



COVID-19 & THE PRACTICE OF LAW

WEEKLY UPDATE

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COVID-19 - WEEKLY CHECK IN LOG #47

March 3, 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 - East Region issued a new Notice to the Profession on March 1st. It is available on the SCJ website [here](#).
- ❖ The SCJ Southwest Region issued a new notice on March 1st regarding Filing Court Documents [here](#).
- ❖ The SCJ - Northwest Region issued a Notice to the Profession Regarding CaseLines in Criminal Matters. That is available [here](#).
- ❖ On February 26th, the SCJ issued a Notice regarding the continued suspension of Small Claims Court operations due to COVID-19 - available [here](#).
- ❖ On February 25th, the SCJ issued a Notice to the Profession and Public Regarding Court Proceedings which you can find [here](#).
- ❖ On February 24th, the SCJ issued a Supplementary Notice to the Profession and Litigants in Civil and Family Matters Regarding the CaseLines Pilot, E-Filing, and Fee Payment. That Notice is available [here](#).
- ❖ The Court of Appeal is working on a Consolidated Notice that should help make referencing all existing Notices a little easier.
- ❖ [CaseLines Hearings - Tips for the Bar](#) (Feb 19)

2. MAG

- ❖ Bill 245 - the Accelerating Access to Justice Act, 2021 - will likely be proceeding to the Standing Committee on the Legislative Assembly on March 11 and 12. Details are still being confirmed but you can find out more (including how to appear before the Committee) [here](#).
- ❖ The Judicial Appointments Advisory Committee has a call for applications for two judicial positions in Sudbury (family & criminal) and one judicial appointment for Halton (criminal). More information can be found [here](#).
- ❖ Earlier this week, the AG introduced Bill 254 - the Protecting Ontario's Elections Act, 2021. You can learn more [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.

3. RECOVERY SECRETARIAT

- ❖ A reminder that the following enhancements are 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. ** We can expect a new version of the Recovery Secretariat Guide Book by mid-March.*
- ❖ **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.
- ❖ **REMINDER:** Questions about Courthouse operations during COVID-19 can be directed to Samantha Poisson at MAGrecoverysecretariat@ontario.ca.

4. FOLA

- ❖ **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!
- ❖ **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

5. LAWPRO

- ❖ LawPRO has a handy document re: Court Naming Protocols. You can read that [here](#).

6. LAW SOCIETY OF ONTARIO

- ❖ The LSO has an event celebrating International Women's Day on March 4th from 5-6:30pm (EST). You can register [here](#).
- ❖ In late February, the LSO and LawPRO hosted a virtual discussion titled: "Managing the Second Wave: Mental Health, Resilience and Resources". You can watch that video [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. 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 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.