



# COVID-19 & THE PRACTICE OF LAW

## WEEKLY UPDATE

Fola.ca

### COVID-19 - WEEKLY CHECK IN LOG #42

January 27, 2021

#### 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

- ❖ On January 26<sup>th</sup>, Chief Justice Morawetz's [Consolidated Notice to the Profession and Public Regarding the Small Claims Court](#) was amended to provide for the use of the Small Claims Court Submissions Online portal.
- ❖ CaseLines will be hosting another online demonstration for the Criminal Bar on **February 24 at 12:00 noon**. Please click [here](#) to join the webinar: Passcode: 093675
- ❖ On January 25<sup>th</sup>, the Court of Appeal of Ontario issued a [Practice Direction Concerning Public and Media Remote Observation of Oral Hearings During the Covid 19 Pandemic](#).

##### 2. MAG

- ❖ Norm Miller's (MPP - Parry Sound Muskoka) Private Member's [Bill 181 - Occupiers' Liability Amendment Act, 2020](#) will be Proclaimed on January 29<sup>th</sup>. The Bill amends the Occupiers' Liability Act to provide that no action shall be brought for the recovery of damages for personal injury caused by snow or ice against an occupier or an independent contractor employed by the occupier to remove snow or ice, unless, within 60 days after the occurrence of the injury, written notice of the claim is served. The Bill also sets out exceptions to this rule.
- ❖ POA Courts and municipalities are continuing to work to ensure their sites are up to proper health and safety standards so that they can resume matters in person when provincial legislation allows.

##### 3. RECOVERY SECRETARIAT

- ❖ The Recovery Secretariat noted that all Base Courts and their Courtrooms are open and the team is still working on a plan for satellite and fly-in locations.
- ❖ They are paying close attention to the various variants and are working with Public Health Officials (including the Chief Medical Officer) on preventative measures related to increased transmissibility.
- ❖ The Recovery Secretariat is working with health officials regarding the vaccine rollout to determine where Court Staff, the Judiciary, and professionals who do business inside Courthouses place on the priority list.
- ❖ Courthouse and employee health and safety protocols are constantly being reviewed and there will be a heightened mandate to enforce compliance for the foreseeable future.
- ❖ COVID outbreaks continue to pose challenges in Correctional facilities and the department is working with the Solicitor General's office on adapting to outbreaks.
- ❖ Jury trials remain on hold until May 2021.
- ❖ **REMINDER:** Version 5 of the Recovery Secretariat's Guidebook, "COVID-19: Recommended Precautionary Measures for Resuming Court Operations" is now available on [Ontario.ca](#), in both [English](#) and [French](#).

*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. FOLA

- ❖ **REMINDER:** Tomorrow is #BellLetsTalk Day! Follow FOLA on [Twitter](#) and share our posts on all things #mentalhealth to help raise awareness about mental health and wellness in the legal community! Better yet, create your own tweets (we have great resources on our [website](#) for you to use if you're busy!) Together, let's remind lawyers with personal and family mental health issues that they are not alone.
- ❖ **FOLA IN THE NEWS!:** FOLA was mentioned in the Globe & Mail article "[Home buyers face higher costs after Dye & Durham hikes real estate software prices 400%, lawyers warn](#)" today over our concerns regarding the DoProcess price hike. It's behind a paywall, but here's the [link to a PDF](#).
- ❖ **LAW LIBRARY FUNDING #1:** FOLA has been encouraging all lawyers and Law Associations to send letters to Benchers showing how their recent cuts to LiRN funding have affected their law libraries. Has your association written one yet? Have you? You can read our letter [here](#) and some regional letters [here](#). Please send FOLA a copy of your letter and we will add it to our website!
- ❖ **LAW LIBRARY FUNDING #2:** Have your library revenues been affected by COVID? Have a look at funding options from the federal and provincial governments [here](#). Also, while there are no open calls for funding at present, you may wish to consider a future grant from the [Law Foundation](#).
- ❖ **CALL FOR VOLUNTEERS:** The Provincial Human Services & Justice Coordinating Committee (HSJCC) is looking for members to join a Community of Practice focused on addressing release from custody issues across Ontario. [Learn more](#).
- ❖ **2021 BUDGET CONSULTATIONS:** The Ontario government has launched their 2021 Budget consultations and is seeking input from residents. You can participate in this year's budget consultations by sharing ideas online and by participating in the online survey, by email/mail, and/or by attending a virtual consultation session. Budget Consultations will close on February 12, 2021. [Learn more](#).

#### 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).