



FOLA'S MONTHLY SECTOR MEETING UPDATE

Fola.ca

SECTOR CHECK IN LOG #8

June 8, 2022

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 -Department staff and the Recovery Secretariat

1. COURTS

❖ SUPERIOUR COURT OF JUSTICE UPDATES

SMALL CLAIMS COURT: As of June 1, 2022, the Small Claims Court

- will resume scheduling examination hearings, and
- will no longer require parties to email previously filed materials to the Court.

See section 11 of the [Consolidated Notice to the Profession and Public Regarding the Small Claims Court](#) for further information about examination hearings.

❖ ONTARIO COURT OF JUSTICE UPDATES

CASELINES: The OCJ Continues to roll out CaseLines throughout the Province.

❖ COURT OF APPEAL FOR ONTARIO UPDATES

The Honourable George R. Strathy, Chief Justice of Ontario, Court of Appeal for Ontario, has announced his retirement. You can read his letter [here](#).

2. MINISTRY OF THE ATTORNEY GENERAL (MAG)

❖ JUDICIAL VACANCIES: A competition to fill an upcoming Associate Judge vacancy in Toronto has been posted in the Ontario Reports. More details are set out in the links below. Applications are due on June 15, 2022.

EN: <https://www.ontariocourts.ca/scj/competition-associate-judge-may-2022/>

FR: <https://www.ontariocourts.ca/scj/fr/concours-juge-associe-mai-2022/>

❖ REMINDER: FEES FOR COURT TRANSCRIPTS: A new court transcript fee schedule came into effect on April 1, 2022. The amending regulation, Ontario Regulation 145/22: Fees for Court Transcripts, can be found [here](#).

The changes align with the evolving transcript production model in Ontario, including current court practice directions and new court rules relating to electronic transcripts. MAG anticipates ordering parties will experience efficiencies under the new model, particularly where one electronic transcript is required for filing with the court and can be shared amongst the parties. Overall, MAG's goal is to balance the

interests of ordering parties while compensating authorized court transcriptionists (ACTs) for the important role they perform in the justice system. MAG's [Questions and Answers document](#) provides additional details regarding the implementation of the new transcript fee schedule. If you have any questions, contact Court Reporting Services, Court Services Division at CourtReportingServices@Ontario.ca.

❖ **REMINDER: ONTARIO'S NOT-FOR-PROFIT ACT**

Ontario's Not-for-Profit Corporations Act (ONCA) took effect on October 19, 2021. Existing non-profits have 3 years from that date to bring their governing documents into compliance with the new law. Learn more on our new [ONCA Resource Page](#).

❖ **REMINDER: ESTATES FORMS**

On July 1, 2022 estates rule and form amendments will come into effect pursuant to [O. Reg. 435/22](#). An overview of this regulation is available on the Ontario Regulatory Registry at: [22-MAG-007](#). The amended estate court rules and forms are highlighted in grey in the [Rules of Civil Procedure](#) and the Court Forms [website](#). A detailed summary of the changes is available at: [here](#).

6. RECOVERY SECRETARIAT

REMINDER: Questions about Courthouse operations related to health & safety can be directed to Samantha Poisson at MAGrecoverysecretariat@ontario.ca.

7. LiRN

LiRN is holding consultations with stakeholders over their [Library Services & Management Responsibilities Policy HR Policy and Guidelines](#) document that provides details on Law Library work vs. Association work, Law Library staff roles/responsibilities, and definitions of core Law Library services. Of note is Appendix A: Additional Library Services and Association Services & Duties (found on page 10). These are essentially services that LiRN deems to be associated with Law Association work as opposed to Law Library work and thus, work that is not covered by the LiRN funding grant. There are arguments to be made that some of their "Additional Library Services" and "Association Services and Duties" are, in fact, related to the education and continuous learning of lawyers. As such, we may want to ensure these are covered by the LiRN Grant funding as opposed to Association funding. Additionally, LiRN has indicated that they deem work done to prepare for Board meetings as Association work. However, as Associations run the Law Libraries, FOLA believes that there is a strong argument to be made that Law Library staff time dedicated to supporting the operations of the Association's governance should also be included in the LiRN grant funding.

Something else to highlight is the final bullet point in the Background section (page 1) that suggests the Association "only needs to contribute to library staff salaries if Association activities take up more than 10% of the staff member's time". It is thought that this number is too low and, while the preferred percentage will depend on what is and is not a "Library task", 15% may be more appropriate.

