



FOLA’s Southwest Regional Report for November 2020 Plenary

It is trite to say that since May Plenary we have continued to experience province wide lasting and ongoing COVID-19 impacts on every area of the practice of law.

The mid-March 2020 declaration of a pandemic saw trials immediately adjourned without question and in-Court appearances cancelled. A scramble to modernize an obsolete Court system, decades removed from modern technological advances, has resulted in remote meetings and Court appearances (by video and phone). Electronic filings have also become standardized.

The Presidents of the Southwest Region* report that the Ontario Court of Justice and the Justice of the Peace Case Management Courts have been remanding cases by audio attendances throughout the pandemic and have now begun utilizing Zoom in most Courthouses. Public access by Zoom has been implemented such that self-represented individuals can attend Court remotely. Bail Hearings with Sureties and other witnesses, accused, Crown and Defense Counsel, are continuing in full (both by Zoom and audio). Court staff have been in the Courtrooms throughout but with reduced numbers and capacity. Justices of the Peace have presided remotely by audio and, at times, by being in the Courtroom proper.

The Ontario Court of Justice (Criminal Division) Judges quickly adapted to audio appearances to accommodate out of Custody Pleas and Sentencings (without risk of incarceration).

Judicial Pretrials by teleconference have been successfully engaged in all Counties.

Courthouses continue to undergo retrofitting to allow for social distancing. This includes the placement of plexiglass, improving Wi-Fi capabilities, and installing sanitizing stations. Accommodations continue to be made to Courthouses to allow for in-person trials and sentencings where incarceration is a possibility.

The Ontario Court of Justice (Family Division) has faced the same hurdles as outlined above. At the outset of the pandemic, only emergency matters (mainly child protection cases) were granted Judicial review. Many teleconferences and other remote measures were used to manage the ever-ballooning backlog of cases.

Similarly, the Superior Court of Justice saw Courtroom closures and cases postponed.

At first, Court appearances and meetings, when possible, took place by audio but Zoom has since become the adopted platform. Gradually, Courtrooms, waiting rooms, and interview rooms have been retrofitted for healthy distancing and are subject to inspections by public health officials.

Jury trials have resumed in Middlesex County and Lambton County reports jury selection is to take place on Monday November 9, 2020. Other counties are following suit.

Gradually the Courts are re-opening. Trials are being managed for Criminal Law matters in both the OCJ and SCJ.



Small Claims Courts are lagging behind other courts. Private complaints and Bond Applications are not available as the Justices of the Peace are not yet meeting the public to support such cases.

The Civil Court Trial lists are extremely problematic with predictions for trial ability being years away.

The Civil Trial lists have been lacking capacity for years (in the Southwest Region) with Criminal cases, due primarily to Jordan delay considerations, taking priority along with Family Law.

Overall, the Regional Reports from our Southwest FOLA Presidents, note the collegiality and collaboration in the restoration of our Justice systems.

Of course, there have been glitches and frustrations. But, in general, the Presidents report that things are moving along in a good direction. Modernization is seen as long overdue by the practicing Bar.

Court House delays, due to reduced staffing during the pandemic, continues to be identified as problematic. However, local Bench & Bar meetings are helpful and Presidents communications with the Bench are ongoing.

In closing, despite these days of great adversity, I am happy to report that the Southwest Region appears healthy considering our unique circumstances.

I regret that, due to a personal commitment conflicting with the November Plenary schedule, I am not available to attend the Plenary and to personally address you by Zoom. As I always say: Your voice matters and FOLA welcomes your input.

Finally, if you have not already done so, please, DELETE: terrylbrandon@sympatico.ca from your contacts and replace it with: terrylbrandon@acriminaldefence.ca. I would be most happy to hear from any member about concerns or questions or simply to receive additional commentary about the practice of law in our Region.

I look forward to continuing to serve the Southwest Region as your voice on the FOLA Board.

Yours faithfully in FOLA service,

Terry L. Brandon
FOLA Southwest Regional Representative & Legal Aid Committee Chair

*** Southwest Region Law Associations and Presidents**

Elgin Law Association, Catherine Papineau

Essex Law Association, Jennifer Simpson Rooke

Huron Law Association, Sarah Wisking

Kent Law Association, Stephen Andari

Lambton Law Association, Amanda Gaw

Middlesex Law Association, Erin Rankin Nash

Oxford Law Association, Michellene Beauchamp

Perth Law Association, Sharon Bardwell

Huron Law Association, Jenn McMillan