



May 4, 2017

The Honourable Frank N. Marrocco
Associate Chief Justice of the Superior Court of Justice
Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N5

Dear Associate Chief Justice Marrocco:

RE: Proposed bench-bar Class Action Liaison Committee

We write to you in our capacity as Co-Chairs of the Class Actions Section of the Ontario Bar Association.

The Class Actions Section is proposing the formation of a bench-bar Class Actions Liaison Committee, to be composed of representatives of the Ontario class action bar and judges responsible for the administration of class actions in the province of Ontario.

The Section envisages two primary roles of the proposed Committee: (1) facilitating communication between the class action bench and bar on matters of practice and procedure under the Ontario Class Proceedings Act, and (2) discussion and consideration of practice initiatives to streamline and otherwise improve the conduct of class proceedings before the Ontario courts.

It is not envisaged that the proposed Committee would engage directly in law reform initiatives, although practice initiatives developed through the Committee could lead to practice directions, or be relevant to future Rule or statutory amendments.

The impetus for the Class Actions Section proposing this initiative is that there are a number of practice-level issues that are of concern to the class action bench and bar, that we believe would benefit from discussion and process improvement beyond the confines of individual cases. Examples of topics that may benefit from such communications include practices relating to settlement approval hearings, minimizing delays, standardized court filings, approval of third party funding arrangements, active case management, and venue selection.

The Class Actions Section contemplates that the proposed Class Action Liaison Committee would:

- be provincial in scope;

- include representation of both plaintiff and defence perspectives among bar representatives;
- include judicial representatives who are responsible for administering class actions in the judicial regions where class actions are primarily commenced (i.e., Toronto, London, Ottawa); and,
- have a membership that is sufficiently small to be manageable and efficient, but sufficiently broad-based to be adequately representative.

We are aware that a similar liaison arrangement between the class action bench and bar exists in Quebec, and has been successful in ensuring a consistent flow of information, and in securing certain practice improvements in that province. The proposed Class Action Liaison Committee is designed to play a similar role.

The purpose of this letter is to inquire whether the proposed Class Action Liaison Committee is an initiative that you would like to explore. If so, we propose that a meeting or conference call be arranged in May to discuss a proposed mandate and structure for the Class Action Liaison Committee, and to set an agenda for a kick off meeting. We look forward to hearing from you. Thank you for your consideration.

Yours truly,



David Outerbridge, Co-Chair
OBA Class Actions Section



Per: Marg Waddell, Co-Chair
OBA Class Actions Section

cc: The Honourable Heather J. Forster Smith