



COVID-19 & THE PRACTICE OF LAW WEEKLY UPDATES

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COVID-19 - WEEKLY CALL CHECK IN LOG #1 March 17-March 20, 2020 Summary

Invited participants on calls

OBA, FOLA, LSO, LAO, the Advocates' Society, & OTLA

Superior Court of Justice in Ontario, Court of Appeal for Ontario, & Ontario Court of Justice
MAG - Political and Department staff

Overview of issues discussed - March 17-20, 2020:

1. Notices from the Courts

These have been put together rather hastily and if any notices are missing key information, they would like to know. Please don't hesitate to email. All notices can be found [here](#).

2. ISSUES FACING LAWYERS - RAPID RESPONSE NETWORK

FOLA and the OBA are gathering a daily list of issues lawyers are facing in courthouses and in their day-to-day practice. These are then consolidated and forwarded to the courts, to MAG, and to the LSO for responses.

3. Courthouse issues

- ❖ The Courts are having challenges connecting with some detention centers
- ❖ Judges working remotely are having difficulties transmitting signed docs electronically (some documents, due to their size, are not easily scanned). It was recommended the Courts look into Vaultie (which is featured on [FOLA's practice Resources page](#) and which is offering services for free right now).
- ❖ The Courts are getting hundreds of additional phone lines needed for teleconferencing through the OBA.
- ❖ Not all trial coordinators have full remote access - Courts are working on this and all are getting ZOOM training.

(for a special update from the SCJ, please see final item in this report)

4. Compliance Issues

For Affidavits that cannot be witnessed, lawyers are STRONGLY encouraged to ensure their client is available via phone when the matter is discussed before the Courts. They will be required to be affirmed over the phone (however, no decision has been finalized yet on this). This is a challenge because judges cannot be “ordered” what to do in their courts.

Full updates of all professional and practice compliance issues can be found at the LSO COVID site [here](#).

On March 20th, MAG has issued an order through Ontario’s Lieutenant Governor in Council under s. 7.1 of the Emergency Management and Civil Protection Act suspending limitation periods and procedural time periods. The suspension is retroactive to March 16, 2020. You can read that [here](#).

5. Family Law and Self Reps

Issue: Self reps seeking advice from a lawyer to determine the urgency of their matter.

Solution: FOLA, the LSO, the Advocates Society, LAO, and the OBA are working on a roll out strategy that would combine lawyer referral services. The OBA will provide a number where a self rep can be referred to a lawyer who can then review the matter (pro bono) to let them know if their matter is likely to be deemed “urgent”. As this may differ from jurisdiction to jurisdiction, the OBA will be calling on FOLA, the LSO, the Advocates’ Society, and the LAO to help recruit lawyers to staff these lines. The LSO would work to message this out to the public via their public web section. Courts to also message out this service.

Lawyers and clients are urged to NOT appear at courthouses for non-urgent matters! Lawyers are also asked to avoid filing for non-urgent matters. The Notice to the Profession can be viewed on the [SCJ website](#).

6. DROs and Child Custody Matters

DROs are closed and the OBA is working on a way to help this situation.

7. Accommodations for Media

ZOOM Webinar rooms are being explored/set up to accommodate the media. This is being done with the help of the OBA

8. Bail Hearings

Efforts are currently underway to move these entirely online. OBA will coordinate with Sol Gen, MAG, and courts to create online virtual courtrooms.

9. Legal Aid Ontario

- ❖ Goal is to keep as many people out of the Courts as possible

- ❖ The LAO is working on implementing a number of administrative changes to a) expedite payments to the private bar; b) Extend filing deadlines; c) automate certificates; and d) offer flexible billing options (a choice of per hour billing and block fees, and e-filing)
- ❖ LAO will draft a list of services currently covered for in-person services to request they be covered when performed remotely
- ❖ Other changes are also being discussed.
- ❖ LAO is expecting to ease financial requirement testing for legal advice (special considerations also being explored for cases of domestic violence and those in mental institutions).

10. Other issues

- ❖ Issues of unique concern to COVID-19 inside correctional facilities
- ❖ Teleconference access in institutions where client has no phone or internet access
- ❖ Definition of Urgency in child custody, child protection, and restraining issues
- ❖ The creation of “What to know/how to prepare” documents for the public
- ❖ E-filing in courts (DropBox testing underway – expect an update soon)
- ❖ Province-wide notice with contact info and special procedures for each Courthouse – underway
- ❖ Plan for the day when counters in all courts close for in person procedures.

Special update from the Superior Court of Justice – March 20, 2020

The SCJ seems to think that their emergency measures’ protocol is, by and large, working. Judges are learning phone and ZOOM protocol. However, there are still some glitches regarding ZOOM connection in some courts.

On Tuesday, they heard between 50-60 cases and that number has been doubling each day with matters moving forward fairly quickly.

The SCJ is considering expanding matters to be heard to include others that are not currently set out in the Notice to the Profession. At this point, such matters are unknown and much will depend on the availability of teleconference lines, the ability to record matters that are heard by teleconference, and the ability to receive submissions from parties. There are limits in each of these areas right now and they are in a “wait and see” mode with the current level of service continuing for another week. Any expansion would happen the week of March 30.

Rogers has donated 200 phones for use by Self-Reps with no phones and for child-related cases where clients have no phone access.