



November 28, 2011

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Director, Court Operations (Acting)  
TORONTO REGIONAL OFFICE  
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Dear Ms Wagner and Ms Norris:

**RE: Toronto Masters**

I am the President of the Toronto Lawyers Association (“TLA”).

The TLA is a strong supporter of the Toronto Masters. We have in the past been included on the committees that both interview candidates for the Master positions and make recommendations to the Attorney General for new appointments. I personally participated in the process that resulted in the appointments of Masters Muir and Short.

The Masters also help the TLA in its educational programs. Every fall, several of the Masters participate in an educational program put on by the TLA to introduce incoming articling students to Masters’ motions.

Masters play a vital role in the administration of justice in this city. They have unparalleled and unsurpassed expertise in the Rules of Civil Procedure and in the management and trial of *Construction Lien Act* matters. They provide vital case management functions in complex multi-party cases. They conduct settlement conferences in simplified procedure actions, they handle the lion's share of procedural motions and, I expect, most members of the civil litigation bar have more contact with the Masters, and their Registrars, than with judges. It is fair to say that the Masters work is the 'bread and butter' of civil practice in Ontario. Any impediment to the smooth operation and functioning of the Toronto Masters’ Office will inevitably lead to costly and expensive delays in Toronto’s civil justice system.

Historically, each Master had his or her own Registrar, who sat with the Master in court, scheduled

matters, conducted data entry and interfaced with the Bar and self-represented litigants. I have personally had many opportunities to deal with the Registrars and I can attest to their professionalism and the vital role they play in ensuring that Masters' courts run smoothly, and that justice is carried out quickly, efficiently and fairly.

It has very recently come to our attention that the provincial government, as far I know with no consultation with the Bar, and virtually no consultation with the Masters, unilaterally decided to terminate all of the permanent Registrar positions, and to have other people do their jobs (with per diem registrars in Court and other government employees performing the other job functions of the Registrars).

Due to the judicial role of the Masters, they cannot aggressively or publically engage the government in debate. As members of the Bar it is our role to advocate for them, and for us, to ensure the public interest is protected.

We understand the fiscal pressure the government faces in this difficult economic environment. However, the justice system is a core government service, and the Masters are central figures in that service, without which justice cannot be dispensed in Toronto. More consultation should have occurred before the terminations were announced.

**Having said that we want to make sure that as you now enter a new phase in this process, you consult with the Masters and the Bar as to how the system can work better.** There may be efficiencies we can think of that you have not considered. It is also vital that you carefully consider the Masters' requirements so that any "new system" and staffing allocations be done in a way that minimally disrupts the Masters' working environment and ensures the most efficient delivery of justice to the citizens of Toronto. As just one example we must ensure that those assigned to the Registrar in *Lien* court are familiar with the unique issues and functions of the Registrar in posting monies and bonds to vacate construction liens.

I would be pleased to attend a meeting with you and the Masters to canvass these issues.

Thank you and I look forward to hearing from you in the near future.

Yours very truly,

A handwritten signature in black ink, appearing to read 'S. Marr', written in a cursive style.

Sam Marr  
President  
Toronto Lawyers Association

c.c. Ontario Attorney General, the Honourable John Gerresten