



# FOLA'S MONTHLY SECTOR MEETING UPDATE

Fola.ca

## SECTOR CHECK IN LOG #83

July 13, 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

ACJ McWatt's [Order extending Chief Justice Morawetz's August Addendum Order](#) deferring jurors, based on an answer that a juror is not fully vaccinated or prefers not to answer, has been extended further from July 8, 2022 to September 2, 2022.

#### ❖ FAMILY LAW REMINDERS:

- The SCJ's [Binding Judicial Dispute Resolution pilot for family cases](#) is now available in Barrie, Oshawa, Peterborough/Cobourg/Lindsay, Cornwall, Ottawa and both regions in the north. Family lawyers in those regions should consider using it to reach a streamlined disposition of their less complex family cases.
- DROs still have capacity and in all centres have quicker dates than judicial case conferences. In most centres you can also use them on applications on consent of the parties. Please consider doing so.
- Court-connected mediation remains underutilized. They are in the process of returning to in-person as well as virtual services. Please consider using them. As a reminder, if parties attempt mediation but can't get to a resolution, they can ask permission to skip straight to a settlement conference assuming no motions are needed (see [Family Law Rules, r. 17\(7.1\)](#)).
- The SCJ needs lawyers to consult in advance of family conferences so that time can be used more effectively. Note these amendments to the [Family Law Rules](#) clarified this requirement and added additional consequences for failure to confer.

#### ❖ SCJ COVID NOTICES:

- The is currently working to update their Notices page to align/merge all existing Notices with COVID notices to make it easier to navigate.

#### ❖ ONTARIO COURT OF JUSTICE UPDATES

- No Updates

#### ❖ COURT OF APPEAL FOR ONTARIO UPDATES

- Mask requirements have been lifted but there are still restrictions related to the number of parties entering the Court.

- ❖ **CONSULTATIONS:** Kathryn Manning, Chair of the Rule 34 Subcommittee of the Civil Rules Committee, has sent FOLA a Consultation Paper on Rule 34 of the Rules of Civil Procedure in Ontario, for which they are seeking feedback from FOLA. If you would like to send FOLA your thoughts for consideration as we draft our Submission, please send them to Katie at [katie.robinette@folo.ca](mailto:katie.robinette@folo.ca) by Monday, August 15th at 5pm. Learn more [here](#).

## 2. MINISTRY OF THE ATTORNEY GENERAL (MAG)

### ❖ JUSTICE SERVICES ONLINE:

MAG will be releasing additional enhancements to its Justice Services Online (JSO) platform effective July 25, 2022.

To improve the user experience, the portals will be enhanced to assist filers in managing their submissions by allowing them to identify their own client reference number to be attached to JSO submissions for internal file management purposes. Filers will also be able to view on the confirmation page the last four digits of the credit card used for a transaction and review a list of previously completed transactions.

A new predictive text feature in the document drop-down menu will also make it easier for users to easily search for and select the right document type when uploading documents for filing and/or issuance.

In addition, court staff will be able to provide filers with clear reasons for rejections of a document submitted for filing and/or issuance so deficiencies can be addressed. For clarity, staff is being asked to provide a clear explanation for each rejection reason.

This iterative approach to JSO enhancements builds on earlier work and seeks to prioritize the user experience while minimizing disruption. Please note that the legal community will continue to be informed of ongoing enhancements through notices to legal and paralegal associations.

If you would like to discuss this initiative, please contact Natasha Wilson, A/Director, Operational Support Branch at 416-325-7078 or [Natasha.Wilson@ontario.ca](mailto:Natasha.Wilson@ontario.ca).

### ❖ 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](mailto:CourtReportingServices@Ontario.ca).

### ❖ REMINDER: ESTATES FORMS

On July 1, 2022 estates rule and form amendments will come into effect pursuant to [O. Reg. 435/22](#). The amended estate court rules and forms are on the Court Forms [website](#). A detailed summary of the changes is available at: [here](#).

### 3. MINISTRY OF THE SOLICITOR GENERAL OF ONTARIO

- ❖ **NEW SOLICITOR GENERAL:** On June 24<sup>th</sup>, York Centre MPP Michael Kerzner was sworn in as Ontario's new Solicitor General. You can learn more about him [here](#).

