



2020-2021
EXECUTIVE

FOLA 2020: THE YEAR THAT FLEW BY IN SLOW MOTION!

January 8, 2021

By William Woodward, FOLA Chair

What a year 2020 was! As I entered into my role as Chair in November of 2020, I contemplated the year ahead and the goals FOLA hoped to achieve. Over the course of my years on the Board, I have learned that the best laid plans are often diverted by an unexpected development. I had somewhat facetiously suggested we spend some time at our strategic retreat in June 2020 on crisis planning. Never in my wildest dreams did I contemplate a global pandemic and the massive impact it would have both on society as a whole and the justice system in particular. I suspect that many of us thought that this issue would be resolved in a few weeks or perhaps a month. As we enter 2021, we continue to endure another full lockdown, and although the vaccine offers some light at the end of the tunnel, it appears that we will continue to adapt to our new normal for some time to come.

By mid-March, the first province-wide lockdown went into effect – bringing in-person hearings in Courts to a halt for all but the most urgent matters. While lawyers were deemed an essential service, we, like most other Ontarians, took to Zoom and other online platforms for most of our work. And everyone scrambled. Scrambled to make a justice system that was largely paper-based continue to function in a new online world. And scramble we did.

[The Federation of Ontario Law Associations](#) (FOLA), along with justice-sector partners including the Courts, the Ministry of the Attorney General (MAG), Law Society, Legal Aid Ontario, the Ontario Bar Association, and The Advocates’ Society (TAS) all came together on Zoom for daily check ins throughout March followed by weekly check ins that still take place to this day. For those first two weeks, FOLA collected a daily log of all member issues/concerns and worked with the Courts and MAG to address each of them and reported back to members daily. And while those calls and reports are now weekly (with [Sector Call Update #38](#) being the most recent), they are still just as vital to ensure practicing lawyers throughout Ontario stay informed about the multitude of Notices, Practice Directives, and other changes while also informing the Ministry and the Courts about the needs and concerns of the profession.

Although we were instructed to limit our contacts, the world did not stop. Clients continued to have needs – matters to be heard and cases to be argued and settled. Some of the most urgent matters, like those related to child protection and criminal proceedings continued on an urgent basis in the Courts. Other matters were postponed as the Courts looked to move to virtual hearings – something unheard of in Ontario prior to COVID-19. MAG created the

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Recovery Secretariat office to help oversee the reopening of Court operations with the advice and approval of public health officials and they too, became a regular participant on our weekly Sector calls.

MAG also established a number of new ad-hoc Committees, including e-Hearings and e-Filing Task Forces, a Small Claims Working Group, and a Civil Working Group. FOLA continues to contribute and participate in the work of these important Committees which are shaping new processes and procedures.

In late Spring, the Attorney General and FOLA organized a series of Regional Zoom meetings with the AG and the Presidents of all law associations to discuss concerns, offer suggestions, and ask questions. FOLA also organized similar Zoom meetings that offered all Presidents the opportunity to meet with their respective Senior Regional Justices to address more localized issues and concerns. Throughout, the Chief Justices' staff (at the Ontario Court of Justice, the Superior Court of Justice, and the Court of Appeal of Ontario) and the AG's staff were always available via email, text, calls, and Zoom. In June, FOLA also joined with the Ontario Bar Association (OBA), Legal Aid Ontario (LAO) and The Advocates' Society (TAS) in an effort to assist the Court in identifying which matters ought to be prioritized as remote operations continue to be expanded.

The pandemic did not stop MAG and the Law Society from routine business and FOLA responded to a number of calls for submissions on behalf of our members, including a [Submission to MAG Regarding Amendments to The Divorce Act](#) (January 2020); a [Letter to the Attorney General Regarding Judicial Appointment Processes](#) (March 2020); a [Submission to MAG on Amendments to the Courts of Justice Act](#) (June 2020); a [Submission to MAG Regarding Virtual Commissioning and Virtual Notarization](#) (June 2020); a [Submission to MAG on Defamation Law Amendments](#) (July 2020); a [Submission on Estates Law Reform](#) (Aug 2020); a [Submission to MAG Regarding Mandatory Mediation Program and Single-Judge Model](#) (Sept 2020); and, most recently a [Submission to the Law Society Regarding Family Legal Service Provider Consultation](#) (November 2020). FOLA also appeared before two Standing Committee of Justice Hearings – one on Family Law Reforms and one related to Virtual Commissioning.

Additionally, FOLA's work with the Alliance for Sustainable Legal Aid (ASLA) continued as we ramped up a lobbying campaign calling upon the Federal government to increase funding for legal aid. We closely monitored the needs of those both accessing legal aid and our members who provide services through LAO. In early December, FOLA participated in a series of roundtables with LAO over proposed and desired Tariff and Billing changes and we look forward to continuing those discussions in the new year.

Another major area of activity related to mental health – both related to the profession and our clients. FOLA helped organize the [Mental Health Panel](#) that took place during Access to Justice Week Mental Health and we met with the Law Society's Mental Health Committee to discuss ways that our two organizations can better provide resources and services to our members. It is also worth noting that FOLA is once again preparing for our 3rd annual [#BellLetsTalk awareness campaign](#) – a month long Twitter



advocacy campaign that FOLA runs in advance of #BellLetsTalk Day to help encourage lawyers to speak openly about mental health and to share lawyer-focused resources on Twitter.

But it was really at the Association level where lawyers stepped up. One shining example was the Frontenac Law Association which recognized that there was an urgent need from essential workers with respect to obtaining wills and powers of attorney. Their members started offering a “pay what you can” service and encouraged other Law Associations to follow suit. Other associations, recognizing that self-represented litigants were not able to access important Court information, took steps to make this information more publicly accessible. Many Associations provided Zoom training early on and thousands of lawyers took calls and offered free advice to Ontarians who had questions.

Reflecting on 2020, it can be easy to focus on the tragedy that the pandemic has caused – perhaps most glaring are the unfathomably high death rates at our seniors’ homes and the shuttering of many small business in communities throughout the province. It has however, created the impetus for the rapid acceleration of the modernization of Ontario’s justice system. In fact, we now look forward to further improvements in 2021 such as the introduction of one-stop filing (currently, lawyers must e-file through both the Courts and through CaseLines separately where it is currently available), and perhaps even e-scheduling. The response of the bar and judiciary has demonstrated the creative thinking and flexibility of the legal profession and a commitment to the delivery of justice to the citizens of our province.

And maybe, just maybe, we will finally see an end to the fax machine!