

Given the 3 questions posed, the following are my views (based on the reported experience in the UK and Australia).

1. The LSUC duty to maintain and advance the cause of justice and rule of law.

ABS firms likely will neither advance nor restrain the cause of justice and rule of law. The form of business organization is not going to make any difference.

The introduction of ABS firms is likely to accelerate consolidation among the larger firms serving the commercial/industrial/capital markets.

With respect to consumer/retail services, ABS firms are likely to benefit consumers through achieving economies of scale. ABS firms will prove disruptive/devastating to solo and small firms offering low value consumer/retail services.

2. The LSUC duty to act to facilitate access to justice for the people of Ontario.

The practice of law largely reduces to 4 domains: Advocacy, Advice, Content (contracts, etc) and Process (real estate transactions, estate administrations, wills, incorporations, etc.). Owing to economies of scale, ABS firms serving the retail/consumer market will likely concentrate on Process and related content, as typified by union/insurance sponsored legal service plans.

It is unlikely the ABS firms will be interested in providing Advocacy, Advice and significant Content to either the commercial/industrial or consumer/retail markets.

Advocacy, Advice and Content informed by advice presumes the existence of a relationship of trust between lawyer and client. That relationship is not central to Process-based practices. Process-based practices are informed by well designed workflows rather than relationships of trust.

3. The LSUC duty to protect the public interest.

There is no reason to believe the Regulator will be unable or unwilling to fulfill its mission to protect the public interest.

Regards.

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