



COVID-19 & THE PRACTICE OF LAW

WEEKLY UPDATE

Fola.ca

SECTOR CHECK IN LOG #65

July 14, 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

- ❖ The OCJ has introduced a new rule with respect to [electronic signatures](#) and made changes to the practice direction governing [Enhanced Designations of Counsel](#) which came into effect on Monday July 5, 2021. The combined effect of these rules is to allow accused persons to sign Enhanced Designations through their counsel, using the procedure set out in the revised Enhanced Designation Practice Direction.

The new criminal rule has two parts: (i) rule 3.4(1) defines electronic signatures and authorizes their use in signing any electronic documents; (ii) rule 3.4(2) authorizes the Court to issue practice directions authorizing additional methods of signing particular electronic documents. Pursuant to rule 3.4(2), a new provision (paragraph 10.1) has been added to the Enhanced Designation Practice Direction, allowing accused persons to sign Enhanced Designations through their counsel using the procedure set out therein. The new rule and revised Practice Direction are available (in French and English) on the [OCJ website](#).

- ❖ **SMALL CLAIMS LIVE WEBINAR:** The Small Claims Court Working Group hosted a webinar last month to provide an update on the recent changes in the Court. There were some technical issues with the recording, but the Working group is hoping to have a link available soon and FOLA will send the link out as soon we have it.
- ❖ **OPENING OF THE COURTS:** The Opening of the Courts is scheduled for September 14th at 3:30pm. It will be a virtual event and you can watch [here](#).

2. MAG

- ❖ **POA COURTS:** On June 18th, MAG issued an update on modernization initiatives and court recovery in Ontario's Provincial Offence Act (POA) courts. You can learn more [here](#).

3. RECOVERY SECRETARIAT

- ❖ In the first week of July, MAG & the Recovery Secretariat announced the resumption of in-person operations at the Midland satellite court to support jury matters scheduled in Barrie.
- ❖ The Ontario government is moving the province into Step Three of the [Roadmap to Reopen](#) at 12:01 a.m. on Friday, July 16, 2021!
- ❖ The Recovery Secretariat is working with the Ontario Public Service to prepare for reductions in restrictions inside Courthouses once the province enters [Phase/Step 3](#).
- ❖ **REMINDER:** Questions about Courthouse operations during COVID-19 can be directed to Samantha Poisson at MAGrecoverysecretariat@ontario.ca.

4. LSO

- ❖ The Law Society's has extended the deadline for their "first-of-its-kind" National Study on the Well-being of legal professionals to July 30th! If you haven't already done so, please complete that now! [Here's the link](#).

5. LAO

- ❖ Legal Aid Ontario has released their Aboriginal Justice Strategy consultation report: Part 1 titled: "Relationships First, Business Later". You can download that [here](#).
- ❖ LAO is continuing to hold discussions with Court Staff regarding the return of Duty Council to Courthouses.

6. FOLA

❖ SUBMISSIONS & CONSULTATIONS:

1. **LSO COMPETENCE TASK FORCE:** FOLA will be preparing a Submission in response to the LSO's Call for Comment on the [Competence Task Force's Report: Renewing the Law Society's Continuing Competence Framework](#). If you would like to provide FOLA with comments for consideration for inclusion in our Submission, please do so **prior to October 20th** by emailing Katie at katie.robINETTE@fola.ca.

If you would like to respond directly to the LSO, you may respond to some or all of the questions through their [Call for Comment](#) portal until Nov. 30, 2021.

2. **MINISTRY OF GOVERNMENT AND CONSUMER SERVICES: [Potential Changes to the Funeral, Burial and Cremation Services Act, 2002 and/or its Regulations](#).** On December 7th, the Auditor General released her 2020 Annual Report, which included a [value-for-money audit of the BAO](#) and the Ministry's oversight of the BAO. The Auditor General recommended that the government consider potential legislative and/or regulatory changes to address some of the concerns raised in the report.

The consultation paper seeks feedback to inform potential proposals for changes to the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) and/or its regulations to address recommendations made by the Auditor General as well as concerns raised by stakeholders. The consultation paper seeks feedback on the following topics:

- A. Consumer protection measures
 - i. Transparency of price information
 - ii. Disclosure requirements for promotional materials
 - iii. Displaying the BAO logo
 - iv. Upselling and/or aggressive sales practices
 - v. Not allowing the licensing of new disposition technology providers until safety of the technology can be confirmed
- B. Compliance and enforcement tools
- C. Priority of persons with legal authority to make decisions regarding decedents
- D. Cemetery care and maintenance fund/accounts (CMF/As)
 - i. Interest payment requirements on funds borrowed from the capital portion of cemetery CMF/As
 - ii. Potential to exempt municipal cemetery operators from CMF/A requirements
- E. Other cemetery-related proposals
 - i. Neglected or abandoned cemeteries
 - ii. Cemetery closure process

Further details about this consultation, including a copy of the consultation paper, can be found on the Ontario Regulatory Registry's [website](#).

The deadline to submit feedback is August 9, 2021 by 11:59 p.m. You may submit your comments by responding directly to the Regulatory Registry posting or by sending an email with your feedback to bereavement@ontario.ca. If you have any questions, please contact the ministry at bereavement@ontario.ca.

❖ **ASSOCIATION & OTHER NEWSLETTERS:**

Over the past week, the Northumberland Law Association issued their [Summer 2021 newsletter](#) and the Ontario Courthouse Libraries Association (OCLA) also released their summer 2021 issue of [Access Point](#). You can download both [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.