Advocacy
ian.hu@fola.ca

FEDERATION OF ONTARIO LAW ASSOCIATIONS

RESOLUTION OF THE MEMBERS – MAY 16, 2025

WHEREAS the Federation of Ontario Law Associations (FOLA) acknowledges that change is needed to improve and modernize Ontario's civil litigation processes in order to improve affordability and access to justice;

AND WHEREAS the Attorney General of Ontario has launched a process to reform the *Rules of Civil Procedure*;

AND WHEREAS the working group appointed to drive this reform process and recommend changes is Toronto-centric and commercial litigation-focused, and is not representative of the diversity of civil litigation practice or regional needs and concerns;

AND WHEREAS the working group's Phase II consultation paper has not provided sufficient opportunity for meaningful feedback;

AND WHEREAS the working group has consistently stated that their recommendations are not based on data;

AND WHEREAS it is unclear how the working group's Phase II recommendations relate to the Phase I consultation responses from the legal community;

AND WHEREAS the membership of FOLA predominantly consists of front-line legal service providers who serve individuals and small businesses in communities across all counties and districts of Ontario;

AND WHEREAS FOLA's membership is deeply concerned that the Phase II recommendations will have serious negative impacts on access to justice and the affordability of legal services for lower and middle-class Ontarians, and small and medium sized businesses;

AND WHEREAS the FOLA membership has material concerns that the proposals of the working group will:

- (i) dramatically escalate front-end litigation costs which create barriers to accessing the justice system,
- (ii) undermine the policy goal of promoting settlement,
- (iii) put increased pressure on limited judicial resources by removing the availability of meaningful discovery, and
- (iv) create unique obstacles for personal injury litigants;

NOW THEREFORE, the membership of FOLA resolves as follows:

1. We call on the Attorney General of Ontario to change the composition of the working group to make it more representative of the diversity of civil litigation practice, Ontario's regions, including rural practices, and Ontario's official languages;
2. We call on the Attorney General of Ontario to take meaningful steps to improve confidence that the consultation process is legitimately listening to concerns and that feedback is being incorporated from across the civil litigation bar, from all regions of Ontario;
3. We call on the working group to base its recommendations on actual court and practice data as part of a proper policy development process, rather than relying on the anecdotal views of select Toronto-area counsel; and
4. We direct that a copy of this resolution be sent to the Attorney General of Ontario, the presidents of the county and district law associations, the Ontario Bar Association, The Advocates' Society, the Law Society of Ontario and its benchers, and the Ontario Trial Lawyers' Association, and that a copy be made publicly available.

Moved by: Douglas Judson, President
Rainy River District Law Association

Seconded by: Katie Black, President
County of Carleton Law Association

CARRIED