



COVID-19 & THE PRACTICE OF LAW

WEEKLY UPDATE

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COVID-19 - WEEKLY CALL CHECK IN LOG #5

April 15, 2020

Summary

Invited participants on 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 and Department staff

Issues discussed:

1. Law Society

- ❖ The LSO is working on a notice to candidates to help them manage the rescheduling of licensing exams and they are currently working on alternative options -including online bar exams
- ❖ The LSO has included information on their [FAQ page](#) about virtual witnessing
- ❖ While there will be a Convocation on April 23rd, there will not be an option for the public to watch it live. However, they will be posting a recording after the event and the Agenda will be posted on Monday April 20th
- ❖ The LSO is working on providing information on their FAQ page as to how federal relief programs help small/sole practicing lawyers
- ❖ A reminder that the LSO's FAQ page is updated frequently and is available [here](#)

2. Courts

- ❖ The Courts expanded services came into effect on April 6th and the court staff have been working on managing the increase in matters. During the week of the 6th, trial coordinators were receiving between 300-400 emails per day but the situation is calming down and becoming more manageable
- ❖ The Chief Justices and senior staff are meeting today (April 15th) with MAG staff to discuss e-filing protocols - both during the COVID-19 pandemic and in the context of future court operations. The courts, it should be noted, are committed to continuing the progress technological tools are bringing to court operations
- ❖ The Ontario Court of Appeal issued practice guidelines regarding the commissioning of signatures in their April 6th [Practice Direction notice](#) (item 5)
- ❖ The SCJ has agreed to explore how they might be able to clarify "attendance" so that it is clear that, during COVID-19, "attendance" includes virtual attendance

3. LAO

- ❖ Legal Aid Ontario sought some clarification around Consent and Capacity hearings and whether those would be deemed "urgent". Response was a little unclear, but it was clear that if the client was being held in a facility, the matter would be heard - as would summary conviction appeals

- ❖ LAO asked if the costs for CourtCall can be waived for Legal Aid cases. Unlikely, but the Courts will discuss with LAO
- ❖ Reminder that all LAO updates can be found [here](#)

4. MAG & SOL GEN

- ❖ Legal Counsel 3-Way Call Detect Acceptance - UPDATE

The Ministry of the Solicitor General has worked with its vendor to enhance the current Offender Management Telephone System (OTMS) to allow inmates to access both collect calls and “debit” calling.

Whereas the old system only allowed for collect calling (which does not allow for calls to cell phones), under the enhanced system, debit calling is enabled and funded by the Ministry. Debit calling allows for calls to cell phones.

The Ministry will begin by providing inmates with \$20 of calls and will monitor to determine whether this is adequate. Inmates will be able to use their funds as they see fit. This funding will allow for: 50 local calls (no maximum length, however, the Ministry’s policy currently limits phone calls at 20 minutes); a 52-minute long-distance call; or a combination of the above.

The phone system currently allows for organizations to register with the ministry to by-pass security features, such as three-way calling, call transfers and the use of the keypad. This exemption is provided for the purpose of facilitating the transfer of offender calls from a receptionist or automated telephone attendant system to the intended call recipient. To enable this feature, the Ministry requires a form to be filled out. More information can be found [here](#).

- ❖ MAG has been reminded to urgently respond to the ever-growing list of law association questions – most recent update of which will accompany this notice. The most up to date responses can also be obtained by emailing Katie at katie.robinette@fola.ca

NOTE: Law Association members are welcome to send any issues/concerns related to the practice of law caused by the COVID-19 epidemic to FOLA and we will continue to address them in as timely a manner as is humanly possible. Please note that prior to submitting a question, you are requested to visit the [government’s website](#), the Courts’ websites ([Superior Court of Justice](#), [Ontario Court of Justice](#), [Court of Appeal](#)), and the [Law Society’s FAQ](#) page. These websites are all updated daily. You may find your question/issue/concern has already been addressed. Links to all above sites can also be found on FOLA’s [COVID-19](#) page.

Questions can be sent to Katie Robinette at katie.robinette@fola.ca. No phone calls please.