



# COVID-19 & THE PRACTICE OF LAW

## WEEKLY UPDATE

Fola.ca

### COVID-19 - WEEKLY CHECK IN LOG #45

February 17, 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

- ❖ Naming conventions of electronically filed documents with the Ontario Court of Appeal conventions can be found [here](#) and naming conventions of electronically filed documents with the SCJ can be found [here](#).
- ❖ The SCJ mentioned that there will be a number of amendments coming into effect related to Small Claims Courts on March 1<sup>st</sup>. Notably, there are amendments to Regulation 258/98 (Rules of the Small Claims Court) found [here](#) and [here](#) and to e-filing of forms ([found here](#)).

#### 2. MAG

- ❖ On February 16, 2021, the Attorney General introduced the Accelerating Access to Justice Act, 2021. Among the changes, the Act proposes: to change the way judicial vacancies are filled; to consolidate Ontario's Land Tribunals; to update accounting oversight laws; to modernize estates laws; and to allow for the virtual witnessing of wills and powers of attorney. Learn more (and access a copy of the Bill, Explanatory Notes, and a Backgrounder) [here](#).
- ❖ Many forms related to the Divorce Act and the Childs Law Reform Act have been updated (and some continue to be updated). You can find all information (including links to forms, materials, and training) [here](#).
- ❖ MAG is working with the Vaccine Secretariat to plan the distribution/rollout of vaccine distribution to all those deemed essential workers. It has yet to be determined if Court Staff will be categorized as "essential workers" for Phase II scheduling of vaccinations. More information is expected in the coming weeks.
- ❖ 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. If you experience any difficulties, please contact Norine Nathanson at [Norine.Nathanson@ontario.ca](mailto:Norine.Nathanson@ontario.ca)

#### 3. RECOVERY SECRETARIAT

- ❖ Effective yesterday (February 16), the following enhancements will be applicable in all courthouses across the province:
  - Anyone entering a courthouse (including all critical justice participants) will be provided a 3-ply face covering, to ensure that a consistent, quality, face covering is being worn by everyone who enters a court. In most cases this will mean that an individual attending a courthouse will need to replace their own personal face covering, with a ministry-issued one.
  - In light of the ministry's responsibilities for their staff under the Occupational Health & Safety Act, the ministry is exceeding current provincial masking recommendations, and all ministry staff will be issued

surgical/procedure masks for use within the courthouse. Ministry staff can no longer wear their own personal face coverings, and the ministry-issued surgical/procedure masks must be worn at all times in all locations.

- As before, the exceptions in place for individuals who can not wear a face covering, for medical or other accommodation issues, remain in place. More information can be found [here](#).
- ❖ The Recovery Secretariat is finalizing protocols for positive COVID cases at POA locations and continues to work on ensuring they are ready for in-person matters when the Province allows.
- ❖ **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

- ❖ **DIVORCE ACT ONLINE TRAINING SESSIONS (FEDERAL):** The Department of Justice's Centre for Legal Education Services is offering courses related to Bill C-78 Divorce Act Changes on the following dates:
  - Monday, March 1<sup>st</sup>, 2021 – 12pm to 3pm EST: <https://www.eventbrite.com/e/140379208993>
  - Thursday, March 4<sup>th</sup>, 2021 – 12pm to 3pm EST: <https://www.eventbrite.com/e/140385098609>
  - Friday, March 5<sup>th</sup>, 2021 – 12pm to 3pm EST: <https://www.eventbrite.com/e/140389315221>If these sessions fill up, please look for updates for additional sessions at <http://www.justice.gc.ca/eng/cj-jp/yj-ij/dac-mlid.html>
- ❖ **LAW LIBRARY FUNDING:** 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 FOLA regional letters [here](#). Please send FOLA a copy of your letter and we will add it to our website!
- ❖ **GOVERNMENT DIGITAL ID CONSULTATIONS:** The Ontario government is consulting on the development of a new electronic government-issued ID that lets people and businesses prove who they are online. You can provide comment [here](#).
- ❖ **SMALL CLAIMS COURT WORKING GROUP - COMMENTS/SUGGESTIONS WELCOME:** Jane Robertson is FOLA's representative on the Small Claims Court Working Group, whose mandate is to assist with formulating revisions to forms and process given the impact of the Covid-19 epidemic on the operations of the Small Claims Court. Jane is welcoming feedback and insight from the perspective of both the practicing bar and the per diem Deputy Judges who practice and preside in the Small Claims Court, Superior Court of Justice, Ontario. Feel free to contact her with suggestions and/or queries that you wish to come to the attention of the Small Claims Court Working Group. Please be advised that while she may not be able to answer your questions directly, she will bring your queries and comments to the attention of the working group. Jane can be reached by email at: [jajadiver@bellnet.ca](mailto:jajadiver@bellnet.ca)

#### 5. LEGAL AID ONTARIO

- ❖ Reminder to complete your annual panel lawyer self-report by March 31, 2021 to renew your legal aid panel membership, confirm ongoing compliance with panel standards, and to update your panel standing. LAO's reminder can be found [here](#).
- ❖ On April 20, 2020, FOLA sent a letter to Hon. David Lametti, Minister of Justice and Attorney General of Canada ([here](#)) requesting additional funding for LAO. Earlier this week, FOLA received a response (via email) from the Minister. You can read his response [here](#).

## 6. LAW SOCIETY OF ONTARIO

- ❖ The Law Society Tribunal is calling for applications for lay adjudicators. Lay adjudicators cannot be lawyers or paralegals. If you know someone who might be interested, more information can be found [here](#).

## 7. FEDERAL GOVERNMENT

- ❖ FOLA has been focusing on issues related to the practice of law in Ontario (MAG & the Ontario Courts) since the start of the pandemic. If you are continuing to experience issues in the Federal Courts (like e-filing, e-hearings), we'd like to know. Please email Katie at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca). Briefly describe your issue/concern and highlight any steps you have already taken and we will do our best to assist you.

### 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).