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“Justice Accelerated”: Ontario AG Doug Downey Reflects on Rapid Modernization in Response to COVID-19

As we near nine months since the emergence of COVID-19 in Ontario, The Honourable Doug Downey, Attorney General for Ontario, recently reflected on the pace of change that resulted within the legal system.

The Empire Club of Canada hosted Downey on December 3, 2020, for a (virtual) conversation with Vivene Salmon, Past President of the Canadian Bar Association for 2019-2020. The topic for discussion: how breakthroughs in moving legal services online during COVID-19 have reset Ontarians’ expectations for how justice can be done.

Speaking to an audience that included many who were not lawyers, Downey described his experience in overseeing the recent “quantum leap” forward in the way the legal system in the province operates.

Lawyers are familiar with many key changes to practice brought about by the on-going need to keep our social distance. We have videoconference hearings (and over 50,000 have now been held in Ontario, according to Downey’s stats) but there is also remote commissioning of affidavits; service by email; on-line document management systems like CaseLines; and a searchable site where the public can look up information about civil and criminal cases online. Farewell to the practice of lining up one by one to use a dusty old terminal in person at the local courthouse.

Downey acknowledged to Salmon that the onset of the pandemic showed in stark terms how far behind the legal system had fallen in terms of incorporating technological advancements that have become commonplace in the rest of society. There have been calls for modernization of court processes for many years, but inertia and the sheer scale of the changes needed seemed to stymie past efforts. COVID-19 made it impossible to postpone improvements any longer.

Downey also noted that it was never an option to simply shut down the courts in full because justice is more than an essential service: it is a value, a right and one of the

foundations on which our society is built.

And so, suddenly, the wheels of change started to turn, and quickly.

As resistance has now largely given way, Downey explained that he aims to use the accumulated momentum to continue to push forward with modernizations. Some changes, such as the use of CaseLines, have yet to be rolled out in full across the province and across practice areas. Other changes are still in the works, such as the establishment of Justice Centres rather than traditional courthouses in some regions, where courtrooms and social service offices can be brought together holistically. Downey also alluded to plans to bring Ontario's vast network of administrative tribunals more online.

Downey was challenged on how the government will ensure the move to online legal services does not leave behind those members of our society who are lacking in resources and access to or familiarity with technology. He acknowledged that many rural, northern, and Indigenous communities have not been as well served by the legal system as Ontario's urban centres. Downey expressed commitment to addressing this thoughtfully and cited Ontario's investments in broadband as one part of the strategy to reduce the disparity.

He also aims to simplify, where possible, administration, rules and structures that are more complex or cumbersome than they need to be. With a nod to Amazon and Shopify, Downey mused on whether one's experience before the courts could be improved by finding ways to "reduce the number of clicks" required to complete a given task. He wondered aloud whether we might crowdsource innovations and solutions for the legal system and invited the audience to email him directly with ideas for improvement.

Downey explained that in making these long-overdue changes, he hopes to inspire greater confidence in the public that the legal system is equipped and can be relied upon to resolve disputes in a timely, affordable, and responsive way. Furthermore, embracing technology can allow and encourage greater societal engagement with and participation in the law. Downey cited as an example a case this summer where the delivery of a verdict in a high-profile case was viewed by 20,000 members of the public over a livestream – numbers that could never be accommodated in a traditional courtroom.

There will be challenges in ensuring equal benefit from the recent changes and the changes yet to come. However, overall, Downey asserted his hope that “justice accelerated is justice delivered.”

The Empire Club of Canada has made the keynote and conversation available online in full [here](#).