



June 3, 2020

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Dear SCJ Civil Litigation Working Group c/o Regional Senior Justices Firestone and MacLeod:

Further to my letter of May 29, 2020 we completed a preliminary review of the Report of Justice Myers and Mr. Cavanagh and sought input from our members as instructed. We received an overwhelming response from our members from across the province.

In general terms, the input we have received is supportive of the modernization process which is being somewhat imposed upon us as a result of the COVID-19 pandemic. We have attached a chart for easy reference with our commentary regarding the Rule amendments.

You will note that in a number of instances, we have suggested that further discussion is required. We have received feedback and share the view that the broader impact of some of the systemic changes must be carefully considered. While we appreciate the need for implementing virtual hearings during the current health crisis, we have concerns that a centralized system where nearly all steps can be completed without any personal attendance has the potential to eliminate any geographical connection to the conduct of litigation. The responses we have received indicate that such changes may impact the viability of local practitioners serving their communities as well as the relationship between the bench and bar within a region.

As we have previously indicated, we believe that the broader ideas and commentary contained in the Report that go beyond amendments to the Rules needed to implement e-filing and virtual hearings, require a greater degree of consideration given the potential impact of those changes on the civil justice system as a whole.

FOLA would be pleased to engage in further dialogue and provide more comprehensive submissions on the larger systemic issues. We thank you for your consideration of our attached comments and look forward to continue working with you to address these important issues.

Yours truly,

William G. Woodward
FOLA Chair