



FOLA'S MONTHLY SECTOR MEETING UPDATE

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SECTOR CHECK IN LOG #88 December 14, 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

1. COURTS

❖ SUPERIOUR COURT OF JUSTICE UPDATES

VIRTUAL TRIAL SITTINGS FOR CIVIL, NON-JURY CASES: The SCJ Regional Senior Judges Council ("RSJ Council") is commencing an initiative to address the backlog of civil trials that developed as a result of the COVID-19 pandemic. In order to provide timely access to justice in civil cases, RSJ Council has resolved to schedule two, four-week long virtual trial sittings for civil, non-jury cases. Judicial resources from across the province will be pooled to provide pre-trial and trial dates.

The first sitting will target cases in Southwest Region. Cases will be selected based on age and likelihood of being scheduled for trial within a reasonable amount of time. During the second sitting, cases from all regions will be considered for inclusion based on the same criteria.

Key points:

- Two, four-week long trial sittings will be held on the following dates:
 - November 14, 2023 to December 8, 2023
 - April 1, 2024 to April 26, 2024
- Civil, non-jury trials will be scheduled
- Both pre-trial conferences and trials will be held virtually
- Use of CaseLines will be mandatory

In the coming weeks, parties will begin receiving pre-trial and trial dates. In cases selected, counsel and witnesses must make themselves available.

❖ DISPUTE RESOLUTION OFFICER PROGRAM EMPANELMENT - DEADLINE EXTENDED:

The SCJ, in collaboration with MAG, is seeking candidates to join DRO panels in Barrie, Brampton, Hamilton, Kitchener, London, Newmarket, St. Catharines, Toronto and Welland. Candidates admitted to the panel will receive compensation on a fee-for-service basis at the rate of \$250.00 per day plus HST if applicable. French-speaking or bilingual candidates are encouraged to apply to the Hamilton, London, Toronto and Welland panels. [Learn more and apply here.](#)

❖ ONTARIO COURT OF JUSTICE UPDATES

O CJ VACANCY: Thunder Bay (Deadline - December 16th) & Fort Francis (Deadline - January 6th). [Learn more & apply](#)

❖ COURT OF APPEAL FOR ONTARIO UPDATES

No Updates

❖ JUSTICE CANADA

REMINDER - FAMILY LAW: The Department of Justice Canada invites all Family Lawyers to participate in the [2022 National Family Law Survey \(NFL Survey\)](#), which will take approximately 15 to 20 minutes to complete. This year, the focus is on child support. **The deadline is December 23rd.**

Background Information about the NFL Survey:

Since 1998, the Department of Justice Canada has conducted biennial surveys of lawyers' and judges' experiences in family law in Canada, collecting data geared toward family law policy development. Historically the NFL Survey was administered only to participants at the National Family Law Program Conference. Starting in 2018, however, it has been distributed to Law Societies across Canada through the Federation of Law Societies of Canada (FLSC) to increase participation in the Survey. Since 2019, the NFL Survey has been distributed to family law legal advisers across the country through the FLSC and the Canadian Bar Association – Family Law Section.

The NFL Survey collects information on the characteristics of practitioners' family law cases, and their experience in family law issues. This information assists in the development of policy and programs related to family law in Canada. If you are a family law legal advisor, please fill out the [Survey for Lawyers](#).

2. MAG

❖ **COURT FEE INCREASES:** Pursuant to regulation, court fees in civil, small claims and family matters in the Superior Court of Justice and Court of Appeal automatically increase every three years by applying the Consumer Price Index, beginning January 1, 2023. To ensure continued access to justice, fee waiver eligibility thresholds are increased at the same rate. A complete list of the fee and fee waiver eligibility threshold increases can be found [here](#). If you have any questions or comments, please contact Vaia Pappas, Director of the Operational Support Branch at (416) 326-2514 or by email at Vaia.Pappas@ontario.ca.

