



“Orbis non Sufficit – The World is Not Enough”

**Address by
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- 1 I'm honoured to be speaking to you here tonight. It's fitting that the theme for this event is "For Your Eyes Only" – just a few weeks ago, the crowds were lined up for blocks to see this incredible new building, and many didn't get in. So it's a privilege to be here, in more ways than one.
- 2 Also in keeping with your James Bond theme tonight, I decided to title this speech "*Orbis non Sufficit*" – which true fans will recognize as the Bond family motto. It means "the world is not enough."
- 3 Now, I'm not trying in any way to liken myself to James Bond. I am quite happy with my title as the sixth Ombudsman of Ontario – which makes me Double-O-Six, not Double-O-Seven. I'm also pleased that I am still young enough for your association – and I'm proud to be a lawyer. Although, the way some people have been trash-talking lawyers in Canada recently, it might be tempting just to say you're a secret agent.
- 4 You may be wondering, what does the Ombudsman have to do with being a lawyer, and vice-versa? Well, you don't have to be a lawyer to be an ombudsman, but it helps. If you're interested in transparency and accountability; or human rights and democracy, then you should be interested in what ombudsmen are doing around the world.
- 5 The very first ombudsman was established to oversee the parliament in Sweden in 1809 – almost 200 years ago. But most of the ombudsmen in the world today were established in the past few decades. It has become a hallmark of emerging democracies to set up an ombudsman's office. In many countries, the role of the ombudsman goes hand-in-hand with furthering human rights and rooting out corruption. Some of my counterparts are called "human rights defenders" or "*protecteurs du citoyen*," but for all of us, the aim is the same: To stand up for the ordinary citizen against the crushing bureaucracy of the state. I think of it as working to humanize government.
- 6 As I said, I am a lawyer and I started out as a prosecutor in the criminal courts. But I soon became interested in other ways to pursue justice and accountability. My first ombudsman job was for the Canadian military, a post that was created not long after the first Gulf war. I found out very quickly how important it was for our soldiers to have somewhere to go to complain – and that has become even more important lately, as we have started to see our first combat casualties in half a century. In my time there, we managed to spark some much-needed action on

post-traumatic stress disorder among soldiers. More recently, in my present job, we held both the federal and provincial governments to account for the trauma that the war in Afghanistan was causing for soldiers' families. We called attention to a military base where Ontario children were becoming suicidal because so many of their parents had been killed or wounded in Afghanistan. These kids couldn't get access to counselling, and each government was saying it was the other one's responsibility. After my office investigated, both governments stepped up to get these children the help they needed. But the case was a stark reminder to the state that it has no greater responsibility than to the men and women who lay their lives on the line for their country – including their families.

- 7 Overall, I've found that as an ombudsman, I can help people in ways that lawyers working through the court system simply can't. In this country, and I'm sure in many of the others represented here tonight, going to court is astronomically expensive for most people. The Chief Justice of the Supreme Court of Canada, Justice Beverley McLachlin, talked about this problem just two weeks ago, calling on lawyers across the country to look for solutions. But the truth is, this is not a new problem. Even back in 1976, my predecessor, the very first Ombudsman of Ontario – his name was Arthur Maloney, but you can just call him Double-O-One – pointed out that the courts had become “costly, cumbersome and slow” and were often confined to deciding very narrow matters of law. By contrast, an ombudsman offers every citizen an avenue to resolve their problems with the state. And we're free.
- 8 What I'm getting at here is that as great as it is to be a lawyer, the world of litigation is sometimes not enough. If you truly want to help your clients in the most effective way, you might have to encourage some of them to step outside the legal realm – and into my world, the world of the ombudsman.
- 9 A lawyer came to our office recently with a client, a young woman with terminal colon cancer. She was getting chemotherapy in the U.S. that should have been paid for by the Canadian health care system, but the Ontario health insurance plan was refusing to pay, for reasons that made no sense. She couldn't afford to bet her life on a lengthy court battle – she knew she might not live long enough to get to court. So our office intervened, and within a matter of weeks, the province agreed to give her the \$76,000 she was entitled to, for her medical expenses – and her legal bills. Not only that, they agreed to overhaul the entire

system of out-of-country treatment funding so no one else would suffer through the same ordeal.

- 10 Another major case we tackled involved an elderly man who won the lottery but didn't know it. He didn't know it because the woman who sold him his ticket told him it *wasn't* a winner – and then she claimed the \$250,000 prize for herself. The man complained to the lottery corporation – which in Ontario just happens to be run by the provincial government. They not only dismissed his complaint, they spent half a million dollars fighting *against* him in court.
- 11 They finally reached a settlement with him, but then the media got wind of the case. It soon became clear that a lot of lottery ticket sellers were winning a lot of big prizes in suspicious circumstances, and the corporation was turning a blind eye to it.
- 12 That's where I stepped in. I launched an investigation into how our government-run lottery system was failing to protect consumers. We uncovered such a scandal that the government committed to a whole new slate of security measures for the lottery system – a good thing, because the government uses that lottery money to fund hospitals, charities and all kinds of other programs. In the end, instead of just one satisfied customer with a court settlement, we were able to get results that affect every lottery player *and* every taxpayer in Ontario.
- 13 Ideally, an ombudsman can achieve changes that not even a precedent-setting court judgment can accomplish. The most dramatic example I can give you involved a situation where this province was failing to prevent the deaths and serious illnesses of 50 newborn babies every year. These children had Inherited Metabolic Diseases – conditions like sickle-cell anemia and many others, which can be treated effectively if they are detected early. In the U.S., newborns are screened for anywhere from 29 to 92 disorders. Ontario had access to the same technology, but was screening for only two – worse than many Third World countries.
- 14 If you knew you could help save a baby's life with a simple test, wouldn't you want to do it? Well, so did the government, after our investigation. They have since started testing babies for 27 disorders, and they promise we will soon have the best newborn screening system in Canada. I'm just glad to know there will be 50 fewer children suffering and dying needlessly every year.

- 15 My last illustration is for those of you who have some experience in criminal law. We all know that the judicial process can be hard on victims. In this province, we have a generous program where the government actually offers money to victims of violent crime – to help them pay for counselling, for example, or for the funeral of a loved one who was murdered. It all sounds quite wonderful and compassionate – except that it was anything but. Victims complained to us that this bureaucracy that was supposed to help them was actually causing them more pain. They were being forced to deal with a mountain of paperwork and had to wait an average *three years* to get any compensation.
- 16 The bureaucrats who ran this program were appallingly insensitive. They had an official document fetish – in one case, they forced a victim to redo an application form because he had forgotten to dot one of the I's in his name. Another victim waited so long for compensation, he died before his claim could be heard. Worst of all, we discovered the government was aware of these problems but did nothing, even though it had plenty of cash stashed away for victims' services.
- 17 The good news is, help is on the way. The province has put the former chief justice of Ontario in charge of reviewing the program. So, there you have a little-known part of the justice system being fixed, thanks to what we were able to achieve by working outside the traditional legal world.
- 18 Wherever you go, you'll always find a few bureaucrats who give everyone else in government a bad name by obstructing the citizens they are supposed to serve. Sometimes you can beat these forces in court, but sometimes you have to be even more creative. I strongly believe that thinking outside the box makes you a better lawyer, and a better citizen.
- 19 As you leave this amazing building tonight, I hope you are inspired to think in new ways. Remember that although the law is universal and can take you anywhere, the world of courtrooms and legal briefs is small: The potential is endless for you to make a difference, for your clients and yourselves, if you can recognize when that world is not enough.