



COVID-19 & THE PRACTICE OF LAW

WEEKLY UPDATE

Fola.ca

COVID-19 - WEEKLY CHECK IN LOG #61

June 9, 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

- ❖ **SCJ Civil: Toronto Region virtual civil trial scheduling court:** On Tuesday, June 21, 2021 at 9:30am, the Toronto Region will hold a virtual civil trial scheduling court. More information can be found in the notice on the Court's website [here](#).
- ❖ **Small Claims Court notice updates:** As of June 4, 2021, the [Consolidated Notice to the Profession and Public Regarding the Small Claims Court](#) was updated to: Indicate the new process for requesting a motion on notice; Set out the expanded list of documents that the Small Claims Court E-Filing Service Portal will now accept (documents in support of default judgment); and Provide further information about the scheduling process.
- ❖ **SCJ Family:**
- ❖ **Central West Region - Notice to the Profession and Public - Family Law Proceedings:** The Central West Region's new notice regarding family law proceedings is effective June 10, 2021.
- ❖ **Ottawa Family Court - Consolidated Notice to the Profession for Family and Child Protection Matters -** Updated on June 2, 2021.
- ❖ **Binding Judicial Dispute Resolution pilot - new affidavit form:** The Court has posted the Affidavit in Support of a Binding Judicial Dispute Resolution hearing form to its website.
- ❖ The SCJ (Toronto Region) has adopted a new Estates List Confirmation form. It replaces two forms:
 - Confirmation: Scheduling Appointment
 - Confirmation: Hearing MatterUsers can access it at paragraph 35 of the [Consolidated Practice Direction Concerning the Estates List in the Toronto Region](#).
- ❖ Central East Region - update to civil notice. Parties must (1) file pre-trial memos through an online portal and (2) send a copy to the pre-trial email address. See paragraph 43 of the [Region's civil notice](#).
- ❖ Updated link in At-A-Glance Guide to Virtual Hearings: The SCJ's [At-A-Glance Guide to Virtual Hearings](#) now links to the second edition of the Best Practices for Remote Hearings document.
- ❖ Small Claims Court update: An order of Associate Chief Justice McWatt further adjourning certain Small Claims Court proceedings to July 5, 2021 is now on the [SCJ website](#).
- ❖ The Court of Appeal has revamped their website! You can have a look [here](#).
- ❖ The opening of the Courts is scheduled for September 14th. Further details coming soon (expect this to be a "mostly" virtual event).

2. MAG

- ❖ **PRE-AUTHORIZED PAYMENTS:** On June 1st, MAG announced improvements to pre-authorized payment for Justice Services Online (JSO) that will make payment processing more convenient for filers and (ideally) provide a better online experience. You can read that announcement [here](#).
- ❖ MAG is seeking applications from qualified lawyers to serve on family law legal panels across the province. Each year, Ontario's Ministry of Children, Community and Social Services counsel and the panel of lawyers appear in courts across the province in response to Motions to Change and in related proceedings with respect to assignments made by support recipients. Deadline to apply is June 11th. More information can be found [here](#).
- ❖ On June 1st, Court Services Division issued a Notice to the Legal Profession & Public re: Inclusive Language and Procedures in Courts. You can read that [here](#).
- ❖ **SATELLITE COURTS/FLY INS:** MAG is finalizing details on the re-opening of Satellite/Fly-in locations (Hearst and Kapuskasing). Target re-opening date is on course for June 14th.
- ❖ **RULES OF CIVIL PROCEDURE:** On May 28, 2021, a regulation was filed to amend court rules and forms for civil proceedings in the Superior Court of Justice: [O. Reg. 383/21](#), amending the Rules of Civil Procedure. The regulation makes administrative amendments to align the Rules of Civil Procedure with amendments to the Courts of Justice Act that were introduced to replace references to "case management master" with references to "associate judge". The legislative amendments were made through the Accelerating Access to Justice Act, 2021, Schedule 3. These amendments will come into force in tandem with the in-force date for the Courts of Justice Act amendments, on a date to be proclaimed by the Lieutenant Governor.

The regulation also makes amendments to remove the option of providing a confirmation of application or motion form to the registrar by fax, which will come into force on July 1, 2021.

