

Stakeholder collaboration vital for access to justice: FOLA

By AdvocateDaily.com Staff

All stakeholders must chip in if access to justice is to improve in Ontario, says [William Woodward](#), vice-chair of the [Federation of Ontario Law Associations \(FOLA\)](#).

Woodward, managing partner with the London, Ont. law firm [Dyer Brown LLP](#), was one of the authors of FOLA's [response](#) to the Law Society of Ontario's (LSO) call for comment on the performance of its legislatively mandated duty to facilitate access to justice.

"Access to justice is one of those initiatives that never goes away, but I don't think we can rely on the LSO alone to cure all the problems," he tells AdvocateDaily.com. "It needs more of a global effort from both levels of government, representatives of the legal profession and all of the other stakeholders in the justice system."

Woodward says the LSO's consultation was particularly urgent and timely in the wake of the provincial government's recent [cuts](#) to legal aid. And despite the law society's creative and helpful efforts on the access-to-justice front, he says there remains room for improvement.

For example, Woodward and the FOLA executive would like to see the regulator opening its mind to initiatives in other jurisdictions, including south of the border.

The law society is a member of the U.S.-based National Council of Bar Presidents (NCBP), but the FOLA submission notes that its representatives only rarely encounter LSO delegates at the NCBP's twice-yearly meetings to share approaches to issues, including access to justice.

"There is a perception that the U.S. is a more litigious society, but most of their lawsuits are done within a year. Why are they able to process claims so much faster than us, when they're dealing with similar issues?" Woodward says.

FOLA's submission also recommended a number of improvements to the LSO's Lawyer Referral Service, expressing dissatisfaction of the regulator's website giving it much less prominence than to the LSO complaint process.

Anecdotal evidence suggested members of the public were discouraged by the amount of information the LSO requires them to provide before it would make a referral, according to FOLA, which says that only a fraction of the 45,000 referrals made every year actually end up in retainers.

“FOIA is therefore of the view that the Lawyer Referral Service can be enhanced by way of making it more easily accessible and user-friendly,” the submission reads.

“If more lawyers can provide basic information about whether they have a claim or not, we can get more cases diverted or dealt with before they escalate into protracted litigation,” Woodward adds.

He says the LSO should also continue to cultivate its leadership role in the province, by bringing together stakeholders for strategic planning sessions to promote access to justice initiatives, such as improving the use of technology to boost service in rural areas and pushing for more judicial resources.

“Many of these ideas cross jurisdictional lines, and there really needs to be a little more dialogue between all the parties involved,” Woodward says. “Thankfully, some of that discussion is starting to occur, and hopefully, it will continue so that we can start making more positive steps.”