As well, the timeline in the Performance Management Guidelines (found on page 23) are, perhaps, arbitrary and we would encourage Law Association Presidents, Library Chairs and Boards to review these with their Law Library staff to seek input to ensure they are manageable.

On June 7th, FOLA held a Practice Resource Centres Committee (PRCC) meeting to discuss our concerns (which are noted above) and on June 17th, FOLA will be meeting with LiRN to share our concerns and recommendations. We are also in the process of setting up a Shareholders meeting (the TLA, FOLA, and the LSO) to review and discuss this document.

NOTE: FOLA is seeking your input in advance of our meeting and request that any comments/suggestions you have be sent to Katie at katie.robinette@fola.ca by June 16th.

Of note, FOLA will likely be requesting that ALL items classified as “Additional Library Services” be covered by the LiRN grant funding and that changes be made regarding the classification of “Association Services and Duties” (for example, CPD and Board Management should be covered by the LiRN block funding). We will also be raising the issue of the “10%” rule. [See this PDF for LiRN’s list of services](#) (copied from the Library Services & Management Responsibilities Policy HR Policy and Guidelines document).

8. FOLA

- ❖ **METROLINX AT OSGOODE HALL:** Metrolinx is planning to build a large new station (attached to Osgoode Station) that will be part of the new Ontario Line (a 15-stop subway line that will run from Exhibition Place through downtown Toronto to the Ontario Science Centre). In early June, FOLA sent a [letter to Metrolinx](#) outlining our concerns about the disruption this project will cause to the users of Osgoode Hall, including the Court of Appeal for Ontario, the Superior Court of Justice, the Law Society of Ontario, and the Great Library. The letter was also sent to law journals and was picked up by Lawyer’s Daily. You can read their article [here](#).
- ❖ **BROOKFIELD GLOBAL RELOCATION SERVICES:** On May 16th, FOLA sent [this](#) letter to Brookfield Global Relocation Services expressing our serious concerns that have arisen regarding their Third-Party Service Provider Agreement after hearing from lawyers across Ontario who are concerned with the impact of the Agreement on those seeking legal assistance and the practising lawyers who will be serving those clients. FOLA encourages you to draft a similar letter (feel free to use ours as a template). If you do contact Brookfield, please do let us know by emailing Katie at katie.robinette@fola.ca.

9. LEGAL AID ONTARIO

- ❖ **NEW FORMS:** New lawyer-assisted application forms are available on Legal Aid Ontario’s website for proceedings in the areas of child protection, family law (domestic violence), and immigration and refugee law. Applications are subject to legal and financial criteria. These forms will help better respond to the needs of applicants, particularly those who do not speak English or French, have low literacy skills, live in communities or institutions without telephone or internet access, have mental health issues, or have difficulty travelling to offices or courts to submit a legal aid application in person. [Learn more here](#).
- ❖ **UPDATED TRANSCRIPTION RATES FOR ROSTER MEMBERS:** LAO has amended the rates for billing transcription disbursements and now requires roster members to follow specific guidelines when ordering transcripts, following the introduction of updated rates for court transcription services under the Administration of Justice Act. LAO’s Disbursements Handbook is currently being updated to reflect the changes and will be available soon. Until then, any provisions not impacted by these changes remain unchanged and will continue to be applicable. [Learn more here](#).

10. CASELINES

- ❖ **CASELINES TIPS & TRICKS:** Lorna M. Yates, FOLA’s CaseLines presenter at our Spring Plenary, has created a CaseLines Tips & Tricks PDF for all Law Association Members. You can access it [here](#). And if you missed her session at FOLA’s Plenary, you can watch that [here](#).

11. LSO

- ❖ **CANDIDATES FOR THE OFFICE OF TREASURER:** At the close of nominations on May 12, the following benchers (in alphabetical order) have been nominated for the Office of Treasurer of the Law Society of Ontario for the 2022-23 term commencing June 28:

