

PHILIP HORGAN

photgan@carltonlaw.ca

Region	Incumbency	Slate or Coalition Affiliation	Law Association Membership
Toronto	Incumbent	FullStop	Toronto

LiRN Funding and Libraries

Will you support the Law Society maintaining its current level of funding for LiRN, adjusted annually for inflation?

No

Do you recognize the importance of the Law Society’s support for the LiRN budget in maintaining licensee competence across Ontario?

Yes

I have advocated for a restoration of Law Foundation support for LIRN, as part of the Foundation's stated legislative mandate. Such funding would not replace LSO funding, but we should be willing to explore other funding assistance, especially when it can be found to reduce dues. I advocate fiscal responsibility.

The LSO has increased it funding to LIRN from a baseline of \$8 million to the current \$9.5 million, a 17 % increase, with my support, at a time when when we have reduced member's dues over the past 4 years. It is unfortunate that FOLA seems to have misrepresented a one year reduction to LIRN funding in 2021 as some sort of Slate mandated issue, when there was no opposition to that decision from any benchner at convocation. Check your facts.

If you are an incumbent, do you regret voting to cut the LiRN budget by 10% in November 2020?

No

As of November, 2020, LIRN had not spent \$1.5 million of its prior year allocation of \$8 million - not terribly surprising as law libraries were closed due to Covid since March. In our budget proposals, we were facing reductions in revenues and uncertain

Do you support offloading funding for LiRN/law libraries to the Law Foundation of Ontario?

No

Let's explore whether Foundation funding can be accessed at levels that were provided 10 years ago, e.g. at \$500K to \$750K per year. That mandate remains a stipulated directive of the Law Society Act, now ignored for the past 10 years, despite efforts by me and others to find some additional funding for libraries.

Legal Aid Funding

Will you advocate for Legal Aid Ontario funding improvement and sustainability to ensure that being a Legal Aid-empanelled lawyer remains a viable area of practice for the private bar?

Yes

👉 If you answered “yes”, how?

Law Foundation funding will be increased in fiscal 2022 and 2023 owing to rises in interest rates on funds held in lawyers' trust accounts over the year. Legal Aid gets 75 % of those funds. New sources of funding can be found, and legal assistance from civil societies can also assist to fill the gap for the underprivileged. Encouragement of pro bono services would help reduce legal aid demands. Access to justice remains a concern and a priority, but it is a multifaceted problem.

Please describe efforts that you believe should be undertaken by the Law Society to advocate for investment in LAO and increased financial allocation to LAO from the provincial and federal governments’ budgets.

We should re-engage the option of accessing the talents of benchers to be more involved in government relations, rather than leaving these roles entirely to staff. The Government Relations committee was discontinued and compressed into another committee, and has largely been abandoned. It should be restored.

More money from government is not the only answer. We can be innovative on access to justice, via civil society organizations, greater pro bono offerings, and a commitment to serving the less fortunate.

Paralegal Scope of Practice

On December 1, 2022, Convocation approved the Family Legal Service Provider (FLSP) license to allow paralegals who complete specified training to assist clients with certain family law services. The FLSP is to be reviewed in 3 years. Should paralegals’ scope of practice be expanded?

No, it should remain as it was prior to December 1, 2022

👉 If you answered “yes”, in what ways, why, and what additional training (if any) should be required of paralegals?

No response was required, but the candidate wrote: Your question does not allow for no response. My fill in the oval answer is not representative of my position. Your survey is deficient.

(I am also concerned that FOLA leadership has expressed very little responsibility in attacking FullStop positions, or engaging in ad hominem attacks.)

On this question, it seems irresponsible to me to make predictions on decisions to be made three years from now without knowing how the current changes will be adopted or implemented. We work off of evidence, not wild conjecture.

I am not sure the current proposal will receive significant uptake from paralegals, but I also predict that there will be new issues raised, and questions to be answered before three years pass.

Lawyer licensees pay an annual competency levy as part of their annual fees that contributes towards LiRN, which funds courthouse libraries. Would you support a requirement for paralegals to also pay an annual competency levy?

Yes

New funding sources should be explored. Access to such resources would also follow from any such initiative. Many paralegals complain currently of limited access to county libraries. But the reports also suggest that usage of law libraries has declined significantly in recent years. A challenge will remain to find innovation on the usage of law library resources, such as data access and availability.


Law Association Involvement

When did you become a member of each of the associations you selected above? Which board or executive roles, if any, have you served in as part of these associations? Please list relevant dates and roles.

I was granted a TLA membership in recent years. I also accessed TLA information from my office colleagues and through my benchner duties, including 4 years on the Audit & Finance Committee of the LSO, where I was active in dealing with LIRN board reports.

Why are you a member of each of the associations you selected above?

I am happy to receive information made available by local law associations. I receive unsolicited information from more than one. I also belong to other lawyer groups, such as the Thomas More Lawyers Guild, and receive materials and present lectures for the Christian Legal Fellowship and non-legal agencies. I also hear directly from the LIRN board, which most lawyers do not have access. But I cannot be everywhere, and I cannot maintain a watching brief on multiple associations.

 Federation of Ontario
Law Associations