

I am writing to you today as a constituent, lawyer and Member of the Toronto Lawyers Association (TLA), seeking your support for an amendment to Bill 34 *Security for Courts, Electricity Generating Facilities, and Nuclear Facilities Act, 2012*. My concern is that in its current form, Bill 34 allows for the possible violation of client - solicitor privilege by granting extraordinary search powers to designated security agents on courthouse property.

Under the proposed legislation, sections of the *Police Services Act* would be amended and allow for a search without warrant any person, vehicle or property in a person's custody seeking access to a public courthouse. These search powers would include a person's lawyer, such as myself, and could expose privileged communications between a lawyer and their client when applied.

Lawyers are ethically bound to protect privileged communications between themselves and their clients. It my personal view and that of the TLA that it is neither reasonable nor necessary to include lawyers in the search powers contemplated by Bill 34 as relates to courthouse security.

The TLA has made written submissions to the Standing Committee on Justice Policy to express this concern and to propose a solution. Currently the accepted practice in Ontario courthouses is to exempt lawyers from the search procedure upon the presentation of valid TLA or Law Society of Upper Canada identification. It was therefore recommended to the Committee that this process be enshrined within the legislation through amendment.

I believe that this solution allows the government of Ontario to uphold its obligation to fundamental individual rights, the rule of law, and does not compromise the security of our public courthouses.

I urge you to discuss this matter with your colleagues on the Standing Committee on Justice Policy and encourage you to advocate on our behalf for this amendment.

Kind regards,