

PLA LIBRARY NOTICE

Dear Member,

Please see the message below from FOLA Board Chair, William Woodward regarding a request for input from Attorney General Doug Downey with respect to Civil Jury Trials.

Thank you,

Peel Law Association

Late Friday evening, FOLA received a very time sensitive request from Attorney General Doug Downey requesting our input and perspective on a potential amendment to the *Courts of Justice Act* regarding the availability of civil juries. (See [letter attached](#) and [appendix](#).)

You may recall that the AG recently made changes to remove the availability of jury trials in simplified procedure cases started under Rule 76 of the Rules of Civil Procedure. However, Ontario is one of the last Canadian jurisdictions to allow civil jury trials for most other civil matters, as of right.

Due mostly to the coronavirus pandemic, the demands on the system will continue to evolve quickly as we begin to see the province reopening in stages. To address these changes, the AG and the government will continue to act on the guidance of public health experts, and have expressed a commitment to continue to work together to develop new ways of conducting matters.

Currently, section 108 of the [*Courts of Justice Act*](#) permits a jury of six persons to assess damages and/or decide issues of fact in civil actions, except where prohibited by statute. Certain other statutes provide a judge with authority to direct that an action be brought, or an issue be tried, with a jury in a trial under the act, or set out the responsibilities of the jury where a jury trial is held under the act. (See attached Appendix A to this letter for further details.)

Specifically, the AG is considering an amendment to the *Courts of Justice Act* to eliminate some or all civil jury trials and would like your thoughts on the following related questions:

1. Should civil juries be eliminated altogether? or
2. If civil jury trials were to be eliminated, are there certain action types that should be exempt? Please specify any action types that in your view should continue to have jury trials available, and the reasons for your view.

The AG has requested our submission by Monday, June 15th. As such, if you wish to contribute your comments for our consideration, please send us your comments NO LATER THAN THURSDAY AT 5:00pm. Please direct your comments to Katie Robinette at katie.robinette@fola.ca.

If your Association would like to submit your own comments, please prepare a written submission and direct it to Ms. Amanda Iarusso, Director of Policy and Legal Affairs, by email at amanda.iarusso@ontario.ca no later than Monday, June 15, 2020.

William Woodward, FOLA Board Chair

Katie W. Robinette
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Need answers to COVID-19 issues regarding the practice of law? [CLICK HERE](#)

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