

January 25, 2022

Civil Bench and Bar Committee
Superior Court of Justice
361 University Avenue
Toronto, ON M5G 1T3

Attention: Justices Darla Wilson and Fred Myers

Via email: darla.wilson@scj-csj.ca; fred.myers@scj-csj.ca

Dear Justices Wilson and Myers:

RE: Toronto Civil Team Proposed Motion Scheduling Process – Request for Comments

I am writing to you on behalf of the Toronto Lawyers Association (“TLA”). The TLA is the voice of its 3,700 members who practice law in all disciplines across the Greater Toronto Area.

We understand that the Civil Bench and Bar Committee (the “Committee”) is currently considering the increased use of case management and summary processes to address the growing backlogs in cases before the Court. The ongoing COVID-19 pandemic has resulted in significant strain on the judicial system and we support your efforts to address the backlogs that have resulted from these extraordinary circumstances.

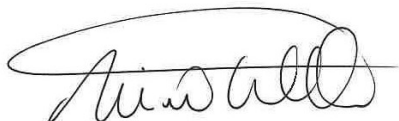
We have reviewed your October 27, 2021 memo to the Committee and we have carefully considered the purposes of your proposal as set out on page 3 of your memo. The TLA fully supports your proposal to change the way the Court schedules and conducts case conferences. We agree that expanding the use of case conferences and making changes to the way in which they are scheduled will result in greater efficiencies on the Court’s part. We also agree that implementing the proposed changes will result in greater access to justice, while leaving in place the judicial processes that provide litigants the opportunity for their motions to be decided by the Court by way of formal hearings, whether in writing or at an oral hearing. In that regard, we suggest that notice to the bar by way of updated or new practice directions should also provide that substantive matters should not be determined at a case conference where a party seeks a judicial determination on a full record by way of motion.

We understand you have proposed that these changes be implemented by way of amendments to the *Consolidated Practice Direction for Civil Actions, Applications, Motions and Procedural*

Matters in the Toronto Region. Should you require our assistance, we would be pleased to review any draft amendments to the Practice Direction.

Thank you for considering these comments. Our Advocacy Committee would be pleased to discuss these comments at your convenience, should you find additional consultation beneficial.

Yours very truly,

A handwritten signature in black ink, appearing to read "Michael J. White". The signature is fluid and cursive, with a large loop at the beginning and several smaller loops and flourishes at the end.

Michael J. White
President
Toronto Lawyers Association