

March 1, 2021

Treasurer Teresa Donnelly
Law Society of Ontario
Osgoode Hall, 130 Queen Street East
Toronto, ON
M5H 2N6

Via email: treasurer@lso.ca

Dear Treasurer Donnelly,

Re: Data Collection for consideration of the Family Legal Service Provider ("FLSP")

As you know, the Toronto Lawyers Association has actively participated in the LSO consultation on the FLSP proposal circulated for comment by the Family Law Working Group of the LSO's Access to Justice Committee. One of our concerns about the proposal has been the absence of evidence that FLSPs could provide legal services at lower cost than family lawyers. As you may know, we partnered with The Advocates' Society by circulating a survey amongst our members to assist in gathering data about family law practice as part of our response to the consultation.

The LSO has recently circulated a survey of its own. The TLA is concerned that the LSO survey will not produce data that accurately reflects costs arising from the provision of family legal services. The reason for this is that the options available to answer the questions about pro bono work and billing practices are too rigid and do not allow for more accurate responses.

The TLA is particularly concerned about the question on family lawyers' business expenses. The question identifies a small number of such expenses, far fewer than any functioning business would incur. The question has an "other" box to select but it is unclear that for this kind of survey those responding will take the time or even realize the option to comprehensively identify their business expenses. Further, there is no effort to find out how much these expenses are in total, what margin family law practices have, nor their actual incomes net of business expenses. This is a missed opportunity and may result in the data collected not being reflective of the realities of practice.

While we appreciate the LSO's effort to obtain more data to inform the FLSP debate, we strongly caution against reliance on the data obtained from this survey as it may be skewed. We do encourage a deeper analysis of the business realities of family law practice, which is an important consideration in the FLSP debate. If we can assist in that inquiry or in a further discussion of the issue, we would be pleased to do so.

Yours very truly,



Brett Harrison
President
Toronto Lawyers Association

cc: Sarah Boulby, TLA Family & Estates Committee Chair