



February 12, 2014

Mr. Larry Banack
Commissioner
Case Management Masters Remuneration Commission
330 Bay Street, Suite 900
Toronto, Ontario
M5T 2T4

Dear Mr. Banack:

Thank you for your letter of October 25, 2013, and for the opportunity to comment on the adequacy of remuneration for Case Management Masters.

As the largest voluntary legal organization in the province, the Ontario Bar Association (“OBA”) represents more than 16,000 lawyers, judges, law professors and students in Ontario. Among other things, the OBA’s mandate includes improving the administration of justice and improving and promoting access to justice. OBA members practice on the frontlines of our justice system in virtually every area of law, in every practice type, and in every part of the province. OBA members represent both sides of disputes in the widest range of civil litigation and family law matters.

The OBA is pleased that a Commission has been created to inquire into the adequacy of Case Management Masters’ remuneration. An independent process for remuneration of judicial officials has been recognized as one of the hallmarks of judicial independence. We would suggest that parity in remuneration between judicial officers exercising the same functions is another such indicator.

In the past, the OBA has advocated for parity in remuneration for judicial officers exercising the same function. In particular, we have supported the position of Case Management Masters that they should have parity with traditional Masters. In May of 2008, the OBA Executive Committee passed a resolution calling for an end to the disparity between traditional Masters and Case Management Masters in relation to benefits, remuneration, and pensions.

Case Management Masters play a critical role in the administration of civil justice at the Superior Court. Case Management Masters exercise the all same powers as traditional Masters, and in fact have a broader jurisdiction under Rules 76 and 77 of the *Rules of Civil Procedure*. Case Management Masters consequently have an important adjudicative and procedural role that directly affects the outcome of complex civil and family matters.

The OBA continues to support the Case Management Masters in their efforts to secure parity with traditional Masters. As the Honourable Coulter Osborne Q.C. noted in his Summary of Findings &

Recommendations of the Civil Justice Reform Project, there is no useful purpose served in maintaining the distinction, and we believe it should be eliminated.

Once again, we appreciate the opportunity to provide input on this important matter and hope this assists the Commission's work.

Sincerely,

A handwritten signature in black ink that reads "Pascale Daigneault". The signature is written in a cursive style with a prominent flourish at the end.

Pascale Daigneault
President, Ontario Bar Association