



August 28, 2026

Law Society of Ontario
130 Queen Street West
Toronto, ON M5H 2N5

Via Email (PolicyConsultation@LSO.ca)

Dear Futures Committee:

Re: Response to Consultation on the Access to Innovation Program

The Federation of Ontario Law Associations [**“FOLA”**] is pleased to provide this response to the Law Society of Ontario [**“LSO”**] consultation process relating to the **Access to Innovation Program** [**“A2I”**] report entitled *Next Steps for the Access to Innovation Program* [**“Report”**].

Introduction

FOLA represents Ontario’s 46 county and district law associations, and through them, their members. Our association is the only provincial legal organization representing LSO licensees at the front-lines of legal services in communities in all parts of the province. Consequently, this submission carries the weight of a significant cross-section of licensees.

FOLA supports extending the A2I pilot for an additional five-year period. We support extension because doing so promotes:

- (i) the legislated function and principals set out in the *Law Society Act* [**“LSA”**];
- (ii) protection of the public;
- (iii) access to justice;
- (iv) lawyer self-regulation; and
- (v) best practices among innovative legal technology services [**“ITLS”**];

Extending A2I will:

- (i) allow an opportunity to implement and expand the practices and oversight developed during the first term of the pilot;
- (ii) allow LSO to continue to participate in, observe, monitor, learn from and influence this rapidly changing and expanding frontier of legal services; and
- (iii) allow A2I to provide guidance and recommendations to the LSO regarding the logistics and timing for a formal licensing process for ITLS.

In our view, cessation of A2I without replacement would be an abdication of the LSOs legislated responsibility and would create a vacuum of authority. We set out the reasons for our position below and close by suggesting that an increased mandate may be desirable for A2I in order for this specialized group to report and give guidance to the LSO on feasibility and timeline for implementing a licensing regime for ITLS in the future.

*“The Voice of the
Practising Lawyer
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Function and Principles

The A2I “regulatory sandbox” is described in the Report as “a policy tool that regulators employ to engage with innovative service providers that do not fit well within the existing regulatory framework.” FOLA believes that since the LSO is the sole entity empowered to regulate the legal profession and the provision of legal services in the province of Ontario, it is imperative that the LSO maintain its authority over all purveyors of those services, whether a natural, artificial, or corporate person. Convocation identified this importance at the establishment of the A2I pilot program, when they stated that:

“an ‘Uber moment’ is arriving in the legal sector as it has in other sectors and industries when innovative technologies transform markets and consumer choices. Inaction on the Law Society’s part would risk allowing ITLS providers to proliferate in Ontario outside of an effective regulatory scheme.” - Technology Task Force Report to Convocation, April 2021, p.4.

It is FOLA’s position that A2I should continue as the conduit between the LSO and ITLS, but that it be given a broader mandate to also explore the future formal licensing of ITLS to ensure that all purveyors and facilitators of legal services in Ontario (particularly those accessible by the public) are licensed, that all are subject to the same regulator and that all pay their fair share to be so. Our position is supported by the functions and principles set out in the LSA, which states:

Section 4.1:

*It is a **function** of the Society to ensure that,*

- a) all persons who practise law in Ontario or provide legal services in Ontario meet standards of learning, professional competence and professional conduct that are appropriate for the legal services they provide; and*
- b) the standards of learning, professional competence and professional conduct for the provision of a particular legal service in a particular area of law apply equally to persons who practise law in Ontario and persons who provide legal services in Ontario.*

and

Section 4.2:

*In carrying out its functions, duties and powers under this Act, **the Society shall have regard to the following principles:***

- 1. The Society has a duty to maintain and advance the cause of justice and the rule of law.*
- 2. The Society has a duty to act so as to facilitate access to justice for the people of Ontario.*
- 3. The Society has a duty to protect the public interest.*
- 4. The Society has a duty to act in a timely, open and efficient manner.*
- 5. Standards of learning, professional competence and professional conduct for licensees and restrictions on who may provide particular legal services should be proportionate to the significance of the regulatory objectives sought to be realized.*

FOLA believes that sections 4.1 and 4.2 require the LSO to maintain oversight of ITLS and for the LSO to participate as much as possible in the continued evolution of ITLS. Technologies that were barely contemplated at the inception of this pilot are appearing or have already

appeared as commercially viable products that are actively being used by both practitioners and the public at large beyond simply providing legal information.

However, A2I is a voluntary program and only those who wish to be admitted are subject to LSO oversight. FOLA understands that this was necessary at the initial stage of the pilot, but as ever increasingly opaque yet sophisticated technological abilities are offered to the public, sometimes imbedded in what could be regarded as conventional software, there needs to be value in LSO participation, and a deterrent for doing otherwise. FOLA takes the position that the continued A2I should explore a shift from voluntary participation to setting a timeframe and process for ITLS to be licensed the same as natural persons providing legal services.

Allowing ITLS entities to provide legal services without mandatory involvement of the LSO is dangerous. As higher volumes of legal services are provided by ITLS, the percentage of legal services provided by licensees decreases. A two-tiered service landscape could arise where licensees are subject to rules and regulations that corporate providers performing similar tasks are not. This then threatens our established privilege of self-regulation, where only those volunteering to be governed, are so governed. As most observers anticipate the proliferation of ITLS to increase, FOLA is concerned that by not establishing mandatory licensing for ITLS, LSO's influence and authority will diminish over time, to the detriment of licensees and the public at large.

Conclusion

- **FOLA supports the extension of A2I for a further 5-year term.**
- **FOLA also supports an increased mandate for the A2I program, whereby they are tasked with the exercise of applying the experience and knowledge gained in the first term of the pilot to explore and develop a framework to implement a mandatory licensing process for ITLS.**

Sincerely,

Jennifer S. Rooke

Jennifer S. Rooke
Chair