



COVID-19 & THE PRACTICE OF LAW

WEEKLY UPDATE

Fola.ca

SECTOR CHECK IN LOG #73 November 10, 2021 Summary

Invited Participants: Sector Calls

OBA, FOLA, LSO, LAO, the Advocates' Society, & OTLA

Superior Court of Justices in Ontario, Court of Appeal for Ontario, & Ontario Court of Justice

MAG - Political, Department staff, and the Recovery Secretariat

Issues discussed:

1. COURTS

- ❖ **COURT OF APPEAL FOR ONTARIO:** The CAO began hearing criminal appeals and panel motions in person on November 8 and will begin hearing civil appeals and panel motions in person on November 15. See Notice [here](#).
- ❖ **OCJ:** We are expecting a couple of Notices from the OCJ on Friday or Monday: One related to CaseLines and another related to naming protocols.
- ❖ **REMINDER - SCJ SMALL CLAIMS COURT WORKING GROUP:** FOLA is requesting that practitioners as well as Deputy Judges take a moment to consider and comment on what works well and also what could use improvement in our Small Claims Court so that constructive feedback can continue to flow to the Small Claims Court Working Group. Please send comments to Jane Robertson (FOLA Treasurer) at jajadiver@bellnet.ca.
- ❖ **SCJ CASELINES NOTICE:** Tips 5 and 6 in the [CaseLines Hearings - Tips for Counsel and Self-Represented Litigants](#) document, about uploading documents into CaseLines, were clarified on November 4th.
- ❖ **REMINDER - SCJ NOTICE (October 19):** Amendments to the [Rules of Civil Procedure](#) and court forms come into force on January 1, 2022. The amended forms, now available on the [Ontario Court Forms website](#), have a simplified format and helpful instructions. **Old forms will not be accepted after January 1, 2022**, unless the court orders otherwise. The rule and form amendments also include consequential amendments prompted by recent amendments to the *Succession Law Reform Act* regarding the spousal entitlement and the effect of marriage on a prior will. For more information, see: [Reg. 194 under the Courts of Justice Act \(Rules of Civil Procedure\) \(ontariocanada.com\)](#).
- ❖ **CASELINES REMINDER:** Please ensure that you are using CaseLines whenever you receive an invitation to do so! See letter from [Madam Justice Suzanne M. Stevenson, Senior Family Judge](#).
- ❖ **SCJ TORONTO NOTICES:**
 - [Completed Toronto Civil Motion Confirmation Forms](#) must include the JSO filing confirmation number, or verification that court documents were filed in hard copy. See full Notice [here](#).
 - Toronto Civil Trial Office will no longer send parties the [Certification Form to Set Pre-Trial and Trial Dates](#) for completion. This form is now available on the [SCJ website](#). Parties must complete the form and submit it to the court by email within 6 months of filing the trial record.

2. MAG

- ❖ **DIGITAL TRANSFORMATION OF COURTS:** On November 5, 2021, MAG issued a Notice indicating they will be delivering a new digital justice solution that will transform how people handle their legal matters at the Superior and Ontario Courts of Justice. You can learn more [here](#). Expect consultations as more information becomes available.
- ❖ **RULES OF CIVIL PROCEDURE – ESTATES:** On October 15, 2021, a regulation was filed to amend court rules and forms for estates proceedings in the Superior Court of Justice: O. Reg. 709/21, amending the Rules of Civil Procedure. You can learn more [here](#).
- ❖ On November 15th, MAG will be releasing enhancements to its Justice Services Online (JSO) platform. See Notice [here](#).

3. RECOVERY SECRETARIAT

- ❖ **UPDATED GUIDEBOOK:** MAG has updated their [COVID-19: Recommended Precautionary Measures for Resuming Court Operations Guidebook \(English\)](#). For the French version, [click here](#). Key changes deal with mask wearing; HVAC; and Vaccination.
- ❖ **REMINDER:** Questions about Courthouse operations during COVID-19 can be directed to Samantha Poisson at MAGrecoverysecretariat@ontario.ca.

4. LSO

- ❖ **ANTI-MONEY LAUNDERING & TERRORIST FINANCING: NEW BY-LAW AMENDMENTS IN EFFECT JANUARY 1, 2022:** The Law Society's new by-law amendments aimed at combatting money laundering and terrorist financing will come into effect on January 1, 2022 and will have an impact on client identification and verification and cash transaction and trust accounting obligations for lawyers and paralegals. They've created resources to support licensees to assist with understanding and complying with the new requirements. [Visit: LSO.ca/amltf](http://lso.ca/amltf)
- ❖ **NOMINATIONS FOR THE 2022 LAW SOCIETY AWARDS:** Each year, the Law Society proudly recognizes Ontario lawyers and paralegals who have made outstanding contributions to the legal profession. Lawyers may be nominated for the Law Society Medal and the Laura Legge Award. Paralegals may be nominated for the William J. Simpson Distinguished Paralegal Award. Both lawyers and paralegals are eligible for the J. Shirley Denison Award and the Lincoln Alexander Award. Nominations are encouraged for members from all communities, practice areas, firm sizes, and regions across the province. Submit your nomination by December 17, 2021 by visiting lso.ca/awards-nominations.
- ❖ **LSO COMPETENCE TASK FORCE:** FOLA will be preparing a Submission in response to the LSO's Call for Comment on the LSO's [Law Society's Continuing Competence Framework](#). FOLA is preparing a submission and has been soliciting input up until the end of last week. If you would like to respond directly to the LSO, you may respond to some or all of the questions through their [portal](#) until Nov. 30, 2021.
- ❖ **CONVOCATION:** The next Meeting of Convocation is scheduled to take place on Friday, November 26. Meetings of Convocation are available via live broadcast. Visit the [Convocation page](#) for more information.
- ❖ **CALL FOR APPOINTMENTS:** As part of its mandate, the Law Society recommends and makes appointments to a variety of boards, councils and committees. The Law Society is currently seeking applications from qualified lawyers for the Family Rules Committee. The deadline for applications is December 1. For more information and to submit an application, visit [the external appointments application](#) webpage.