### 4. OTHER ONTARIO GOVERNMENT NEWS

#### ❖ **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](#).

### 5. RECOVERY SECRETARIAT

- ❖ **JULY UPDATE:** They are doing Fall planning in case COVID cases spike around "flu season" and/or the Fall/Winter of 2022.
- ❖ **REMINDER:** Questions about Courthouse operations related to health & safety can be directed to Samantha Poisson at [MAGrecoverysecretariat@ontario.ca](mailto:MAGrecoverysecretariat@ontario.ca).

### 6. LiRN

#### ❖ **REMINDER: LIBRARY SERVICES & MANAGEMENT RESPONSIBILITIES POLICY HR POLICY AND GUIDELINES**

LiRN is currently 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.

On June 17<sup>th</sup>, FOLA held our Consultation meeting with LiRN and you can read a recap of our meeting [here](#). Following that meeting, FOLA sent a letter to LiRN outlining FOLA's comments regarding the division of responsibilities between Libraries and Associations. You can read that letter [here](#).

On July 12<sup>th</sup>, FOLA had a Shareholders meeting (the TLA, FOLA, and the LSO) to review and discuss this document with LiRN. Our conversation focused mostly on CPD and the role Library staff play vis-à-vis Association Board governance. FOLA has been told that many changes are being made to the Draft HR Policy and Guidelines document. LiRN plans to present a new Draft version to their Board on July 18<sup>th</sup> and share the amended document with FOLA shortly following that date for further review and discussion. Once we have a copy we can share, it will be shared with you. We will keep you posted.

If you have held your Consultation session and would like to share a report or summary with FOLA, please send those to Katie at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca).

### 7. FOLA

- ❖ **BROOKFIELD GLOBAL RELOCATION SERVICES:** On May 16<sup>th</sup>, 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 let us know by emailing Katie at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca).

**UPDATE:** On June 21, 2022, FOLA received a response from Brookfield Global Relocation Services in the mail. You can read a scanned copy of that letter [here](#).

❖ **SAD NEWS: [WILLSON ALEXANDER MCTAVISH'S OBITUARY](#)**

Willson Mctavish, L.L.B., Q.C., L.S.M., died in his sleep at age 85 on June 7<sup>th</sup>. Willson Mctavish was a President of the Peel Law Association and founding Chair of Ontario's County and District Law Presidents Association (now FOLA) from 1980-82.

Visitation at Turner & Porter "Peel" Chapel, 2180 Hurontario Street, Mississauga will be held on Monday, August 8, 2022 from 2-4 and 7-9 p.m. A Celebration of Willson's life will be held at Turner & Porter "Peel" Chapel on Tuesday, August 9, 2022 at 3 p.m. Reception to follow. There will be a private family Internment of remains at Springcreek Cemetery. In lieu of flowers, the family asks that those wishing to honour Willson's memory donate to the Canadian Cancer Society or the Mississauga Arts Council. In the spirit of emerging from

this Covid pandemic please consider honouring Willson's love of the arts by purchasing tickets and attending an event at The Living Arts Centre, The McMichael Art Gallery, The Stratford or Shaw Festivals. View full obituary [here](#).

- ❖ **NEWSLETTERS:** FOLA's July Newsletter is now available! You can read it [here](#). The Middlesex Law Association's July Newsletter (the Snail) is also out. That is available [here](#).

**8. LEGAL AID ONTARIO**

No updates this month.

**9. LSO**

❖ **CONSULTATIONS: PROFESSIONAL REGULATION COMMITTEE'S [MANDATORY SUCCESSION PLANNING REPORT](#):**

The Professional Regulation Committee's consultation report: [Mandatory Succession Planning](#) was included as an information item to Convocation. As outlined in the report, the Committee has launched a consultation that will be open until November 30. In particular, the Committee would like to hear from sole practitioners and licensees in small private practice firms. FOLA will be preparing a Submission. If you would like to contribute your comments for consideration in our Submission, please send them to Katie at [katie.robinette@fol.ca](mailto:katie.robinette@fol.ca) by November 4<sup>th</sup>. You can also submit your comments directly to the LSO. **Consultation open until November 30, 2022.** The consultation form is available [here](#). Those interested may respond to some or all of the questions.

❖ **ONTARIO LINE CONSTRUCTION IMPACTS - OSGOODE HALL:**

As you may know, Metrolinx is in their final planning stages for what will become the Ontario Line. At present, Metrolinx is planning on constructing a large station on the grounds of Osgoode Hall (which will adjoin with the existing Osgoode Station on the University Line of the TTC subway). The LSO is strongly against this for a number of reasons and has encouraged Associations to join them in advocating for an alternative location. Both the TLA and FOLA have sent letters to Metrolinx opposing this location and we encourage your Association to do the same. You can read the TLA's letter [here](#) and FOLA's letter [here](#). FOLA's letter generated [this article](#) in the Lawyer's Daily.

