



# COVID-19 & THE PRACTICE OF LAW

## WEEKLY UPDATE

Fola.ca

### SECTOR CHECK IN LOG #74 November 24, 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

- ❖ **OCJ:** On November 12<sup>th</sup>, the OCJ issued a Notice regarding [CaseLines for Domestic Matters](#). They also issued an updated [Scheduling of Family Matters at the Ontario Court of Justice Notice](#).
- ❖ **OCJ & CaseLines:** The OCJ is beginning to roll out CaseLines in the second week of December.
- ❖ **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](mailto:jajadiver@bellnet.ca).
- ❖ **SCJ NOTICE:** On November 19, 2021, the SCJ made significant updates to the family law section of Toronto's Notice to the profession which comes into effect today (except as otherwise noted in the Notice which is available [here](#)). This includes significant updates to provisions regarding in-person attendances (B.2), electronic filing and restrictions on materials (B.3), page limits (B.4), new early judicial intervention and procedural direction attendances (B.5), the scheduling of motion dates (B.6) and urgent matters (B.7).
- ❖ **CAO NOTICE:** On November 22, 2021, the Court of Appeal for Ontario issued a new Practice Direction Release Regarding Accessing Court Documents and Exhibits from Lower Courts for Purposes of Preparing Appeal Books in Criminal Appeals. You can read that on their home page [here](#).

##### 2. MINISTRY OF THE ATTORNEY GENERAL (MAG)

- ❖ The Judicial Appointments Advisory Committee has two vacancies posted. One for the OCJ in Guelph (deadline: December 13<sup>th</sup>) and one for the OCJ in Halton (deadline: December 20<sup>th</sup>). You can learn more about both [here](#).
- ❖ **THE COURTS' DIGITAL TRANSFORMATION INITIATIVE:** Following the recent announcement of the [Courts' Digital Transformation Initiative](#), MAG, in partnership with the SCJ and the OCJ, would like to invite you to share your insights on a self-service/online portal, e-filing, document management and document collaboration during virtual hearings by completing a 15 minute (approximate timing) [digital justice solution questionnaire](#). The information gathered from the responses will be used to inform the implementation of the digital justice solution. **The questionnaire will close on December 3rd, 2021.** Please share the questionnaire with appropriate individuals from your organization. There is no limit to the number of people that can complete it. Note that this questionnaire is anonymous. If you have any questions, or if you require this questionnaire in another format, please contact Nazia Dassut

([Nazia.Dassut@ontario.ca](mailto:Nazia.Dassut@ontario.ca)) or Jenna Drover ([Jenna.Drover@ontario.ca](mailto:Jenna.Drover@ontario.ca)) from the Project Implementation Branch, Corporate Services Management Division, MAG. You can access the survey [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](mailto: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](http://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](#) and had been soliciting input up until November 1<sup>st</sup>. 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.
- ❖ **CALL FOR APPLICATIONS:** The Law Society has posted a call for applications for a seat on the LSO's Certified Specialist Board and they are in need of a Certified Specialist from outside of Toronto! Deadline is January 31, 2022. See posting [here](#).
- ❖ **FREE CPD FROM THE LSO:** Do you have all your hours yet? Requirements for 2021 must be completed by December 31, 2021 and reported by March 31, 2022. To help, the LSO has some free resources for you!
  - [CPD ASSISTS](#): 17 different topics complimentary on demand programs
  - [MENTAL HEALTH SUMMIT RECORDING](#): 8 hours of programing over two days - on demand - 8 hours free EDI CPD
  - [eCOURSES](#): 3 one-hour segments - EDI E-Courses (in English and French) On Demand

## 5. LAWPRO

- ❖ **PREVENTING FRAUD EVENT:** LawPro is hosting a free live webinar on December 2<sup>nd</sup> 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](mailto:terrylbrandon@acriminaldefence.ca) and Katie at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca) by December 1<sup>st</sup>. You can learn more [here](#).

## 7. FOLA

- ❖ **FREE LIVE WEBINAR:** How to Safely Exchange and Serve Legal Files and Documents. November 25<sup>th</sup> at 4pm EST. Learn more and register [here](#).
- ❖ **BEST PRACTICES FOR REMOTE HEARINGS:** We have updated our French version of our Best Practices for Remote Hearings documents. You can find those [here](#). As a reminder, the English versions were updated in the spring. They can be found on the same page.
- ❖ **LOBBY DAY 2022:** FOLA is hosting our 2<sup>nd</sup> 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 1<sup>st</sup> 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!** Weren’t able to attend FOLA’s Fall 2021 Plenary? We have you covered! Videos and presentations are now posted on our [Plenary Page](#).
- ❖ **VOLUNTEER POSITION:** FOLA is looking for a social media manager (volunteer/non-paid)! Check out our ad on [Charity Village](#).

## 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](mailto: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](#).

#### **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](mailto: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.