

FOLA News

Issue 2: August 1, 2023



Federation of Ontario
Law Associations
Fédération des associations
de barreau de l'Ontario

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Important Messages

Reminder: Updated FOLA Contacts

For general matters, contact:



Kelly Lovell, Executive Assistant (kelly.lovell@fola.ca)

Unless otherwise specified, for submissions on policy issues and consultations, contact:

Douglas W. Judson, Chair (info@douglasjudson.ca) *and*
Kelly Lovell, Executive Assistant (kelly.lovell@fola.ca)

Fall Plenary: Save the Date and Agenda Content

The FOLA Fall Plenary will be held in Windsor at the Doubletree Hotel from **Wednesday, November 8 to Friday, November 10**. Further details will be provided soon, including a booking link to make your hotel reservations.

In the meantime, we welcome suggestions from member law associations for programming content that would be relevant and of interest. Please email your suggestions to Douglas Judson (info@douglasjudson.ca) by **August 15**.

Upcoming Events and Law Association News

FOLA promotes law association events and other news. If your organization has upcoming events or related news that would be of interest to our members, please email Kelly Lovell (kelly.lovell@fola.ca) and we will include it here.

Durham Region Law Association Fall Conference

The Durham Region Law Association 2nd Annual Fall Conference will be held at the Ajax Convention Centre on **Thursday, September 28 and Friday, September 29**. The conference is open to our members, non-members, and students.

Please find all the details for the conference at www.drla.ca. Register by clicking on the link for the [registration form](#). Alternatively, contact drlalaw@bellnet.ca for the QR code.

Current Consultations and Submission Deadlines

Legal Aid Ontario: Minimum Experience Requirements for Ontario Review Board Roster

Legal Aid Ontario (LAO) is consulting on introducing minimum experience requirements (MERs) in the *Legal Aid Services Rules* for the existing Ontario Review Board roster. At the same time, LAO proposes revoking the unimplemented MERs for youth criminal and criminal mental health sub-authorization. Instead, LAO will be introducing enhanced training for the criminal roster to further improve the quality of service for youth clients and clients experiencing mental health issues.



This enhanced training will be in lieu of implementing MERs in the rules for youth criminal and criminal mental health matters. The training will also be accompanied by supporting technical changes with updates to the lawyer self-reporting tool and an enhanced referral list for clients who do not have a lawyer, to identify roster members who have participated in this training.

Information on the consultation can be found [here](#).

FOLA will be preparing a submission on this topic and we would appreciate your comments and feedback for consideration by **August 4**. Please forward comments to Karen Seeley (kseeley@mcauleylaw.com) and Kelly Lovell (kelly.lovell@fola.ca).

If you or your organization would like to prepare your own submission, you can do so directly until **August 12**.

Superior Court: Consultation on Access to Attend Court Matters Virtually

FOLA has received a letter from the Office of the Chief Justice of the Superior Court of Justice seeking input with respect to public and media access to court proceedings, and specifically with respect to the question below:

Should the public be provided unlimited access to attend any court matter that is heard virtually by publishing Zoom link information on the SCJ's website or should Zoom links continue to be made available only upon request by email to the Court? Or how should the public be provided access to attend a virtual hearing?

FOLA will be preparing a submission and we would appreciate receiving your comments and feedback for consideration by **August 15** to Douglas Judson (info@douglasjudson.ca) and Kelly Lovell (kelly.lovell@fola.ca).

Law Society of Ontario: Certified Specialist Program

The Law Society of Ontario (LSO) is seeking feedback from the professions and the public on the future of the Certified Specialist Program. Information on the consultation can be found [here](#).

FOLA is preparing a submission and if you would like to send your input for consideration in our submission, please email Douglas Judson (info@douglasjudson.ca) and Kelly Lovell (kelly.lovell@fola.ca) by **September 20**.

If you or your organization would like to prepare your own submission, you can do so directly until **October 1**.



Federation of Law Societies of Canada: National Requirement Review

The Federation of Law Societies of Canada (FLSC) is conducting a review of the National Requirement, which is the standard that law graduates from Canada and abroad must meet to qualify for entry to bar admission programs in the common law provinces and territories.

The FLSC's National Requirement Review Committee is seeking feedback on options and preliminary proposals for amendments to the National Requirement described in the Discussion Paper that is available on the FLSC website, [here](#).

FOLA is preparing a submission and if you would like to send your input for consideration, please email Douglas Judson (info@douglasjudson.ca) and Kelly Lovell (kelly.lovell@fola.ca) by **October 1**.

