



# COVID-19 & THE PRACTICE OF LAW

## SECTOR MEETING UPDATE

Fola.ca

### SECTOR CHECK IN LOG #78

March 9, 2022

#### 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 -Department staff and the Recovery Secretariat

#### Issues discussed:

##### 1. COURTS

- ❖ **SCJ CASELINES NOTICE UPDATE:** Paragraph 7 of Part C of the Superior Court of Justice's [Supplementary Notice to the Profession and Litigants in Civil and Family Matters Regarding the Caselines Pilot, E-Filing, and Fee Payment](#) has been amended to clarify when proof of service must be uploaded to CaseLines in civil matters. The paragraph now reads:  
"Affidavits of Service – Upload affidavits of service to CaseLines in all family cases. In civil cases, upload affidavits of service only if service is contested or proof of service is necessary for determining the motion (e.g. motions where responding materials were not filed, solicitor removal motions, motions to add a party (defendant), etc.)".
- ❖ **SCJ:** Expect a Notice to the Bar regarding robing and other decorum rules; default hearing methods in Small Claims Courts, and etiquette. Notice expected to come on or before March 17<sup>th</sup>.
- ❖ **COURT OF APPEAL REOPENING:** It is expected that the CAO will resume in person hearings on April 1<sup>st</sup>. Expect a Notice with Practice Directions in the coming weeks. They are currently consulting with members of the Bar, MAG, the Recovery Secretariat, and with public health officials.
- ❖ **OCJ:** Expect some notices next week. No recent notices.
- ❖ **OPENING OF THE COURTS - SAVE THE DATE:** the 2022 Opening of the Courts of Ontario Ceremony will be held on Monday, October 3, 2022 at 3:30 pm.
- ❖ **FREE SCJ FAMILY LAW WEBINAR - MISSTEPS & OVERSTEPS:** Justice Andrea Himel, SCJ (Newmarket), Justice Marvin Kurzand and Justice Kendra Coats, SCJ (Milton) invite Ontario family law lawyers and law students to an engaging discussion about common missteps and oversteps to avoid at Court. Date is April 7<sup>th</sup> from 4:45-6:15pm. Deadline to register is April 6<sup>th</sup> (or until capacity has been reached). Register [here](#).
- ❖ **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 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).

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

- ❖ **FEES FOR COURT TRANSCRIPTS:** A new court transcript fee schedule will come into effect on April 1, 2022. The consolidated amendment will appear on e-Laws shortly. In the meantime, the amending regulation, Ontario Regulation 145/22: Fees for Court Transcripts can be found [here](#).

The changes align with the evolving transcript production model in Ontario, including current court practice directions and new court rules relating to electronic transcripts. MAG anticipates ordering parties will experience efficiencies under the new model, particularly where one electronic transcript is required for filing with the court and can be shared amongst the parties. Overall, MAG's goal is to balance the interests of ordering parties while compensating authorized court transcriptionists (ACTs) for the important role they perform in the justice system.

MAG's [Questions and Answers document](#) provides additional details regarding the implementation of the new transcript fee schedule. If you have any questions, contact Court Reporting Services, Court Services Division at [CourtReportingServices@Ontario.ca](mailto:CourtReportingServices@Ontario.ca).

- ❖ **REMINDER: JUSTICE SERVICES ONLINE (JSO) ENHANCEMENTS:** The following enhancements came into effect on the JSO platform on February 14th:
  - Time sensitive documents will be flagged in the Civil Submissions Online (CSO), Family Submissions Online (FSO) and the Small Claims Court Submissions Online (SCCSO) portals. Filers will be asked to identify time sensitive submissions which will be flagged for staff. This new feature will help staff prioritize time sensitive filings and ensure that such submissions are reviewed in advance of a closely approaching court date or deadline. Members of the legal community are encouraged to submit their documents well in advance of the deadline to ensure staff have sufficient time for review. The addition of the "Time Sensitive" column will provide an opportunity to eventually move more filings online and reduce the need for email filings.
  - Filers will have the option to upload a separate document for proof of income where the submission includes a fee waiver request. Separately uploaded proof of income documents will be automatically purged after the submission is accepted or rejected.
  - Accessibility upgrades will be made to allow documents to be submitted in Word (.docx) format. Previously, only PDF documents were accepted. Instructional text with additional information about compatible browsers will also be included.
  - A list of all existing filed documents in a family case will be provided to filers who have submitted documents through FSO. The list will be sent to filers as an attachment to the auto-generated email notice of the accepted submission and will be identical in format to the case history report currently available in FRANK.
  - French names of processed documents will be included in the auto generated notices of acceptance or rejection of a submission for filing and/or issuance in FSO, CSO and SCCSO.