- **Philip Horgan, nominated by Marian Lippa and Lubomir Poliacik**
 - **Jacqueline Horvat, nominated by Shelina Lalji and Sid Troister**
The election will take place on June 15. Current Treasurer Teresa Donnelly ends her second term on June 28. The candidate elected as Treasurer will take office at the June 28 Convocation.
- ❖ **NEW COMPETENCY FRAMEWORK:** Convocation considered the Competency Task Force’s report and approved a new Competency Framework which includes:
- The creation of an online practice essentials course which will be mandatory for lawyers or paralegals within one year of setting up as a sole practitioner for the first time, effective January 2024
 - Amending the Rules of Professional Conduct and the Paralegal Professional Conduct Guidelines to adopt the Federation of Law Societies of Canada Model Code of Professional Conduct commentary (Section 3.1-2) regarding technological competence
 - The elimination of the six-hour limit on archived or recorded Continuing Professional Development programs that are eligible for credit each year
 - The wind-up of the Certified Specialist Program. Licensees who are currently Certified Specialists may use the designation until Dec. 31, 2022. (The Indigenous Legal Issues specialization continues subject to any future recommendation by the Equity and Indigenous Affairs Committee to Convocation.). [You can read the Report here.](#)
- ❖ **BY-LAW 3 AMENDED:** By-Law 3 has been amended to implement procedural reforms respecting motions at May’s Convocation. [See Report.](#)
- ❖ **HUMAN RIGHTS AWARD: CALL FOR NOMINATIONS**
The Human Rights Award recognizes outstanding contributions to the advancement of human rights and/or the promotion of the rule of law provincially, nationally or internationally. The award is granted for devotion to the advancement of human rights and the rule of law over a long term or for a single outstanding act of service. The call for nominations deadline is October 3. [Learn more on the LSO website.](#)
- ❖ **LICENSING EXAMS**
The Law Society has commenced a civil action against NCA Exam Guru and its principal, Aamer Chaudhry. NCA Exam Guru offers preparation courses for licensing examinations. Aamer Chaudhry leads some of the courses. In the civil action, the Law Society alleges that the company, without authorization, has been obtaining and providing to those enrolled in its preparation courses documents containing questions from the licensing examinations. The company has also been providing documents containing answers to questions. These documents were provided improperly to clients of the company to allow them to cheat on the licensing examinations.
- The Law Society is seeking monetary damages for breach of confidence, conspiracy, inducing breach of contract and copyright infringement. It is also seeking a return of the examination content from the defendants and an injunction prohibiting its further use and distribution. The Law Society is also asking for a full accounting and disgorgement of all profits earned directly or indirectly from the use and disclosure of the examination content, as well as an award of punitive and exemplary damages.
- The Law Society is committed to protecting the public interest and actively responding to conduct that threatens the integrity of the licensing process and the professions. This action also serves as a reminder to candidates of their responsibilities and obligations around examination conduct, and the need to be on guard against any third-parties who may be organizing activities to facilitate cheating on licensing examinations. Information about [supports and resources](#) for candidates is available on the [LSO website.](#)

12. EVENTS

❖ **INAUGURAL PRIDE EVENT HOSTED BY BFLN AND BLACK LAW STUDENT'S ASSOCIATION OF CANADA (BLSA)**

June 14th at 6:30pm. Online.

Existing, Thriving, Striving: Lawyers and Academics at the intersections of 2SLGBTQIA+ and Black communities - Come join BFLN and BLSA Canada to have an interactive discussion about being a lawyer and academic at the intersections of 2SLGBTQIA+ and Black communities. Hear from Black panelists with diverse professional and cultural backgrounds. [REGISTER HERE](#).

❖ **LAWPRO/TLA SERIES - CLAIMS PREVENTION & MANAGING RISKS**

Jun 9, 2022 9:30 AM - 11:00 AM (EST)

Thursday Tips with LAWPRO and TLA: Tips for Wills and Estates Lawyers – FREE!

Contains 1.5 hours of professionalism content & is eligible for the LAWPRO Risk Management Credit.

[REGISTER HERE](#)

QUESTIONS/CONCERNS?

COURT WORKING GROUPS

SCJ FAMILY LAW & IN-PERSON vs. ONLINE MATTERS

If you have ongoing concerns regarding in-person vs online appearances at the SCJ, please direct your concerns to Katie at katie.robinette@fola.ca and she will relay them to our Family Law Working Group.

SCJ SMALL CLAIMS COURT WORKING GROUP: FOLA is requesting that practitioners (as well as Deputy Judges) take a moment to consider and comment on what works well and what could use improvement in our Small Claims Court so that constructive feedback can continue to flow to the Small Claims Court Working Group. Please send comments to Jane Robertson (FOLA Treasurer) at jajadiver@bellnet.ca.

EVERYTHING ELSE

Law Association members are welcome to send any issues/concerns related to the above Updates to FOLA by emailing Katie at katie.robinette@fola.ca. We will 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.