



January 19, 2023

The Honourable Michael S. Kerzner, MPP
Solicitor General of Ontario
Ministry of the Solicitor General
25 Grosvenor Street
Toronto, ON M7A 1Y6

Via Email (Michael.Kerzner@pc.ola.org)

*"The Voice of the
Practising Lawyer
in Ontario"*

731 9th Street West,
Owen Sound, ON
N4K 3P5

(519) 270-4001

www.fola.ca

Dear Minister Kerzner:

Re: Amendments to the *Police Services Act*

We understand that your office is presently consulting on proposed amendments to the *Police Services Act* ["**Act**"]. We would like to draw your attention to one longstanding issue in the *Act* that ought to be addressed as part of your reforms.

The Federation of Ontario Law Associations represents the associations and members of the 46 county and district law associations across Ontario. Most of these lawyers are in private practice in small and medium-size firms across the province. They are on the front lines of the justice system and see its triumphs and shortcomings every day.

Many of our members practice in criminal defence. They continue to be slighted by the current wording of section 27(13) of the *Act*, which prohibits criminal defence lawyers from serving on a police services board. The statutory language is vague, unhelpful, and imprecise. Lawyers in Ontario hold a common license and there is a wide range of practice types and mixes. Criminal defence work may come up incidental to another matter. The section fails to specify whether it extends to retired or former lawyers, or only to lawyers who practice in the jurisdiction of the police services board in question.

Of further concern, the current framing of this section of the *Act* singles out the defence bar as though prosecutors would not give rise to similar issues on a police services board. Frankly, the section stands out to us as another way that the administration of justice is stilted in favour of the state and stigmatizes accused persons and their advocates, who are an essential component of the administration of justice. Defence lawyers, however defined, can offer a wealth of expertise and insight to these bodies, and are capable of managing their conflicts in the same manner as Crown counsel and Crown agents (who we assume are bound by policies in respect of their involvement on public boards).

We suggest that this section be amended to apply to all active licensees of a provincial law society who practice primarily in criminal law, or that it be removed from the legislation altogether.

We trust that this input is helpful as you consider your suite of amendments to modernize the governance of police services for Ontarians.

Sincerely,

A handwritten signature in black ink that reads "Douglas W. Judson". The signature is written in a cursive, flowing style.

Douglas W. Judson
Chair

C. Terry Brandon, Legal Aid Chair