❖ **JUSTICE SERVICES ONLINE (JSO) ENHANCEMENTS:** The JSO platform for the SCJ will expand to enable online filing of bankruptcy and Divisional Court documents on December 12, 2022. The expansion will include the new Bankruptcy Submissions Online (BSO) portal for bankruptcy proceedings, and Divisional Court documents will now be eligible for filing and/or issuance through the existing Civil Submissions Online (CSO) portal. Other updates are also being made to the JSO portals, including:

- Local Legal Aid Ontario contact information will be added to emails sent to filers in Family Submissions Online (FSO).
- Allowing those who are not a party to a proceeding to submit documents for filing through Small Claims Court Submissions Online (SCCSO), CSO and BSO and identify themselves as non-parties.

To access any of the JSO filing portals (including BSO and CSO), users are required to create a ONE-key ID and register for a JSO account (or sign in with existing credentials). ONE-key is a unique electronic credential that allows users to communicate securely with online Government of Ontario services. Setting up a ONE-key ID is fast and simple. More information can be found [here](#). MAG will continue to enhance the JSO portals based on user feedback and keep the legal community informed of ongoing enhancements. If you would like to discuss this initiative, please contact Vaia Pappas, Director, Operational Support Branch at 416-326-2514 or Vaia.Pappas@ontario.ca.

- ❖ **CERTIFICATION OF COURT TRANSCRIPTS:** As you may know, court transcripts are now primarily digital, with certified electronic transcripts becoming the default format as a result of the ongoing modernization of the court system and the implementation of more electronic processes. To ensure there is consistency in the certification standards of court transcripts in Ontario, MAG has updated Ontario Regulation 158/03: Certification of Recordings, made under the Evidence Act, RSO 1990, c E.23 to better reflect the use of certified electronic transcripts. The updates include:
 - The introduction of a new prescribed Form 3 certificate to be used by authorized court transcriptionists (ACTs) to certify electronic transcripts using electronic signatures;
 - Updates to the existing prescribed Form 2 certificate to be used by ACTs to certify paper transcripts using wet ink signatures; and
 - Clarifying the obligations relating to the production and certification of court transcripts.

The updates to O. Reg. 158/03 will come into effect on December 5, 2022. The consolidated regulation will appear on e-Laws once the consolidation is completed. In the meantime, the amending regulation, Ontario Regulation 531/22 can be found [here](#).

These updates also complement recent amendments to Ontario Regulation 94/14: Fees for Court Transcripts that came into force on April 1, 2022, which introduced fees for certified electronic transcripts.

[This Q&A document provides](#) additional details regarding the updates to O. Reg. 158/03. Further direction on the certification standards for electronic transcripts will also be outlined in an updated version of the Court Transcript Standards and Procedures Manual, which will be posted by Arkley Professional Services on the Authorized Court Transcriptionists for Ontario website in the near future: [Resources - Authorized Court Transcriptionists for Ontario \(courtranscriptontario.ca\)](#).

- ❖ **LANDLORD AND TENANT BOARD:** On November 24th, MAG announced that the government is making an additional \$1.4 million investment into the Landlord and Tenant Board, which will allow the board to hire over 35 additional operational staff to enhance scheduling and client experience, issue decisions and orders faster and help tackle the high number of cases before the board. You can read the announcement [here](#).
- ❖ **REGULATORY AMENDMENTS: CIVIL AND SMALL CLAIMS COURT PROCEEDINGS:** On November 15, 2022, two regulations were filed to amend the court rules and forms for civil and Small Claims Court proceedings:
 - O. Reg. 520/22, amending the Rules of Civil Procedure, posted on e-Laws at <https://www.ontario.ca/laws/regulation/r22520>
 - O. Reg. 521/22, amending the Rules of the Small Claims Court, posted on e-Laws at <https://www.ontario.ca/laws/regulation/r22521>

These regulations introduce new unsworn certificates of service for lawyers (under the *Rules of Civil Procedure*) and lawyers and paralegals (under the *Rules of the Small Claims Court*).

Both regulations will come into force on **January 30, 2023**.