5. LAWPRO

- ❖ **PREVENTING FRAUD EVENT:** LawPro is hosting a free live webinar on December 2nd called: “Avoiding the wire fraud nightmare – what you need to know to protect yourself and your clients”. Learn more and register [here](#).

6. LAO

- ❖ **LEGAL AID SERVICES ACT, 2020 (LASA):** LASA, which governs legal aid in Ontario, was proclaimed on October 18, 2021. As such, LAO has established rules & policies to manage & administer legal aid. FOLA will be contributing to a joint submission by the Alliance for Sustainable Legal Aid (ASLA). If you would like to offer comments/concerns for FOLA to include in our comments, please send them to Terry Brandon, FOLA’s Legal Aid Chair at terrylbrandon@acriminaldefence.ca and Katie at katie.robinette@fola.ca by **December 1st**. You can learn more [here](#).
- ❖ **JUDGE-LED INTENSIVE CASE MANAGEMENT COURT CERTIFICATES:** LAO waives eligibility testing for new Judge-Led Intensive Case Management Court certificates. See Notice [here](#).

7. FOLA

- ❖ **FREE LIVE WEBINAR:** How to Safely Exchange and Serve Legal Files and Documents. Two dates/times to choose from (November 24th at 11am or November 25th at 4pm - both times EST). Learn more and register [here](#).
- ❖ **LOBBY DAY 2022:** FOLA is hosting our 2nd Lobby Day on February 23, 2022! While this time we’ll be hosting a virtual event, the day is shaping up to be a full one! If you are interested in joining us, we have a quick form we ask that you complete. And if you want to have a look at what our 1st Lobby Day looked like back in 2020, please visit our [Lobby Day page](#).
- ❖ **MENTAL HEALTH FIRST AID:** Mental Health First Aid (MHFA) is the support provided to a person who may be experiencing a decline in their mental well-being or a mental health crisis. FOLA has partnered with an MHFA-certified trainer who offers in-person and virtual programs. Sign up individually or arrange for group training via your Association. Mention FOLA and you’ll get a great discount! Learn more [here](#).
- ❖ **FOLA’S FALL 2021 PLENARY!** FOLA’s Fall Plenary will be held via Zoom on November 18th. Our theme is Diversity, Equity, and Inclusion in the Legal Profession. Check out our Agenda, Speaker Bios, and Sponsors on our [Plenary Page](#). Registration is reserved for Association Presidents, but recordings will be made available following the event.
- ❖ **JOB POSTINGS:** FOLA has two positions posted on our website:
 - **LiRN BOARD MEMBERS:** LiRN is looking for Director(s) and the deadline is mid-November.
 - **EXECUTIVE DIRECTOR – MIDDLESEX LAW ASSOCIATION:** The MLA is seeking an ED for their Association. Deadline is November 18th.
 - [See FOLA’s job board for more information on both.](#)

8. REQUEST FOR FEEDBACK:

The Professional Transcriptionists and Court Reporters Association of Ontario have reached out to FOLA seeking assistance on some issues they have been dealing with related to court transcripts. Specifically, the use of Zoom and teleconference proceedings have made transcription challenging and, as such, many records may not be fully reliable. As you know, certified transcripts are an important and integral facet of the judicial system.

If you have been involved in a virtual trial, please email Katie Robinette (katie.robinette@fola.ca) highlighting any issues you recall facing related to the ability of court transcribers expressing concerns about translation,

audio, speed, or anything else that required attention. Similarly, please email Katie if you have begun to appeal a matter and are experiencing challenges with the official transcripts.

Unattributed comments will be reviewed and raised with MAG and the Courts during our Sector meetings.

9. REGULATION AMENDMENTS (PROPOSED)

- ❖ **THE MINISTRY OF MUNICIPAL AFFAIRS & HOUSING (MMAH):** Proposed Changes for the Next Edition of Ontario's Building Code (Fall Consultation). As part of the development process for the next edition of Ontario's Building Code, the Ministry of Municipal Affairs and Housing is engaging in consultation starting in Fall 2021 on some existing variations from National Construction Codes as well as a number of proposed changes that are unique to Ontario's Building Code. Open for Comments: October 20, 2021 – December 4, 2021. Learn more [here](#).
- ❖ **THE MINISTRY OF LABOUR, TRAINING AND SKILLS DEVELOPMENT (MLTSD):** MLTSD has proposed amendments to the Employment Standards Act, 2000 for requirement for policies on [Disconnecting from Work](#) and has also proposed amendments to the Employment Standards Act, 2000 (ESA) to [prohibit employers from entering non-compete agreements with employees](#). Comments for both are due on November 22nd.

QUESTIONS/CONCERNS?

Law Association members are welcome to send any issues/concerns related to the practice of law caused by the COVID-19 epidemic to FOLA at katie.robinette@fola.ca and we will continue to address them in as timely a manner as possible. Please also note that FOLA cannot assist in issues related to a specific case and the Courts will NOT provide clarification on any Notice to the Profession.