- **METROLINX RESPONDS:** On July 11<sup>th</sup>, both FOLA and the TLA received responses from the President & CEO of Metrolinx indicating that the Program Sponsor for the Ontario Line will be in touch with each of us to further discuss the issues raised the responses. We will keep you posted. You can read FOLA's response [here](#) and the TLA's response [here](#). Note that they are pretty much identical!
- **CITY OF TORONTO & METROLINX OSGOODE HALL STATION:** On June 20<sup>th</sup>, the following motion was passed unanimously by Toronto City Council, with the support of the Mayor, who voted for the motion. (The motion was moved by Councillor Mihevc, who is the temporary councillor for Ward 10, which includes Osgoode Hall):

"City Council amend the draft by-law in Attachment 2 to the report (May 16, 2022) from the Chief Planner and Executive Director, City Planning, by deleting item v. from permissive exception 490 of the draft amendments to the former City of Toronto Zoning By-Law 438-86 and Schedule 5 as they pertain to a portion of the property at 130 Queen Street West, and refer matters related to this property back to staff for further discussions with Metrolinx regarding the community proposed alternative location for the planned Ontario Line Osgoode Station main station entrance and identify any options that may exist to avoid impacts on built and cultural heritage and the loss of publicly-accessible greenspace and mature trees on the Osgoode Hall grounds, and that the results of this work be reported to City Council through City Staff as well as to a Community Liaison Committee for Osgoode Station being established by Metrolinx."

"That City Council direct the Executive Director, Transit Expansion to convey Council's significant concerns about the proposed use of Osgoode Hall lands for construction of the Ontario Line Osgoode Station."

- ❖ **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.](#)
  
- ❖ **NEW BENCHER:** The June 28<sup>th</sup> Convocation was Jacqueline Horvat's Inaugural Convocation and Cheryl Siran was introduced as a new Bencher (replacing Treasurer Horvat). Cheryl is a past Chair of FOLA.
  
- ❖ **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.](#)

## 10. JOB POSTINGS:

The Public Prosecution Service of Canada is inviting applications from private-sector lawyers or law firms with experience in prosecuting or defending criminal matters, to act as Agents of the Director of Public Prosecutions. An additional Fixed-Term Agreement (contract) is currently available in the Judicial District of Prescott-Russell, including the court location of L'Orignal.

**Applications must be received by July 15, 2022.** See posting [here](#).

## 11. EVENTS

### ❖ OSGOOD HALL - ESTATE LITIGATION SERIES

September 21, 28 and October 6, 2022 - ONLINE

Estate Litigation: The Practical Guide for Legal Professionals

Held over the course of three evenings, this program will provide delegates with the fundamentals of estate litigation. Using real-life case studies and a step-by-step analysis of the litigation process, delegates will leave equipped with the knowledge, skills and tools to confidently advise clients and be an effective advocate in estate matters.

*\*LSO Accredited for 8h 50m CPD (7h 55m Substantive; 55m Professionalism)*

[Register here](#)

### ❖ ARBITRATION FOR FAMILY LAW LAWYERS: STRATEGIES FOR SUCCESS

October 12, 2022, 9:00 am - 4:00 p.m. ET

This new and unique program is designed to provide family law lawyers with the practical guidance they need to successfully navigate the challenges of arbitration and achieve positive outcomes for their clients. In one intensive day, their expert faculty will take you through the key elements of family law arbitration.

[Learn more and register here.](#)

### ❖ REMINDER: DURHAM REGION LAW ASSOCIATION FALL 2022 CONFERENCE

SAVE THE DATES: Thursday, October 13, 2022 & Friday, October 14, 2022

Registration coming soon

### ❖ EQUALITY, DIVERSITY AND INCLUSION: CULTURAL COMPETENCE FOR LEGAL PROFESSIONALS

Nov 15, 2022, 8:45 a.m. - 1:00 p.m. ET

In this half day program, you will learn the practical skills you need for greater cultural competence in the legal profession and immediately put your skills into action through a series of exercises where you'll address challenges faced in different legal settings and learn strategies for successfully overcoming them.

[Learn more and 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](mailto: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 Katie at [katie.robinette@fola.ca](mailto:katie.robinette@fola.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](mailto: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.