The Rules of Civil Procedure amendments:

- introduce two new unsworn lawyer's certificates of service (Form 16B.1 for general use and Form 74B.1 for probate applications) to prove that a document was either served by the lawyer or caused to be served by the lawyer;

- designate the lawyer's certificate of service, as well as electronic filing of certain enforcement documents, as an exception to the general rule that self-represented litigants may perform any step assigned to lawyers under the rules;
- update the name and terminology of the Form 16C certificate of service available to the Sheriff;
- update references to affidavits of service to clarify the applicable forms of proof of service; and
- prescribe revised versions of Forms 74.44, 74.49.2, 74.49.3, 74.50, 74.51, and 75.8 to update their existing references to affidavits of service.

The new and revised forms prescribed under O. Reg. 520/22 are available on the [Ontario Court Forms - Rules of Civil Procedure website](#) and [Ontario Court Forms - Estate Forms website](#). A summary of O. Reg. 520/22 is available on Ontario's Regulatory Registry at: [22-MAG013](#)

The Rules of the Small Claims Court amendments:

- introduce a new unsworn lawyer or paralegal's certificate of service (Form 8B) to prove that a document was either served by the lawyer or paralegal or caused to be served by the lawyer or paralegal;
- update existing provisions that refer to the use of affidavits of service;
- move the provision about proof of service within the service rule (Rule 8) for better organization;
- update references to affidavits of service to clarify the applicable forms of proof;
- prescribe a revised version of the Form 8A affidavit of service to better capture existing service methods and to add information about using a lawyer or paralegal's certificate of service as an alternative form of proof of service; and
- prescribe revised versions of Forms 7A, 9A, 10A, 15A, and 20H to update their existing references to affidavits of service and make housekeeping updates (e.g. updated links to Ontario.ca pages).

The new and revised forms prescribed under O. Reg. 521/22 are available on the [Ontario Court Forms - Rules of the Small Claims Court Forms website](#). A summary of O. Reg. 521/22 is available on Ontario's Regulatory Registry at: [22-MAG014](#)

3. OTHER ONTARIO GOVERNMENT NEWS

❖ REMINDER: ONTARIO'S NOT-FOR-PROFIT ACT

Ontario's Not-for-Profit Corporations Act (ONCA) took effect on October 19, 2021. Existing non-profits have 3 years from that date to bring their governing documents into compliance with the new law. Learn more on our new [ONCA Resource Page](#).

4. RECOVERY SECRETARIAT

- ❖ REMINDER: Questions about Courthouse operations related to health & safety can be directed to Samantha Poisson at MAGrecoverysecretariat@ontario.ca.

6. FOLA

- ❖ LiRN "CLAWBACKS": On December 9th, FOLA sent [this letter](#) to LiRN requesting an extension for Associations to submit their business case to avoid LiRN clawbacks of excess funds.
- ❖ FOLA PLENARY VIDEOS, RECAP, & PICTURES: We now have many of our Plenary pictures, videos and Post-Plenary Report up on our Plenary page [here](#).
- ❖ FOLA IN THE NEWS: "[FOLA wants feds to revoke Prohibition on the Purchase of Residential Property by Non-Canadians Act](#)" via The Lawyer's Daily.

- ❖ **FOLA IN THE NEWS:** [“FOLA calls on feds to revoke legislation prohibiting residential real estate sales to non-Canadians”](#) via Law Times
- ❖ **METROLINX & OSGOODE HALL:** On November 30th, the LSO announced that, thanks to the efforts of community members & partners who have raised concern over the removal of 5 trees from the historic grounds of Osgoode Hall, Metrolinx has agreed that this removal is not necessary to facilitate an archaeological assessment for the Ontario Line station.
- ❖ **METROLINX & OSGOODE HALL:** On November 25, 2022, FOLA sent a letter to Mayor John Tory urging him to block the December 5th start date for tree removal on Osgoode Hall grounds to make way for the Metrolinx Ontario Line. You can read that letter [here](#). This letter was featured in the Law Times! You can read the article [here](#). It was also featured in Lawyer’s Daily [here](#) (behind a paywall, so PDF attached).
- ❖ **LEGAL AID:** FOLA is creating a list of those who do Legal Aid work. We will add you to legal aid related emails and invitations to consultation meetings (all virtual and all optional). If you are interested in being added to our list, please email Katie at katie.robinette@fola.ca with the subject line “Legal Aid”. Please indicate your name, email, Law Association, and practice areas (family, criminal, etc).
- ❖ **REMINDER - LAW LIBRARY & ZOOM QUESTION:** Has any law library purchased a soundproof booth that could be used for zoom proceedings in the library to provide privacy? One or two Law Associations are looking into this and would love to chat with those of you who have. Please email Katie at katie.robinette@fola.ca if you have a soundproof booth.
- ❖ **JOBS**
 1. The Public Prosecution Service of Canada 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. They currently have a posting for Fixed-Term Agreements (contracts) to assist multiple offices. Learn more and apply [here](#). (Deadlines vary)
 2. College of Nurses of Ontario has a posting for a Manager, Hearings. Position Summary: Develops, implements and administers programs and services to support the Discipline Committee and the Fitness to Practise Committee to carry out their statutory mandates. Learn more & apply [here](#). (Deadline Dec 31)
 3. FOLA is looking for a Volunteer Social Media Manager. Learn more & apply [here](#).

