



COVID-19 & THE PRACTICE OF LAW

WEEKLY UPDATE

Fola.ca

COVID-19 - WEEKLY CHECK IN LOG #49

March 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 can be found [here](#) and naming conventions of electronically filed documents with the SCJ can be found [here](#).
- ❖ On March 15th, the SCJ updated their Consolidated Notice to the Profession and Public Regarding the Small Claims Court - available [here](#).
- ❖ On March 15th, the SCJ updated the Commercial List and Estates List Filing Direction [here](#). Of note, effective March 15, 2021, references to uploading documents to Sync.com have been removed as the court will exclusively use the CaseLines document-sharing platform.
- ❖ On March 15th, the Court of Appeal for Ontario released a new practice direction that will come into force on March 29, 2021. It will be called the Consolidated Practice Direction Regarding Proceedings in the Court of Appeal During the COVID-19 Pandemic. The English version can also be found at [this link](#). The French version of the consolidated practice direction can be found at [this link](#).
- ❖ The SCJ is working on an updated notice regarding jury matters and in-person hearings. FOLA expects to have that by the end of the week.
- ❖ We can expect a new OCJ Directive regarding filing naming protocols in the next couple of weeks.
- ❖ 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](#).
- ❖ [CaseLines Hearings - Tips for the Bar](#) (Feb 19)

2. MAG

- ❖ There have been a few member questions regarding Small Estates Forms. They are posted on the Ontario Court Forms site here: [Rules of Civil Procedure Forms | Ontario Court Services \(ontariocourtforms.on.ca\)](#). They are in grey shading as they have not yet come into force. Currently, the MS Word versions are posted but the site will soon be updated (targeting March 22) to include the PDF versions. There is another section on the court forms site that includes pre-formatted and fillable estates forms ([Rules of Civil Procedure Forms / Pre-formatted, Fillable Estates Forms | Ontario Court Services \(ontariocourtforms.on.ca\)](#)). It is anticipated that this section will be updated by April 1st.
- ❖ 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 Children's 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

- ❖ **NOW AVAILABLE!** Version 6 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:** Questions about Courthouse operations during COVID-19 can be directed to Samantha Poisson at MAGrecoverysecretariat@ontario.ca.

4. FOLA

- ❖ **IMPORTANT REMINDER: 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 MEMBER REWARD:** Vaultie has developed a secure, compliance based digital identity-based notary seal built to help lawyers and notaries authenticate documents and verify ID’s in an online world. They are offering [2 live virtual demos](#) for law association members and you can register here. Plus, they are offering FOLA members a special code to receive \$30.00 off of your first month. Use code [FOLATRIAL](#).
- ❖ **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

- ❖ Over the coming months, the LSO’s Access to Justice Committee will be reviewing and considering the submissions, as well as engaging in and reviewing additional research, to their proposed model for a Family Legal Services Provider (FLSP) Licence with the goal of bringing forward recommendations to Convocation.

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.