



FOLA’s Northwest Regional Report for November 2021 Plenary

The Northwest Region consists of the law associations serving the Thunder Bay, Kenora, and Rainy River districts. Our region spans two time zones, 4 provincial ridings, and 3 federal ridings, and takes over 6 hours to traverse by car from east to west. It contains numerous remote and fly-in Indigenous communities.

This past year our associations have largely been focused on addressing growing pains related to the modernization and digital adaptation of the courts, some of which have moved to a regionalized model as opposed to local sittings. Moving court “online” has provided more appearance opportunities for some smaller courts, and counsel have faced new practice opportunities as a result. At the same time, we have seen new constraints and challenges, with some court staff and judicial officials struggling to manage the docket efficiently in this model. A late 2020 fire at the Thunder Bay Courthouse saw further disruption in the business of the court, during an already-difficult period of transition.

Counsel have expressed frustration with the myriad number of new practice directions, memoranda from the bench, and multiple online filing/upload requirements that have been introduced, as well as with the inconsistent nature in which these instruments seem to be utilized, applied, and enforced by the bench and court staff. These are ongoing challenges that our associations continue to work with the local bench and Court Services to address. There continues to be a need for more uniformity, standardization, and simplification (for example, with provincial and Superior Court applying family law protocols differently). Some counsel have expressed concerns that the court’s efforts to modernize seem to have downloaded more work to the private bar (i.e., multiple follow-ups, which upload portal(s) to use or not), and has resulted in less certainty of process (i.e., is my document filed or not?).

Some longstanding challenges persist. The Ontario Court of Justice has continued to decline to place a resident judge at the Fort Frances Courthouse, despite advertising other vacancies in the region. This has been somewhat distressing given that the increased use of remote appearances and technology ought to have firmly addressed the question of whether the Fort Frances court has sufficient volume (the statistics reflect that it does). At the same time, we are pleased by the renewal of the provincial court bench across the region, including with the increased Indigenous representation in the Justice of the Peace bench in Kenora.

Douglas W. Judson
Northwest Region Representative