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L'ASSOCIATION DU  
BARREAU DE L'ONTARIO  
Une division de l'Association  
du Barreau canadien

June 15, 2020

The Honourable Doug Downey  
Attorney General of Ontario  
Ministry of the Attorney General  
11th Floor  
720 Bay St.  
Toronto, ON M7A 2S9  
c/o amanda.iarusso@ontario.ca

Dear Minister Downey,

Thank you for your letter of June 5, 2020 seeking input on a potential amendment to the *Courts of Justice Act* regarding the availability of civil juries.

The OBA is a strong supporter of innovation and modernization of our court system in order to improve access to justice both during the pandemic and to create a sustainable future that works better for the courts, lawyers and the public we serve. Our guiding principle for modernization efforts has always been to improve processes and make recommendations that achieve efficiencies without compromising access to justice and fair outcomes. This is the approach we have taken in considering your proposals as set out in your letter. The Ontario Bar is divided right now over whether the elimination of civil jury trials is consistent with that principle. It will take some time to get the right answer on this issue – one that ensures public confidence in the administration of justice. We need to consider the advantages and disadvantages of civil juries in a way that focusses on the fairness of outcomes rather than the desirability of specific parties to reach a particular outcome.

With our technological support of the Courts and recommendations for modernization, we have tried to make it possible to make decisions about justice innovation the way they have always been made – based on what will yield accurate and fair results and ensure public confidence. Ontario lawyers are supportive of the government taking important steps to eliminate unnecessary procedures that do not contribute to achieving justice, but that add to the cost and logistical difficulties of law practice both in normal circumstances and currently while in-court matters are suspended.

Kindest Regards,

Colin Stevenson  
President, Ontario Bar Association