



February 3, 2023

The Honourable Peter Bethlenfalvy  
Minister of Finance  
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Toronto, ON M7A 1Y7

Via Email ([minister.fin@ontario.ca](mailto:minister.fin@ontario.ca))

*"The Voice of the  
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[www.fola.ca](http://www.fola.ca)

Dear Minister Bethlenfalvy:

**Re: Budget Consultations 2023**

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We write in respect of your consultation for Ontario's 2023 budget.

The Federation of Ontario Law Associations (FOLA) 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.

The justice sector is often overlooked in the budget process, and we would like to draw your attention to two priority areas for all Ontarians: Legal Aid funding and court modernization.

### **1. Legal Aid Funding**

Access to legal aid is an access to justice issue. The province's financial commitment to Legal Aid Ontario ["**LAO**"] should be increased from \$350M to \$480M annually to support desperately needed investments in Legal Aid services provided by empanelled lawyers in private practice. This level of funding would bring the government's commitment to Legal Aid back to the levels in the 2014 budget.

Legal Aid programs support the effective functioning of the justice system by upholding our nation's commitment to fairness and the rule of law. The public needs access to high quality Legal Aid services to ensure there is access to justice for Ontario's most vulnerable citizens. Additionally, studies on the value of Legal Aid demonstrate that investment in the system avoids downstream costs, not just in the justice system, but to the government more broadly. In many cases, the rate of return on investment in justice services and programs is between \$9 and \$16 for every dollar that is spent. Unfortunately, budget shortfalls at LAO continue to challenge the sustainability of Legal Aid services.

We urge the province to make investments to increase the threshold for Legal Aid eligibility, to increase the tariff rates for lawyers so that there continues to be choice of counsel across the province. We also encourage investment IT infrastructure in jails and detention centres to allow for more virtual attendances and meetings. This would, in turn, reduce some Legal Aid spending and other spending in the criminal justice system to support these necessary increases in the LAO budget.

We encourage the province and LAO to make substantial improvements in its data collection in respect of criminal matters and LAO certificates so that policy decisions can be made and adapted to meet the needs of those in the system and the advocates who provide representation to accused persons.

Without these necessary investments, we remain very concerned that Ontario's once-feted Legal Aid system will continue to decline, and fewer lawyers will be able to do this important work. These consequences undermine the fairness and public confidence of our justice system as a whole.

## 2. Court Modernization

The COVID-19 pandemic was a catalyst for long overdue modernization in Ontario's courts, and we commend the Attorney General for his leadership for these achievements. The bar welcomes advancements and modernization initiatives such as electronic filing, online payment, electronic document sharing and storage, and effective use of video conferencing for court sittings.

FOLA encourages the province to continue on this path and work towards greater integration of these systems and steps that will reduce the workload on court staff, billable time charged to court users, and improve the transparency of materials in public court filings and access to court sittings. Obviously, this progress will be stunted without further investments in the Ministry of the Attorney General to implement the necessary systems and technology platforms.

We are of the view that the province-wide staffing challenges in the Court Services Division of the Ministry of the Attorney General can also be allayed through end-to-end online filing, service, scheduling, and document sharing platforms, greater centralization of some Court Services functions (estates, garnishment, etc.), and the standardization of courtroom technological infrastructure to allow various participants to attend remotely.

We encourage the province to look at similar initiatives and off-the-shelf solutions from other jurisdictions, including the recent Massachusetts judicial information technology bond bill, available at <https://malegislature.gov/Bills/192/H1520>.

FOLA understands that there are always competing priorities in the budget process. We remain available to discuss court modernization needs and priorities with the province.

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We trust that this input is helpful as you consider your suite of amendments to modernize the governance of police services for Ontarians and FOLA would be please to address the 2023 Budget and justice issues further with you and your staff.

Sincerely,



Douglas W. Judson  
Chair

C. FOLA Board, *Via Email (various)*