



COVID-19 & THE PRACTICE OF LAW

WEEKLY UPDATE

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COVID-19 - WEEKLY CHECK IN LOG #57

May 12, 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

- ❖ On May 12th, Chief Justice Morawetz's issued a Notice to the Profession and Public Regarding Court Proceedings. It is available [here](#).
- ❖ A practice advisory concerning the Superior Court of Justice's Binding Judicial Dispute Resolution pilot projects, effective Friday, May 14, 2021, is now on the SCJ website [here](#). The pilot projects are occurring in: Simcoe and Muskoka (Central East Region); Cornwall (East Region); Northeast Region; and Northwest Region.
- ❖ The [At-A-Glance Guide to Virtual Hearings](#), prepared by the SCJ Civil Working Group, is now available on the SCJ website. This document contains a compilation of resources and information about virtual hearings in the SCJ, including a model virtual hearing protocol. The Guide, and links to other documents such as the Model Virtual Hearing Protocol, can be found [here](#).
- ❖ **REMINDER:** If Counsel want to assist Self Reps with CaseLines filing, they can refer them to the following contacts: 1-800-980-4962 or info.caselines@ontario.ca. If you experience technical issues with CaseLines, your contact information is: 1-800-290-9378 (just select either "CaseLines" or "Evidence Sharing" when you reach the directory) or email westlaw.softwaresupport@tr.com. Support is available from 8:00 a.m. to 5:00 p.m. (Monday to Friday).
- ❖ Central Court staff (OCJ, SCJ) have informed FOLA that all issues related to specific Judges need to be addressed at local Bench and Bar events as they will not be interfering.

2. MAG

- ❖ MAG has an opening for a Case Management Master at their University Ave. location. The deadline to apply is May 21st. See details [here](#).
- ❖ **FAMILY LAW RULES:** MAG is working on amendments to create new standard orders setting out current legislated financial disclosure requirements in family law matters. It is proposed that these standard orders would be made automatically by the clerk of the court upon the issuance of pleadings in every case in the Family Court of the SCJ, excluding child protection cases and applications for simple and joint divorces. It is proposed that the conditions upon which these orders would issue, and the related process for doing so, would be set out in the Family Law Rules. The SCJ has advocated for the development and issuance of these automatic orders in an effort to enhance the administration of justice and maximize efficiencies in court resources. The Court expects that, by bringing these obligations to the attention of parties early, these standard orders would assist in improving compliance with legislated financial disclosure obligations (such as the required financial disclosure under the Child Support Guidelines).

As a result of these orders being made, it is anticipated that courts would only need to address sanctions for breach of disclosure obligations, and this would reduce delays due to non-productive case conferences and parties bringing motions to compel individuals to comply with their obligations. To be clear, any proposed amendments to the [Family Law Rules](#) would be carefully crafted to ensure that court staff are not exercising any discretion in issuing the orders.

FOLA will be preparing a submission and if you have any comments for consideration as we draft that, please send them to Sam Misheal, FOLA's Family Law Committee Chair, at Sam (Rasim) Misheal sam@familyseparation.ca by Friday, May 14th. If you would like to send input directly to MAG, they need to be in by May 20th. You can email them to CSD.operationalsupportbranch@ontario.ca.

3. RECOVERY SECRETARIAT

REMINDER! As per the [government's announcement last week](#), individuals who are prioritized in Phase 2, Group 2 - including courts and justice system workers - are eligible to start booking their appointments starting yesterday (May 11th).

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

4. FOLA

- ❖ **LIBRARY ACTION CENTRE:** FOLA has created a [Law Library Action Centre](#) -complete with curated social media posts and some images for you to share. Please take a moment to visit and send a tweet or two. Tag FOLA (@Ont_Law_Assoc) and we will share all your Law Library advocacy posts! [Here's the link!](#)
- ❖ **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. THE ADVOCATES' SOCIETY

- ❖ Nominations are now being accepted online for the 2021 Catzman Award for Professionalism and Civility. Applications are encouraged from advocates in all areas of practice from across Ontario and membership in The Advocates' Society is not required. Learn more [here](#).

6. LAO

- ❖ **CONSULTATIONS:** Legal Aid Ontario's consultations on the Draft Rules under the Legal Aid Services Act are now open. FOLA encourages you to review the Draft Rules and, if you have any comments, concerns, questions, or suggestions for improvement, please send them to Katie at katie.robinette@fol.ca for consideration as FOLA will be preparing a formal Submission. The deadline for Submissions to LAO is May 20th so please send your comments to FOLA on or before May 15th. You can also send your own submission directly to LAO. More information (including a link to the Draft Rules) can be found [here](#).

7. LSO

- ❖ **2021 AGM:** The Law Society's Annual General Meeting will take place virtually tonight (May 12th) beginning at 5:15 pm. Registration details and a link to one Motion to be voted is now available on the AGM webpage [here](#).
- ❖ **REMINDER:** The LSO is hosting a Mental Health Summit from May 19-20. Learn more and register [here](#).

- ❖ **CONTINGENCY FEES REFORMS:** A reminder that on July 1, 2021, amendments to the lawyer and paralegal conduct rules as well as amendments to the Solicitor's Act and new regulation O. Reg. 563/20 will come into force. In accordance with the amendments, lawyers will be required to provide potential clients with the consumer guide, [Contingency Fees: What you need to know](#), and will be required to use the new standard form Contingency Fee Agreement. The Law Society has developed [Frequently Asked Questions](#) to support members with understanding and implementing these new requirements. The resources are available [here](#).

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.