



COVID-19 & THE PRACTICE OF LAW

WEEKLY UPDATE

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COVID-19 - WEEKLY CHECK IN LOG #48

March 10, 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 can be found [here](#) and naming conventions of electronically filed documents with the SCJ can be found [here](#).
- ❖ The three Chief Justices appeared on TVO on March 9th to discuss the Courts during COVID-19. You can watch that recording [here](#).
- ❖ The SCJ issued a Consolidated Practice Direction Concerning the Estates List in the Toronto Region on March 9th. You can read that [here](#).
- ❖ The SCJ, in collaboration with the Ministry of the Attorney General, is seeking candidates to join new DRO panels for the Kingston, Kitchener and Welland Unified Family Courts. You can read more [here](#).
- ❖ The Court of Appeal continues to work 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

- ❖ MAG is working on improvements to the Justice Services portal. Namely, they are working to ensure a turn-around time (from submitted to seen) to 5 days (max) with an eventual goal of 3 days and to increase the maximum file size. They are also working to expand the offerings.
- ❖ 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](#).
- ❖ 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 has released details of its Phase 2 COVID-19 vaccination distribution plan which will start on March 15, 2021. You can learn more on our MAG webpage under the "REOPENING PLANS - ONTARIO'S COURTS" [here](#).
- ❖ The Ontario government is following the progress of [Bill C-22](#), an act to amend the Criminal Code and the Controlled Drugs and Substances Act as it proceeds through the federal government to see if they will need to make any amendments to existing Ontario laws as a result.

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 early next week.*
 - ❖ **REMINDER:** Questions about Courthouse operations during COVID-19 can be directed to Samantha Poisson at MAGrecoverysecretariat@ontario.ca.

4. FOLA

- ❖ **LAW LIBRARY FUNDING:** As you know, FOLA has long been advocating for increased funding for our law libraries. This advocacy has ramped up considerably in light of the Law Society's recent budget cuts. It is critical that the LSO understands the importance and specific use of our libraries by our members so please take a moment to fill out our short survey. Responses will help us in our efforts to convince all Benchers of the importance of law libraries throughout Ontario. [TAKE THE SURVEY](#)
- ❖ **FOLA BRAG:** Congratulations to FOLA's Real Estate Co-Chair, Eldon Horner, for being a 2021 recipient of the Law Society Medal! See full list of recipients [here](#).
- ❖ **BILL 245 - ACCELERATING ACCESS TO JUSTICE ACT:** FOLA had two articles in the press last week regarding our concerns around proposed new powers granted to the AG in the judicial appointment process. You can find those articles [here](#). FOLA will also be appearing before the Standing Committee this week to discuss our concerns.
- ❖ **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

- ❖ 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.