



COVID-19 & THE PRACTICE OF LAW

WEEKLY UPDATE

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COVID-19 - WEEKLY CALL CHECK IN LOG #2

March 23-March 27, 2020

Summary

Invited participants on calls

OBA, FOLA, LSO, LAO, the Advocates' Society, & OTLA

Superior Court of Justice in Ontario, Court of Appeal for Ontario, & Ontario Court of Justice

MAG - Political and Department staff

Issues discussed:

1. Law Society

- ❖ The LSO has been addressing FOLA members' LSO-related questions daily and has been updating their FAQ section of the website to ensure responses from common questions are available to all.
- ❖ The LSO has sent a letter to the Federal Finance Minister regarding financial services matters (banking) and the legal profession. While they have asked that the letter not be shared, FOLA wanted to let you know that the LSO is taking action on this issue;
- ❖ The LSO is still working on putting out messaging for and around candidates, licensing exams, and other matters affecting law students;
- ❖ In response to COVID-19, as an interim measure, with support from the SCJ and the OCJ, the LSO has launched an emergency family law referral telephone line to provide assistance to people who are self-represented (SRLs) and who are trying to determine whether or not their family court matter meets the criteria to be heard by the Court on an "urgent" basis and, if so, how to proceed in making their request.
- ❖ They are also working on issuing an update to their Notice to the Bar regarding professional fees;
- ❖ A reminder that the LSO's FAQ page is updated frequently and is available [here](#).

2. Courts

- ❖ The Courts have been addressing FOLA members' Court-related questions daily and have been providing responses either directly through FOLA's Rapid Response reporting structure and, when possible, addressing them internally.
- ❖ Courts Services division staff are, by and large, settled into working from home. Lawyers should note that Trial Coordinators are being inundated with emails. Staff are all working well into the evening to sort through.
- ❖ Electronic filing continues to be an ongoing challenge right now and the courts are working tirelessly with MAG to address this issue and expect to have a solution worked out with MAG's Court Services Division next week. It is worthwhile noting that Judges meet daily and that, in addition to discussing this matter over the weekend, expansion of matters is also a daily discussion topic.

NOTE: SPECIAL WEEKEND UPDATE COURTS):

- ❖ On Friday afternoon, March 27, Chief Justice Morawetz sent a [Notice to the Legal Profession](#) announcing that the scope of events that may be heard remotely by the Superior Court of Justice will expand, effective April 6, 2020.
- ❖ FOLA, the OTLA, the Advocates' Society, and the OBA (with the OTLA taking the lead) have worked together to compile a list of matters that should be added. The Courts will be discussing this issue and reviewing our list over the weekend. You can view our submission [here](#).
- ❖ On March 28, 2020, the Ontario Court of Justice sent a new Notice to Court Users re: Access to Ontario Court of Justice Proceedings during the COVID-19 Pandemic
- ❖ On March 28, 2020, the Ontario Court of Justice sent a Notice to the Legal Profession and the Public
- ❖ regarding the process of emailing urgent documents at the Ontario Court of Justice

3. Privacy and Security of ZOOM meetings

- ❖ Call participants were reminded of Section 136 of the Courts of Justice Act which allows for recordings of proceedings.
- ❖ All virtual meetings are run by the Courts and the Courts serve as video conference hosts and all parties, at the beginning of the proceedings, are made aware that the sessions are being recorded and are asked to agree.
- ❖ Permission for any other party to record the session would be authorized by the host. Participants are by invitation of the Courts only and participants can be removed at any time by the host.
- ❖ All video technology is using the highest industry standards regarding privacy and security.

4. MAG

- ❖ MAG is aware of issues related to corrections facilities and Corrections is exploring a number of measures to expand access to clients for the bar
- ❖ FOLA is working with MAG to get clarification regarding limitation periods - especially as they relate to real estate law.
- ❖ MAG has confirmed that, last week, they issued a direction to Court staff to suspend the issuance of administrative dismissal notices and dismissal orders for:
 - OCJ family court proceedings
 - SCJ family court proceedings
 - Small Claims Court matters
 - SCJ Civil proceedings

The suspension applies to all courts across all regions.

- ❖ FOLA understands that many members' questions related to the Ministry of the Attorney General have not been answered. Please know that MAG is working on addressing these and it is hoped that responses will be forthcoming.

REMINDER: Effective the week of March 30th, these daily calls will become weekly calls and are scheduled to take place on Wednesdays. Law Association members are still welcome to send any issues/concerns related to the practice of law caused by the COVID-19 epidemic and we will continue to address them in as timely a manner as is humanly possible. Please note that prior to submitting a question, you are requested to visit the [government's website](#), the Courts' websites ([Superior Court of Justice](#), [Ontario Court of Justice](#), [Court of Appeal](#)), and the [Law Society's FAQ page](#). These websites are all updated daily. You may find your question/issue/concern has already been addressed. Links to all above sites can also be found on FOLA's [COVID-19](#) page.

Questions can be sent to Katie Robinette at katie.robinette@fola.ca. No phone calls please.