Amendments to the estate rules achieve consistency in the use of the term "certificate of appointment of estate trustee" and make consequential amendments to recent rule changes establishing a simplified probate process for small estates (O. Reg. 111/21). These amendments are effective May 28, 2021. The regulation amends 59 rules and 14 forms. A summary of the regulation is available on Ontario's Regulatory Registry at: [21-MAG016](#)

3. RECOVERY SECRETARIAT

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

4. FOLA

- ❖ **ASSOCIATION NEWS:** Last week, the CCLA issued a Statement on the Mass Grave Discovery in Kamloops. You can read that [here](#).
- ❖ **SUBMISSIONS & CONSULTATIONS:**
 - EXPERT EVIDENCE - CIVIL RULES:** The Chair of the Expert Evidence Subcommittee of the Civil Rules Committee is requesting input from FOLA on expert reports in civil matters. FOLA has consulted with members and our Submission is currently being written. You can learn more [here](#).
 - REBBA PHASE 2 REGULATIONS:** The Ministry of Government and Consumer Services has launched the second phase of regulation development (Phase 2). During this phase, the ministry is developing regulatory proposals to: a) Update the Code of Ethics regulation (the Code) under REBBA; b) Transfer procedural and technical requirements from the Code to other regulations; c) Enhance disclosure requirements and other registrant obligations to better protect consumers of real estate services and increase consumer choice; and d) Update RECO's regulatory powers and tools, including revising the procedures of RECO's discipline committee. Comments are due by July 2, 2021. More information can be found [here](#).
 - LAO - LASA RULES CON'T:** FOLA continues to receive Association submissions made to Legal Aid Ontario re: Draft Rules under the Legal Aid Services Act. This week, FOLA was part of a joint Submission re: Criminal Law and the Draft Rules. A reminder that all Submissions can be found [here](#).

- ❖ **BENCHER ELECTIONS 2023:** FOLA has received some communications from Law Associations regarding the 2023 Bencher elections and we are posting them to our website on our “[In the News](#)” page. To date, we have received a letter from the Peel Law Association and a Statement from the Carleton County Law Association – both related to concerns around the “#FullStop” or “StopGroup” (formerly the StopSOP slate) and their comments around diversity, equity, and inclusion. If other Associations have produced something and send it to FOLA, we will post accordingly – regardless of any side they align themselves with.

NOTE: As with past Bencher elections, FOLA does not - at this time - anticipate endorsing specific candidates. We do, however, encourage our members to vote and we feel it is part of our mandate to share relevant information. We noted that the 2019 Bencher election attracted less than a 30% turnout, one of the lowest (if not the lowest) ever. We do, from time to time, advocate for specific issues in advance of elections and seek out where candidates stand on those leading up to elections. During FOLA’s Spring Plenary, Chair William Woodward, Vice Chair Nathan Baker, and LiRN Chair Johanne Blenkin referenced the 2021 cuts to the LiRN budget, which cuts were passed down to the local law associations. As one of three shareholders in LiRN, FOLA takes the proper funding of local law libraries very seriously and we feel we have an obligation to take a position where we see that funding threatened.

- ❖ **CASELINES TRAINING:** CaseLines has announced a series of new dates for CaseLines training. You can view the dates/times and links [here](#).
- ❖ **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

- ❖ **FREE CPD:** LAWPRO is offering two free CPD events scheduled in June, being delivered in partnership with the Toronto Lawyers Association. Both are eligible for Law Society professionalism content, and LAWPRO’s Risk Management Credit. The links below take you straight to the registration page.
 - On June 15th, [Continuing to Manage – Mental Health, Resilience and Resources](#) follows up on LawPRO’s February 5th mental health event.
 - On June 22nd, [Working Together, Remotely – Managing and Leading Through COVID-19 and Beyond](#) will focus on a host of practice management issues lawyers and firms need to address given the current environment.

6. LAO

- ❖ Legal Aid Ontario received 100 written submissions re: Draft Rules and are planning on posting a summary of submissions to their [Draft Rules/LASA website](#) once available.
- ❖ FOLA’s Submission on the Draft Rules can be found [here](#). Also on that page are other Association Submissions, including the Alliance for Sustainable Legal Aid’s Submission – on which FOLA collaborated.

7. LSO

- ❖ **MENTAL HEALTH STUDY:** The Law Society of Ontario, in partnership with Canadian law societies, the Federation of Law Societies of Canada, the Canadian Bar Association, and the Université de Sherbrooke, has launched a first-of-its-kind National Study on the Well-being of legal professionals. FOLA is strongly requesting that all Law Association members complete this ASAP. Deadline is June 25th. You can find more information [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.