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# FOLA POST PLENARY REPORT

FALL 2020

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# NOVEMBER 2020 POST PLENARY REPORT

As was the case for our Spring 2020 Plenary, FOLA's Fall 2020 Plenary was held by Zoom due to the to the coronavirus and social distancing restrictions. But unlike our Spring Plenary, which was "business only", our Fall Plenary spanned the entire day and featured a full slate of guest speakers and even a Post Plenary networking opportunity! If you want to go directly to our Plenary videos, [click here](#) for our playlist.

Our Plenary began with opening remarks by our Chair, William Woodward, who noted (somewhat in jest but also quite likely) that he just might be the first FOLA Chair to never host a Plenary in person. William discussed the many changes that have been taking place in the profession as a result of the coronavirus and lauded all justice stakeholders for their cooperation as we all work to adapt to the new processes and procedures. William also took a moment to note the absence of now-Justice Kirstin Muszynski. As many of you will know, Justice Muszynski formerly held the position of FOLA's 2<sup>nd</sup> Vice Chair but has since been appointed to the Superior Court of Justice. While a real loss for FOLA, it is a terrific win for the SCJ and congratulations were extended. Watch William's video clip [here](#).

Following our Roll Call, Law Society of Ontario Treasurer, Teresa Donnelly, provided an overview of her term in office thus far and shared some priority areas for her - including highlighting key areas where FOLA and the LSO can work together. Treasurer Donnelly's video clip can be viewed [here](#).

Next up was FOLA's Executive Director, Katie Robinette, who provided an update of FOLA's work over the past six months. Her presentation can be found on our [Plenary page](#). It should be noted that her Report includes hyperlinks to all FOLA Submissions since our May Plenary as well as highlighting all [Member Rewards](#) which are available to each and every Law Association member! Katie's video clip can be found [here](#).

We then heard from some of our Committee Chairs - starting with a LIRN update from Nathan Baker, FOLA's LIRN Chair when Nathan took an opportunity to remind Law Association Presidents to reach out to their regional and local Benchers to remind them of the importance of Ontario's Law Libraries. He also reminded all attendees to keep an eye out for a new LIRN website which is expected before the end of the calendar year!

Nathan was followed by John Krawchenko, FOLA's 1<sup>st</sup> Vice Chair. John has been overseeing FOLA's participation in the special COVID-19 Small Claims Working Group. While relatively new, the group has already met a dozen times and continues to meet every two weeks. John shared that, prior to COVID-19, Small Claims matters were handled at the local level but since have been run through a centralized office (in Toronto) with four trial lawyers and a dedicated staff who assign cases to Regional Deputy Judges. Initially, Small Claims Courts limited matters to "urgent only" but this has been expanded and the Committee continues to explore further expansion of services as backlogs are cleared. John also referred members to the Small Claims directives that are issued on the SCJ website under "[Orders of the Chief Justice](#)" as well as under "[Other](#)".

Wrapping up the Committee Reports were Merredith MacLennan and Eldon Horner, FOLA's Real Estate Co-Chairs who also prepared a written report which you can find [here](#). Unfortunately, FOLA's Legal Aid Chair, Terry Brandon, was unable to attend our Plenary but prepared a written report which is also on our [Plenary page](#). Watch all our Committee Reports [here](#).

Sam Misheal, FOLA's Family Law Chair, offered a "year in review" regarding Family Law. Starting with highlighting the changes to the Divorce Act, which are now expected to come into effect in March 2021, and the new Moving Ontario Family Law Forward Act - 2020. Sam noted that FOLA was consulted on both Acts, adding

that that he also made a virtual presentation to the government's Justice Committee regarding the Moving Ontario Family Law Forward Act. But the bulk of his presentation focused on the current Law Society's Consultations on the Family Law Services Provider Licensing Model. Sam thanked everyone for their input, noting that, in addition to participation by members in a series of virtual consultation meetings, at the time of our Plenary, FOLA had received comments from over 240 people via a FOLA/Advocates' Society survey. FOLA's submission can be found on our Family Law page [here](#). For more information about all matters related to FOLA and Family Law visit [here](#). And to watch the video of Sam reporting at Plenary, click [here](#).

Following a short break, we heard from our eight Regional Representatives who each provided updates on how their respective regions were adapting to the new processes and procedures due to the pandemic. Regions reported that most matters at both the SCJ and the OCJ are either taking place via Zoom or are beginning to move to Zoom and backlogs are beginning to be addressed. Worth noting are the benefits of the local Bench and Bar meetings which seem to be common throughout the province and the common recognition that, while the pandemic has offered a tremendous opportunity for modernization, we need to be aware of the issue of "digital divide" where those without adequate technology face increased access to justice issues. As a reminder, all SCJ Regional Notices can be found [here](#). Want to jump to the video of our Regional Reports? [Click here!](#)

Prior to hearing from Diana Miles, CEO of the Law Society of Ontario, we heard from FOLA's Treasurer, Jane Robertson, who offered our Budget Report. Members then voted 98% to pass our Financial Statements up to October 31, 2020.

