



# COVID-19 & THE PRACTICE OF LAW

## WEEKLY UPDATE

Fola.ca

### COVID-19 - WEEKLY CHECK IN LOG #56

May 5, 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 4<sup>th</sup>, the OCJ issued a Notice re: Scheduling of Family Matters noting that in order to continue to reduce the number of people (including parties, counsel and court staff) who must leave their home to attend court proceedings, all in-person and hybrid family and Child, Youth and Family Services Act trials will continue to be adjourned from May 10, 2021 to May 21, 2021. Parties with a trial scheduled during these dates will be adjourned to the next audit date, assignment court or another date set by the court. Virtual trials that do not involve parties, counsel, or witnesses attending court in person, may proceed as of May 10, 2021. Virtual trials will be conducted using remote technology. Court staff may be required to attend in person and the judiciary may choose to attend in person. The Notice can be found [here](#).
- ❖ Also on May 4<sup>th</sup>, the OCJ issued an Update re: Criminal Proceedings reducing out-of-custody trials and preliminary inquiries between April 26 and May 21, 2021. That is available [here](#).
- ❖ On April 27<sup>th</sup>, the SCJ - Toronto Region amended its Notice to the Profession today with respect to summary conviction appeals and extraordinary remedies (Part A.4(viii)(a)). The updated notice is available [here](#).
- ❖ 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](mailto: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](mailto: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. See details [here](#).
- ❖ Following receiving Royal Assent on April 19<sup>th</sup>, the Attorney General's office sent [this letter](#) to FOLA highlighting the key changes as a result of the Accelerating Access to Justice Act, 2021.
- ❖ MAG is working with local municipalities to help them transition from phones to Zoom for all POA matters.

#### 3. RECOVERY SECRETARIAT

- ❖ **REMINDER!** 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](mailto: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](mailto:jajadiver@bellnet.ca)
- ❖ **SURVEY REQUEST RE: THE IMPACT OF COVID-19 ON LEGAL SERVICES IN ONTARIO:** You are invited to participate in a survey on the impact of the COVID-19 pandemic on access to legal services and the legal profession in Ontario. You can access the survey [here](#). The survey is part of a research project conducted by Professors Avner Levin and Asher Alkoby from the Lincoln Alexander School of Law at Ryerson University. It is funded by the Law Foundation of Ontario. The survey is anonymous, and it will not collect personal or confidential information about you or your firm.  
The purpose of the study is to assess the impact of the COVID-19 pandemic on access to legal services and in particular, how the changing circumstance affected civil law firms, including their key performance indicators, revenue, costs, billing structures, and general impact on firm growth. By understanding the effect of the pandemic on the legal profession, we hope to generate insights that can help inform initiatives designed to improve access to legal services. The survey will take about 10-15 minutes to complete and the deadline to complete it is May 14<sup>th</sup>. Please contact [avner.levin@ryerson.ca](mailto:avner.levin@ryerson.ca) if you have any difficulty accessing the survey or for any other inquiries. Again, you can access the survey [here](#).

#### 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@folo.ca](mailto:katie.robinette@folo.ca) for consideration as FOLA will be preparing a formal Submission. The deadline for Submissions to LAO is May 20<sup>th</sup> so please send your comments to FOLA on or before May 15<sup>th</sup>. 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 on Wednesday, May 12 beginning at 5:15 pm. Lawyers and paralegals may participate in the meeting by accessing log-in information that will be made available through the Law Society Portal early this month. A link and any Motions will be 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](mailto: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](mailto:MAGrecoverysecretariat@ontario.ca).