

**From:** Julie Audet

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I was participating in Tuesday's meeting via teleconference today and unfortunately, there was no ability for me to voice my comments or respond to some of the comments that were made by the participants, Malcom or Constance. So I am providing them to all of you in this format because I believe it is important for all views to be heard by Malcom and Constance.

First off, I wish to say that I am writing on both my own behalf and on behalf of Nathalie Picard, who was also participating by teleconference. Nathalie and I are both family law practitioners here in Ottawa and we each own our own professional corporation through which we offer, exclusively, family law services.

I must admit that many of the comments I heard yesterday surprised me (this is an understatement). Nathalie and I fully support the introduction of ABS for the delivery of legal services in Ontario. As family practitioners, we cannot speak for other areas of the law. However, there is absolutely no doubt in our minds that ABS is one (not the only one, but one of many) of the ways this profession can not only increase access to justice, but also improve (significantly) the way we deliver family law services to the public.

I could write for a long time, so I will limit my comments to the following main ones:

- it is obvious (and has been obvious for a very long time for all professionals, legal and non-legal, working in this industry) that the way legal services and justice are provided in the family law field is outdated, and not in any way adapted to the needs of those we deserve. Suggesting (as I believe I heard yesterday), that family justice would be more efficiently delivered if people were encouraged to leave their emotions at the courtroom door, shows a deep misunderstanding of this very important area of our justice system.
- Read any of the research, government-funded reports, and other types of studies that have been prepared over the past 15 years about ways to improve access to justice to family litigants as well as the quality of the services delivered in a family law context, and you will see that they all say the same things: what is needed in family law is the ability to provide holistic, multidisciplinary and creative services which go well beyond the law, and which recognizes the multi-faceted needs of our clients. Our current regulatory restraints do not allow family lawyers to do that in an effective, centralized manner and to deliver the multidisciplinary approach (under one roof) that our clients so desperately need to settle family cases without the need for years of court litigation which they cannot afford.
- Access to justice: family lawyers, unfortunately, are too often required to provide clients with emotional support, which we are not qualified to provide, but which is necessary to ensure a successful resolution of these matters. Allowing family law firms to offer more than legal services to clients, and a multidisciplinary team approach (social workers, divorce coaches, financial divorce specialists) would result not only in lower overall costs to clients, but would also insure that the right professional is looking after the client's various needs. Furthermore, the chances of settling cases for clients without the need for litigation would be significantly improved if all the needs of a family were taken care of by the right professionals.
- While I agree that nothing can replace the personalized legal advice that a client can get from a lawyer, the reality is that at least 50% of the population in need of family law services

cannot afford my individualized legal advice anyway. So what happens to them? They go unrepresented because nothing is better than the personalized service I could provide? In family law (more than in any other legal fields, in my view) it is not only desirable, but essential to provide the public with less expensive, more cost-effective alternatives which could be delivered through innovative service delivery models and the use of technology.

- One of the participants suggested that what was needed in family law is a reformed justice system. This could not be more true. Unfortunately, we have been voicing this in a hundred different ways over the past 15 – 20 years. The reality is that our governments do not have the political will (or the money) to make that happen, nor can we expect that this will occur before all of us are retired (thus leading to initiatives such as those proposed by the Action Committee on Access to Justice in Civil and Family Matters, a Roadmap for Change, headed by Justice Cromwell). It just won't happen.

I could say a whole lot more about this, from a family law perspective, but I will end my rant here.

Malcom asked a question to the participants yesterday which really resonated with me: If confidentiality and conflict of interest issues are satisfactorily dealt with, what are we afraid of? I am not certain that resistance to ABS is really about protecting the public and I fear that it may be more about protecting the profession.

Julie Audet and Nathalie Picard

Family Lawyers