Diana Miles provided a comprehensive update on the Law Society's activities and noted that, contrary to what many may perceive, the LSO has not seen any drop in the number of licences in 2020. Diana's Report included overall trends in the profession and offered a window into how the LSO has been adapting and responding to issues arising from the pandemic. Her report can be downloaded from our [website](#) and her video can be viewed [here](#).

Following a lunch break, members heard from our keynote speaker, Dr. Hadiya Roderique. Dr. Roderique is a lawyer, researcher, broadcast commentator, and an award-winning writer who is perhaps most well known for her Globe and Mail piece "Black on Bay Street", which outlined her experiences as a young Black woman working in a Bay Street law firm. Unfortunately, we were not able to record Dr. Roderique's talk - titled "Talent, Inclusion, and Belonging" - due to restrictions placed on our agreement with the Speakers' Spotlight agency, but her presentation highlighted issues (and provided statistics) with hiring processes in the legal profession such as biases in "black" vs. "white" names (like "Greg" vs. "Tyrone") and "female" vs. "male" names (or "Jennifer" vs. "John") on resumes, recruitment of marginalized lawyers to predominately white cities and towns, and salaries offered to racialized hires vs. "white males". She also touched on judgements within organizations based on "racial norms" noting that when a "black man" acts in a firm manner, it is often perceived as aggressive or even threatening. She also cited studies showing biases around mothers in the workplace vs. fathers showing that comments such as "they have a family to support" were used to describe men who needed to tend to childcare issues vs. "their priorities lie elsewhere" when referring to a woman tending to childcare matters. It was a sobering talk yet refreshing in the sense that it was not a lecture but more of a "what we can do as small/sole practicing lawyers" and how we can all work together to change systems.

Dr. Roderique introduced many attendees to the term "microaggressions" (brief, everyday exchanges that send denigrating messages to certain individuals because of their group membership) and suggested we become aware of our words and actions as they may not - at first - seem racist or sexist but may, in fact, be just that.

Some questions she suggested we all ask ourselves include: Are you afraid of having conversations about bias, racism, sexism, and discrimination? Why haven't you enacted certain steps in the past? What thoughts or actions

stood in the way of change? What do you need to do to address these? What have you been afraid of when it comes to change? Are those fears rooted in reality or assumptions?

Following Dr. Roderique was LawPRO's President and CEO, Dan Pinnington, who provided a briefing update on LawPRO. Dan's presentation is accredited for 30-minutes of Professional Content and provides an overview of the 2021 insurance program, the impact COVID-19 has had on LawPRO and the claims being filed, and the resources available to members. Dan's presentation can be downloaded from our website [here](#) and his video can be found [here](#).

Next up was Rio Peterson from Clio, who presented a talk titled "Accelerating Change: Covid-19 and the Legal Profession" (accredited for 50 minutes of Professional Content) which covered trends noted by Clio in their 5<sup>th</sup> annual survey of over 1,000 practicing lawyers and over 1,000 members of the public who access legal services. The report noted discrepancies between perceived beliefs and facts (i.e. 33% of consumers believed lawyers had stopped offering their services through April and May vs 2% who actually had shut their doors) and offered some examples of how the rapid adoption of technology is helping lawyers in their practices. Rio also provided a handy resource leave-behind which, along with her presentation, can be found on our website [here](#) and her video can be found [here](#).

Our final presentation of the day featured Chris Johns, Director, Criminal Justice Transformation, Ministry of the Solicitor General, and Alexey Togunov, Manager, Project Implementation, Ministry of the Attorney General, and this session has been accredited for 45 minutes of Professional Content.

Chris' presentation, titled "Criminal Justice; Digital Design" highlighted challenges posed by the current state of Ontario's Justice system and presented the Ministry of the Solicitor General's vision for the future (both immediate as a result of COVID-19 and longer term). Some solutions are currently available, including the new Criminal eIntake solution, while others are in the planning stages, such as the Digital Disclosure + Hearing Hub (D2H2).

Alexey's presentation, titled "Modernizing Justice", highlighted the Ministry of the Attorney General's response to COVID-19 and provided an overview of digital solutions offered through MAG and the Courts. Alexey stressed that MAG is taking an iterative approach to implementation and are committed to continuous improvement through user feedback and engagement.

Both Chris' and Alexey's presentations are available on our Plenary page [here](#) and their videos can be found [here](#).

To wrap up a full day of presentations, we announced the winners of our Inaugural FOLA Awards! Congratulations to James Zegers, Past President of the Middlesex Law Association on winning the President's Award, Michael Johnston from the Leeds-Grenville Law Association on winning the Distinguished Service Award, and Chris Wyskiel, Brant Law Association's Law Librarian for winning our Luminary Award! Check out our one-minute videos highlighting why they won [here](#). And if you would like to watch our Awards session at Plenary, you can view that [here](#).

After some quick closing remarks from FOLA's Board Chair, William Woodward (which can be viewed [here](#)), some of our members enjoyed a short break before attending our Post-Plenary virtual wine tasting with Jason Axmith, founder of Cosecha Imports Inc. and featuring a selection of wines from private vineyards in Spain. We recorded the full session so please do feel free to watch the recording on our [website](#).