



COVID-19 & THE PRACTICE OF LAW

WEEKLY UPDATE

Fola.ca

COVID-19 - WEEKLY CHECK IN LOG #25

September 9, 2020

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

- ❖ The SCJ is preparing a submission to MAG in response to the proposals regarding mandatory mediation and the one-judge model. Some high-level notes: While generally supportive of mediation as a way to move cases out of the Courts, they have concerns around dictating upfront infrastructure guidelines as they may simply result in an increase of requests for extensions. Regarding the one-judge model, their concerns are mostly around human resources. Pre-pandemic, there was a request to the federal Justice Minister for an additional 28 Judges and Covid has only exacerbated that need. They agree that while having one Judge oversee every step of a case is ideal, the reality is that it may not be possible. Their main concern, however, is with MAG's proposal to legislate this. The SCJ notes that the Courts are an independent branch of government and the Judiciary has exclusive authority to assign cases.
- ❖ CaseLines is still being used only in Toronto. While a province-wide rollout was expected to begin later this month, the SCJ now anticipates a Regional rollout beginning in November with full access by early April 2021.
- ❖ Jury Trials are restarting. Again, a regional approach is being followed. Considerations are being made for the whole process of Jury Trials - from Jury selection through to deliberation. Off-site locations are being overseen by the Recovery Secretariat, the Facilities Management Branch, and Infrastructure Ontario (who take care of all Courthouses) and off-site risk assessments are currently under way (for now, at the Metro Toronto Convention Centre and the Pearson Convention Center in Brampton). Site assessment information will be made public. It is not likely that Civil Jury Trials will resume any time soon but that may differ from region to region as matters are being determined based on urgency and accommodation requirements by Senior Regional Judges. Media accommodations are part of these discussions.
- ❖ The MTCC will also play host to an off-site Courtroom dedicated to hear Judge-alone custody matters.
- ❖ The OCJ expects to issue new Regional Notices for the Northeast, Northwest, and Western Ontario Regions shortly.

2. MAG

- ❖ Ministry of the Attorney General's online tool for searching information about criminal and civil matters in the Superior Court of Justice is now live. [Click here](#) for further information about how to register and use it.

❖ **REMINDER: All limitation and procedural time periods will resume running on Monday, September 14, 2020.**

3. RECOVERY SECRETARIAT

- ❖ The Recovery Secretariat joins the call every other week and, as such, was not on this call.
- ❖ **REMINDER:** Questions about Courthouse re-openings can be directed to Samantha Poisson at MAGrecoverysecretariat@ontario.ca.

4. LSO

- ❖ **REMINDER:** The LSO is currently recruiting for a Chair, Law Society Tribunal. More information can be found [here](#).

5. LAO

- ❖ Following last week's comment about Duty Counsel, Legal Aid Ontario has created a "one-pager" overview of Duty Counsel services for Virtual Case Management Courts. You can read that [here](#).

6. FOLA

❖ **SUBMISSIONS:**

1. **FINAL CALL: JUSTICE SECTOR CONSULTATIONS: MANDATORY MEDIATION AND ONE-JUDGE MODEL**

The Attorney General is seeking input and perspective from FOLA on legislative potential changes to the mandatory mediation program and a single-judge model (building on the current One Judge Pilot Program) in the Superior Court of Justice. While the deadline has passed to contribute to FOLA's submission, if you and/or your Association would like to send your own submission to the AG the deadline is September 11, 2020. [Visit here for more information](#). Please send us a copy! We'll be sure to post all Association Submissions to our website.

2. **LEGAL AID - CALL FOR ACTION**

On August 20th, FOLA sent a letter to Justice Minister Lametti requesting he work with Ontario's Attorney General to address the shortfall in funding to Legal Aid Ontario as a result of the Law Foundation's decreased revenues due to lower interest rates. You can read that letter [here](#). FOLA is now calling on all Associations to send similar letters to their local MP. If you would like to see a template for such a letter, please email Katie.Robinette@fola.ca.

- #### 3. **FAMILY LEGAL SERVICES PROVIDER (FLSP) LICENSING MODEL CALL FOR COMMENT:** The Law Society's Access to Justice Committee is inviting lawyers to provide comments on a FLSP Licensing model. The proposed scope of permissible activities, required competencies, and outline of the training program are detailed in the Access to Justice Committee's FLSP License Consultation Paper. To ensure we hear from Law Association members in advance of drafting our Submission, FOLA has scheduled three Zoom meetings and have reached out to Presidents to delegate one or two members practicing in Family Law to attend. While we are limiting attendance to 100 people per meeting, if you are interested in attending, please email Katie at Katie.Robinette@fola.ca.

❖ **EVENTS:**

SPECIAL FOR LAW ASSOCIATION MEMBERS! Clio's Cloud Conference (Oct 13-16 - 11am-4pm EST each day) brings together the best and brightest from the legal, business, and technology worlds for the industry's top conference. All sessions are recorded and available on demand. Clio is offering all Law Association members conference passes for only \$99 (a \$200 discount). You can learn more and register [here](#).

- ❖ **IN CASE YOU MISSED IT!** FOLA's 2nd Vice Chair Kristin Muszynski (also a partner at Templeman LLP in Kingston), was appointed a Judge of the Superior Court of Justice of Ontario yesterday! Madam Justice Muszynski replaces Madam Justice G. Toscano Roccamo (Ottawa). Read the announcement [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.