If you or your organization would like to prepare your own submission, you can do so directly to consultations@flsc.ca until **October 16**.

FOLA Submissions

Legal Aid Ontario: Proposed Amendments to Fees for Private Bar Lawyers

Legal Aid Ontario (LAO) sought feedback on proposed amendments to the fees that private bar lawyers are paid for doing legal aid work and specifically on:

- increasing the hourly rates for roster lawyers and the amount paid for block fees;
- increasing the number of hours allocated under the hourly tariff; and
- allowing per diem duty counsel to bill according to their tier rate.

FOLA prepared a submission, which can be found [here](#).

FOLA wishes to thank the law associations that made their own submissions on this important issue, some of which we referred to in our submission.

Child, Youth, and Family Services Act: Five-Year Review

A five-year legislative review of the *Child, Youth and Family Services Act, 2017 (CYFSA)* is underway.

The *CYFSA* is the primary legislation governing child, youth and family services that are provided through the Ministry of Children, Community and Social Services. This includes services such as child welfare, adoption, youth justice and out-of-home care services, as well as services for First Nations, Inuit and Métis children and youth.

The legislation requires that a formal review and a public report be completed every five years. The *CYFSA* was proclaimed in 2018, and the 2023 review will be the first review of the legislation.



FOLA prepared a submission, which can be found [here](#).

Notices

Notice to the Legal Profession: Amendments to the Rules of Civil Procedure

On July 6, a regulation was filed to amend court forms and a rule for estates proceedings in the Superior Court of Justice (see [O. Reg. 188/23](#), amending the *Rules of Civil Procedure*).

Notices of the regulation and summaries of the amendments are available on the [Ontario Regulatory Registry](#) and [Court Services Division Court Forms](#) websites.

Law Society of Ontario: Virtual Verification

Effective **January 1, 2024**, the Law Society of Ontario (LSO) will allow virtual verification of client identity where the licensee determines that the client's government-issued photo identification is authentic.

This realigns virtual verification requirements with LSO By-law 7.1, which requires that documents and records be authentic, valid, and current, and provides a safeguard against fraud, money laundering and other illegal activity.

A [Notice to the Professions](#) explaining the realignment and providing links to technology products and resources that licensees may find helpful in the authentication process has been posted on the LSO's website. The notice will also be shared through the LSO's corporate social media channels, in the *Ontario Reports* and in issues of the LSO's Licensee Update through to January 2024.

Law Society of Ontario: Mandatory Disclosure Rules in the *Income Tax Act*

Several weeks ago, the Law Society of Ontario (LSO) issued a [Notice to the Professions](#) on the Federal Government's Bill C-47, the *Budget Implementation Act 2023*, which received Royal Assent on June 22.

Licensees who have questions about their obligations under the *Rules of Professional Conduct* or the *Paralegal Rules of Conduct* should contact the [Practice Management Helpline](#).

The LSO continues to discuss the impact of these changes with the federal government. Additional options are also being considered and we will keep you informed about any further steps.

FOLA Real Estate Update for July 31, 2023

The most recent update from FOLA's Real Estate Committee Chair, Mark Giavedoni (Mark.Giavedoni@gowlingwlg.com) can be downloaded [here](#).

If you would like to be added to our real estate distribution list, please email Kelly Lovell (kelly.lovell@fola.ca).



Job and Appointment Opportunities

Legal Aid Ontario: Senior Counsel, Criminal – West District (Permanent)

The Senior Counsel Program has provincial scope and complements LAO's existing mixed model of private bar and duty counsel services by providing eligible clients with another option for high quality full representation.

The successful candidate will be responsible for assisting vulnerable clients on a range of criminal matters, up to and including full trial representation in the West District (therefore this position will require travel through the West District). The Senior Counsel may also be asked to conduct special bail hearings, bail reviews, appeals, fitness, NCR, and ORB hearings. In addition to accept court appointments (Amicus, 486.3, 672.24, O'Connor/Mills) and advance test case or public interest litigation, where appropriate.

Senior Counsel also accept court appointments, in appropriate cases, and create and facilitate mentorship opportunities for staff lawyers and private counsel, provide mentoring and guidance to non-lawyer staff, particularly with respect to making appropriate referrals to the certificate program. Senior Counsel will also be asked to partner on select matters with private counsel to support certificate roster to further enhance access to justice.

To apply, click [here](#). Applications are due by **August 11**.



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