❖ **NEW BOOK FOR YOUR LAW LIBRARY COLLECTIONS:**
[Building Justice: Frank Iacobucci and the Life Cycles of Law](#)

By Shauna Van Praagh

September 2022 | 9781487566289 | 376 pp | 9 b&w illustrations | Hardcover & eBook \$36.95

Building Justice draws on the inspiring life of former Canadian Supreme Court Justice Frank Iacobucci to offer insight into the meaning of engaged citizenship through law. Ignoring early advice that he had the wrong kind of name to go to law school, Frank Iacobucci, the son of Italian immigrants, made a name for himself as an outstanding Canadian jurist. Serving as justice of the Supreme Court of Canada from 1991 to 2004, Iacobucci was also professor and dean of law at the University of Toronto and deputy minister of justice for Canada.

In *Building Justice*, Shauna Van Praagh weaves together the voices of individuals whose paths and projects have intersected with those of Frank Iacobucci. The book provides a compelling consideration of the study and practice of law as it follows the stages of Iacobucci’s life and career: from his childhood in Vancouver, his practice as a young lawyer, his time at the University of Toronto and with the Federal Department of Justice, his work as a judge at the highest level of court, and his significant engagement with Canada’s ongoing response to the legacy of residential schools. *Building Justice* is a beautifully written biography in which the stories of one jurist serve to explore and illustrate engaged citizenship through law.

If your organization is interested in a bulk or wholesale purchase of this title, please contact Michaela Jacques at mjacques@utorontopress.com. Learn more & order individual copies [here](#).

- ❖ **THE WINDSOR LAW 3L RESUME BOOK FOR ARTICLING:** The Windsor Law 3L Resume Book features competitive students who are eager to secure paid articling opportunities for 2023 - 24. Employers who are interested in hiring an articling student can request our Resume Book from our Career Services

Office. Simply email windsorcso@uwindsor.ca to receive your free electronic copy today! If you prefer to post a paid articling opportunity, please email your job posting to windsorcso@uwindsor.ca.

- ❖ **FOLA NEWSLETTER:** FOLA's December Newsletter is now available. You can view it [here](#).
- ❖ **MLA NEWSLETTER:** The Middlesex Law Association's latest edition of "The Snail" is now available. You can read it [here](#).

8. LiRN

- ❖ **LIBRARY SERVICES & MANAGEMENT RESPONSIBILITIES POLICY, HR POLICY & GUIDELINES:** You can now access all of LiRN's new Policy documents on our [website!](#)

