



The Advocates' Society

La Société des plaideurs

July 17, 2023

VIA EMAIL: kathryn.feldman@oca-cao.ca

The Honourable Kathryn N. Feldman
Justice of the Court of Appeal for Ontario &
Chair of the Civil Rules Committee
130 Queen Street West
Toronto, Ontario M5H 2N5

Dear Justice Feldman:

Thank you for joining The Advocates' Society at our 2023 End of Term Dinner on June 22, 2023, and for your letter dated June 26, 2023. We sincerely appreciate your outreach on the important issue of delay in Ontario's civil courts, which concerns all stakeholders in the justice system so deeply.

To that end, we write to advise that The Advocates' Society recently published a national call to action on delay entitled [Delay No Longer. The Time to Act Is Now](#). In this report, The Advocates' Society calls on the federal, provincial and territorial governments to urgently dedicate additional resources to the civil and family justice system, and calls on all stakeholders in the justice system, including governments, the courts, the bar and the public, to take immediate and concerted action to solve the endemic delays plaguing the delivery of civil and family justice across Canada. (The call to action is attached to this letter for your reference. Please note a French translation is forthcoming.)

We are conveying this call to action to Chief Justice Tulloch and Associate Chief Justice Fairburn as well, but wanted to ensure you received a copy promptly in your capacity as Chair of the Ontario Civil Rules Committee.

The call to action starts with a reminder to stakeholders as to why the civil justice system matters to every Canadian individual, family, and business, as well as to our society at large. While perhaps obvious to those of us who work within the civil justice system every day, The Advocates' Society believes a reminder is necessary because – despite the severity of the current situation – the civil justice crisis has not to date received the attention it deserves from the media, the public, or policymakers, a state of affairs we hope is changing with the publication of The Advocates' Society's call to action.¹ The call to action then sets out the scope and impact of delays in the resolution of civil and family matters before the courts. In addition to the impact on individual litigants and their access to justice, we describe how delay negatively affects the rule of law, the conduct of litigation, and public confidence in the justice system, potentially leading to privatization.

The call to action concludes with a non-exhaustive list of ideas for stakeholders to explore in resolving the problem of delay. In addition to the call for more resources to be devoted to the justice system and for new judges to be appointed more promptly, The Advocates' Society's recommendations include:

¹ We are heartened to see that the call to action has attracted the attention of some members of the press: see e.g. CBC News, "[Canada's backlogged civil and family courts in 'crisis,' according to lawyers group](#)" (July 10, 2023).

- Collecting and analyzing data in order to measure delay and target necessary remedies appropriately;
- Redistributing resources with the use of technology; and
- Reviewing and revising procedural rules that can pose roadblocks to speedy justice.

In regards to this last recommendation, we will consider whether there are any proposals to be made to the Civil Rules Committee.

We understand that support and cooperation from the federal and provincial governments will be necessary to address the problem of delay in the civil justice system. The Advocates' Society is writing to the federal and provincial government of Ontario under separate cover.

The Advocates' Society looks forward to working with other stakeholders to facilitate meaningful change on the issue of delay in civil and family justice.

Yours sincerely,



Dominique T. Hussey
President

Attachments:

1. The Advocates' Society, *Delay No Longer. The Time to Act Is Now.* (June 29, 2023)

CC: Vicki White, Chief Executive Officer, The Advocates' Society