This iterative approach to JSO enhancements builds on earlier work and seeks to prioritize the user experience while minimizing disruption. You will continue to be informed of ongoing enhancements through notices to legal and paralegal associations. If you would like to discuss this initiative, please contact Vaia Pappas, Director, Operational Support Branch at 416-326-2514.

## 4. RECOVERY SECRETARIAT

- ❖ **MASK MANDATES:** Ontario Public Health officials announced today that Ontario is expected to lift most mask mandates on March 21<sup>st</sup>. We should expect an update on Courthouse protocols in the next few days.

- ❖ **REMINDER:** Questions about Courthouse operations during COVID-19 can be directed to Samantha Poisson at [MAGrecoverysecretariat@ontario.ca](mailto:MAGrecoverysecretariat@ontario.ca).
  
- 5. **LSO**
  - ❖ **CONVOCATION:** The LSO's next Convocation will be on April 28<sup>th</sup> starting at 9am. You can watch live via webcast [here](#) (link to be uploaded to the website on that page the morning of the 24<sup>th</sup>).
  
- 6. **LEGAL AID ONTARIO**
  - ❖ **RESUMPTION OF IN-PERSON MATTERS:** LAO is currently working with Public Health, MAG, and the Recovery Secretariat on the resumption of in-person hearings. Marcus Pratt from LAO is open to hearing from any Law Association member regarding their planning. His email is [PrattM@lao.on.ca](mailto:PrattM@lao.on.ca).
  
- 7. **FOLA**
  - ❖ **CALLING ALL ASSOCIATIONS WITH NEWSLETTERS:** Does your Law Association publish a regular Newsletter? FOLA would like to know. Please email Katie at [katie.robinette@folo.ca](mailto:katie.robinette@folo.ca) and indicate how often the Newsletter goes out (ie: Weekly, Monthly, Quarterly).
  - ❖ **NEWS FROM FOLA'S LOBBY DAY:** FOLA received coverage in two online news platforms, the [Lawyer's Daily](#) and [QPBriefing](#). Both are hyperlinked.
  - ❖ **TLA EVENT:** The Toronto Lawyers Association's "[Behind the Scenes with Benchers](#)" is a free program with two goals: 1) Encourage people who are aligned with the interests of their members to run for Bencher; and 2) Get people who are aligned with their members' interests to vote. The event is live and in-person and is free for members and non-members. Register for free [here](#).
  - ❖ **ASSOCIATION CONTACT INFO:** Please help us ensure that your Association's contact information is correct. Visit here to confirm that your President is listed correctly [here](#) and to confirm that your librarian is listed correctly, visit [here](#). If they are NOT, please email Kelly at [Kelly.lovell@folo.ca](mailto:Kelly.lovell@folo.ca) and Katie at [katie.robinette@folo.ca](mailto:katie.robinette@folo.ca) and we will amend both the website and our lists accordingly. Include name, Law Association, position, and email.
  
- 8. **PUBLIC PROSECUTION SERVICE OF CANADA**
  - ❖ The Public Prosecution Service of Canada (PPSC) is inviting applications from private-sector lawyers or law firms with experience in prosecuting or defending criminal matters, to act as Agents of the Director of Public Prosecutions. Fixed-Term Agreements (contracts) are currently available in Norfolk County, Durham, Northumberland, Victoria, and Peterborough. The Deadline is March 30<sup>th</sup>. 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@folo.ca](mailto:katie.robinette@folo.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.