9. LSO

- ❖ **BENCHER ELECTIONS:** Nominations are now open for the 2023 Bencher Elections! You can find more information on [FOLA's Bencher Elections webpage](#). Over the coming weeks, FOLA will be adding resources for those considering running – so please do visit this page regularly! **Nominations are open until February 24th and voting will occur online in April 2023 with the results announced on May 1, 2023 after the tabulation of votes.**
- ❖ **FAMILY LEGAL SERVICES PROVIDER LICENCE (FLSP):** Convocation approved the creation of an FLSP licence. Paralegals who complete the specified training will be able to assist clients with process navigation, completing applications for joint and uncontested divorce and motions to change for child support, based on the payor's "line 150/T4 slip" income and excluding special and extraordinary expenses. The proposed scope also includes responding to support proceedings and court appearances on motions to change, subject to the limitations described previously. The full details can be found in the [report](#). The Access to Justice Committee will review the FLSP licence within three years of its implementation to determine its impact on access to justice and report to Convocation. Following the vote, FOLA issues [this Statement](#).
- ❖ **REMINDER - BENCHER ELECTIONS:** Nominations are now open for the 2023 Bencher Elections! You can find more information on [FOLA's Bencher Elections webpage](#). Information as to how FOLA will be involved in these elections will be discussed at our Fall 2022 Plenary and will be posted on that page following the event. Also, over the coming weeks, FOLA will be adding resources for those considering running – so please do visit this page regularly! **Nominations are open until February 24th and voting will occur online in April 2023 with the results announced on May 1, 2023 after the tabulation of votes.**
- ❖ **REMINDER - CONSULTATION: EXPANDED REMEDIAL OUTCOMES FOR THE PROCEEDINGS AUTHORIZATION COMMITTEE (PAC):** The Professional Regulation Committee is seeking feedback on its recommendation to expand the remedial outcomes available to the Proceedings Authorization Committee (PAC) to include mandatory regulatory meetings and continuing education or remediation programs. Visit [LSO Website](#) for more information. **Deadline is January 15, 2023.**
- ❖ **AWARDS PART 1:** The Human Rights Award recognizes outstanding contributions to the advancement of human rights and/or the promotion of the rule of law provincially, nationally or internationally. The award is granted for devotion to the advancement of human rights and the rule of law over a long term or for a single outstanding act of service. The call for nominations deadline is December 31. Learn more on the [LSO website](#).
- ❖ **AWARDS PART 2:** Nominations for the 2023 Law Society Awards are open until December 16, 2022. Award criteria, the nomination process and the online nomination form are all available [here](#). Paralegals are eligible for the William J. Simpson Distinguished Paralegal Award. Awards for lawyers include the Law Society Medal and the Laura Legge 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.
- ❖ **LAW SOCIETY EXTERNAL APPOINTMENTS – CALL FOR APPLICATIONS:** 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 and paralegals for the following:
 - Legal Aid Ontario Board of Directors
 - Federal Judicial Advisory Committee

The application deadline is December 22, 2022. More information is available on the [external appointments webpage](#).

❖ **CONVOCATION - AGM:** The Law Society's AGM will take place virtually on May 10 at 5:15pm.

10. THE OBA & COURT DELAYS

The OBA is collecting data on Court Delays through an online portal on their website. They are encouraging lawyers to complete their survey so that they can use that data to address our growing backlogs. Complete their survey [here](#).

11. EVENTS

18th ANNUAL WILLS, ESTATES & TRUSTS CONFERENCE

Thursday, November 10th, 2022, Online via Zoom, 9:00 am - 12:00 pm

The HLA's 18th Annual Conference offers a full agenda with an incredible group of experts. The morning will include:

A refresher on RDSPs, Henson Trusts and Disability Trusts

A caselaw update with 4 cases being reviewed

Documenting Your File & Production Request in Estate Planning from LawPro Preferred counsel

New Estate forms and procedures - 2022 changes reviewed

Q&A focussed on practice challenges and developments in the COVID pandemic recovery

[Learn more & register here](#)

QUESTIONS/CONCERNS?

COURT WORKING GROUPS

SCJ FAMILY LAW & IN-PERSON vs. ONLINE MATTERS

If you have ongoing concerns regarding in-person vs online appearances at the SCJ, please direct your concerns to Katie at katie.robinette@fola.ca and she will relay them to our Family Law Working Group.

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 Katie at katie.robinette@fola.ca.

EVERYTHING ELSE

Law Association members are welcome to send any issues/concerns related to the above Updates to FOLA by emailing Katie at katie.robinette@fola.ca. We will 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.