



# COVID-19 & THE PRACTICE OF LAW

## WEEKLY UPDATE

Fola.ca

### COVID-19 - WEEKLY CHECK IN LOG #36

December 2, 2020

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 - Political, Department staff, and the Recovery Secretariat

#### Issues discussed:

##### 1. COURTS

- ❖ The Court of Appeal of Ontario is doing a quick consultation on a form and process that they are planning to adopt to simplify their process for public access to Zoom hearings, while at the same time being sensitive to privacy concerns. If you have an appellate practice, Jacob Bakan, Special Counsel, Office of the Chief Justice of Ontario Court of Appeal for Ontario, would welcome any comments you may have. If you would like to view the Draft New Form, please contact Katie at [katie.robinette@folo.ca](mailto:katie.robinette@folo.ca) and she will forward the request for feedback from the CAO.
- ❖ The SCJ issued an [Amended Consolidated Notice RE: Small Claims Court](#) on November 30<sup>th</sup>. The Court will now accept requests for:
  - Motions in writing that are without notice to any other party, whether the motion is new or previously filed; and;
  - Settlement conferences, if all defendants had filed a defence or been noted in default prior to August 31, 2020. (A settlement conference does not need to have been previously scheduled.)Request forms have also been updated and can be found in the same places as the old forms (linked in the relevant section of the notice). For example, the part about motions to set aside defaults reads: The Court is accepting requests to hear motions to set aside a noting in default or default judgment. To make that request, please submit the [request form](#) to the following email address: [smallclaims.motions@ontario.ca](mailto:smallclaims.motions@ontario.ca). Your email must comply with the requirements in the [Email Filing section](#). The updated form can be accessed by clicking on "request form".
- ❖ The SCJ amended a [Notice to the Profession for the Toronto Region](#) yesterday indicating that Matters Heard by Registrars in Bankruptcy now has an updated hearing request form, adding that section F.1.1 now states that in-person hearings of matters heard by Registrars in Bankruptcy will not resume until February 1, 2021 at the earliest (subject to further direction from the Court).
- ❖ The SCJ now is now using CaseLines for all Civil, Commercial, and Divisional Court matters in Toronto. They have just added Family Law with the goal of a full Toronto-wide implementation by mid-January with Criminal following shortly with a full Toronto-side roll out by mid-February. Starting in March, the SCJ plans to begin their regional rollout starting with the East and Northwest regions. Province-wide use of CaseLines is expected by mid-July.
- ❖ Once the SCJ has completed their province-wide rollout, the OCJ will begin to look into a rollout schedule.

## 2. MAG

- ❖ The Ministry of the Attorney General's Court Services Division issued a Notice to FOLA advising that on November 30, 2020, a regulation was filed to amend the Rules of Civil Procedure, [O.Reg. 689-20](#). The regulation establishes new electronic processes in civil court proceedings through amendments to 48 rules and 46 forms and creates 3 new rules and 1 new form. A summary of the regulation is available on Ontario's Regulatory Registry at: [20-MAG011](#). The regulation comes into force on January 1, 2021.
- ❖ The Attorney General is addressing the Empire Club tomorrow at noon (December 3). You can register for free [here](#).

## 3. RECOVERY SECRETARIAT

- ❖ Earlier today, the Recovery Secretariat issued Version 5 of their Guidebook - COVID-19: Recommended Precautionary Measures for Resuming Court Operations. The Guidebook is available on [Ontario.ca](#), in both [English](#) and [French](#).
- ❖ Key changes include: **Face Coverings (page 16)** - To align ministry face covering and PPE policy with updated Treasury Board Secretariat (TBS) guidance; **Collection of Contact Information (page 27)** - re: Entrance personnel will ask individuals attending a courthouse to volunteer their name and contact information upon entry; **Jury Events (page 35)** - Additional information about jury recovery has been provided including an overview of the Jury Management Manual; and **Accessibility Review (throughout)** - The ministry's Diversity Inclusion and Accessibility Office (DIAO) has reviewed the document to ensure information is provided regarding how the ministry has maintained its commitment to accessibility throughout recovery.

*As a reminder, the Guidebook is a living document and may continue to be updated over time, in response to feedback and/or evolving provincial guidance regarding COVID-19.*

- ❖ **REMINDER:** Site-specific Courthouse HVAC data will no longer be collected by FOLA. If you wish to receive regular HVAC data from the Recovery Secretariat, please email: [MAGrecoverysecretariat@ontario.ca](mailto:MAGrecoverysecretariat@ontario.ca).
- ❖ **REMINDER:** Questions about Courthouse operations during COVID-19 can be directed to Samantha Poisson at [MAGrecoverysecretariat@ontario.ca](mailto:MAGrecoverysecretariat@ontario.ca).

## 4. LSO

- ❖ **REMINDER:** The LSO is hosting a virtual Welcome to the Professions Celebration on December 10 at 5:30 p.m. You can register [here](#).
- ❖ During November's Convocation, the proposal to amend the LSO's AGM process was tabled for further discussion. If you would like to comment on their proposals, the LSO has indicated they are interested in hearing feedback. The proposed amendments can be found [here](#).
- ❖ **REMINDER:** The Law Society also has a [FAQ page on CaseLines](#) on their website.

## 5. LEGAL AID ONTARIO

- ❖ LAO is preparing to engage in consultations with stakeholders regarding billing within their portal. Consultations are being undertaken according to area of law. Those will be: Criminal; Family; Child; Protection; Immigration & Refugee; and Mental Health Law. If you would like to be included in these consultations, please contact David McKillop at [mckilld@lao.on.ca](mailto:mckilld@lao.on.ca).

## 6. FOLA

- ❖ **SUBMISSIONS:**

**FAMILY LEGAL SERVICES PROVIDER (FLSP) LICENSING MODEL CALL FOR COMMENT:** On November 30<sup>th</sup>, FOLA presented the Law Society's Access to Justice Committee with our Submission on their proposed FLSP Licensing model. You can view our Submission [here](#).

**QUESTIONS/CONCERNS?**

Law Association members are welcome to send any issues/concerns related to the practice of law caused by the COVID-19 epidemic to FOLA at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca) and we will continue to 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. If your concerns are related to issues surrounding health and safety measures as the Courts expand in person operations, please indicate the name of the Courthouse and the steps you have already taken to address your concerns to [MAGrecoverysecretariat@ontario.ca](mailto:MAGrecoverysecretariat@ontario.ca).