

FOLA News

Issue 4: October 2, 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)

The contact information for all FOLA Board members can be found on the last page of this communication.

FOLA Fall Plenary: Hotel Reservation Booking Link

The FOLA Fall Plenary will be held in Windsor at the Doubletree Hotel from **Wednesday, November 8 to Friday, November 10.**

A block of rooms has been set aside at Doubletree but will only be available until **Wednesday, October 11.** Please make sure to make your reservation as soon as possible. To book your reservation at the Doubletree Hotel please click [here](#).



FOLA Estates Committee: Identifying Issues and Interest

In response to feedback from lawyers, FOLA is currently exploring whether to strike an Estate Law Committee to provide advocacy around the issues facing the estates bar.

Estate law practitioners are invited to help us identify areas of advocacy that are impacting their estate practice. We are aware of concerns regarding long delays in the granting of Certificates of Appointment in various jurisdictions. In addition, members of the estates bar interested in being part of this committee or listserv are asked to contact us.

Please direct your communications to Corey Wall, FOLA's Central East Representative and Treasurer (corey@walllaw.ca) and Kelly Lovell (kelly.lovell@fola.ca).

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.

Toronto Lawyers Association – How to Succeed at Killer Cross-Examinations

This session will take place on **October 3** from 12 to 1 PM via Zoom Webinar.

Topics of discussion will include:

- How to develop and execute a killer cross-examination
- Key goals of an effective cross-examination
- Lessons learned the hard way
- The inherent unpredictability and the importance of planning
- How to stay in control

Register [here](#).

Toronto Lawyers Association – Support Orders in Family Court: Interjurisdictional or Provisional Orders?

This session will take place on **October 5** from 12 to 1 PM via Zoom Webinar.

The presentation will provide vital information on how to navigate support matters, including:

- The difference between applications for provisional orders and interjurisdictional support orders.
- What forms and procedural steps are required for each type of application.
- What counsel is to expect when representing the support payor or the support recipient.
- Which jurisdictions requires a provisional order.



- Which jurisdictions are reciprocating jurisdiction.
- What is the role of the Family Responsibility Office.

Register [here](#).

Peel Law Association – Now What? Life After *Ahluwalia*

This session will take place on **October 11** from 4:30 to 6:30 PM Via Zoom Webinar.

By now, we have all read the recent Court of Appeal decision. *Ahluwalia v. Ahluwalia*, 2023 ONCA 476 What did it say? What does it mean? This session will discuss domestic violence in family law and tort claims - what to know and what to consider.

Speakers at this session will be:

- Justice Heather McGee, Superior Court of Justice
- Justice Ria Tzimas, Superior Court of Justice
- Mahzulfah Uppal, Kania Buttigieg Professional Corporation, PLA Treasurer
- Geoffrey Carpenter, Carpenter Family Law Professional Corporation
- Michelle Isenstein, Blaney McMurtry LLP (Tort Law)

Register [here](#).

Toronto Lawyers Association – TLA's 6th Annual Women in Law: Leading with Intention

This session will take place on **October 11** from 5:30 to 8 PM, in-person at the TLA Lawyers' Lounge.

- 5:30 - 6:45 PM – Panel
- 6:45 - 8 PM – Mentoring Mix & Mingle

Join us for our 6th annual Women in Law event and learn about how successful leaders in law live, work, thrive and succeed with intention.

The in-person plenary presentation will be followed by a mentoring mix & mingle. You will have an opportunity to speak to some of the best and brightest leaders in our field to help you cultivate your own intentional journey.

This will be a dynamic and inspiring evening! Register [here](#).

Toronto Lawyers Association – Making Sense of Compensation

This session will take place on **October 19** from 12 to 1:30 PM via Zoom Webinar.



For lawyers, this topic can be as taboo as they get: Making Sense of Compensation.

It's the elephant in the room. Money. You work hard for your money, and you should be compensated fairly. But the economy of law firms is often a well-kept secret.

Register [here](#)

Hamilton Law Association – Commercial Litigation Group Practice Dinner

This event will take place on **October 19** from 5:30 PM to 9:00 PM hosted at The Hamilton Club (6 Main Street East, Hamilton). Details as follows:

- Cost to Attend \$155.00 (HST Included)
- To view the flyer please click [here](#)
- To RSVP please contact Stephanie at szordan@hamiltonlaw.on.ca

Toronto Lawyers Association – 19th Annual Associate Judges' Motions for Licensing Candidates, Recent Calls, and Others: Deconstructing Civil Motions

This session will take place on **October 24** from 5:00 PM to 7:30 PM in-person at the TLA Lawyers' Lounge with a mix-and-mingle following the program.

This acclaimed, perennial program is back again this year! Get helpful tips from two Toronto Associate Judges (formerly called "Masters") before whom you might appear.

This program is a must for Licensing Candidates, recent calls and others who are new to arguing motions or want a refresher. "Deconstructing Civil Motions" addresses the critical stages of a civil motion, including procedure, presentation, practice management, remote communications, professionalism, and ethics.

Register [here](#).

Peel Law Association – Let's Talk About Death... Of a Business Owner

This session will take place on **November 1** from 4:30 to 5:30 PM via Zoom.

Nobody likes to think about death, but business owners need to actually plan for death.

Join us as we discuss the importance of succession planning for business owners, whether they are sole proprietors, partnerships or corporations. This session will cover:

- Plans, wills, assets and accounts
- Business accounts
- Privately-held corporations
- What happens to a business after the owner dies?



- What happens to shareholders?
- How to protect loved ones
- The digital afterlife of a business owner

The speakers will be Andreea Muth, Pallett Valo LLP and Zuzanna Chociejj, MNP.

Register [here](#).

Hamilton Law Association – Emerging Issues in Real Estate Seminar

This session will take place on **November 2** from 9 AM to 1 PM at the Hamilton Law Association (45 Main Street East, Suite 500, Hamilton).

Topics include: Know Your Clients Rules, Prohibition on the Purchase of Residential Property by Non-Canadians, Condominium Updates, Are You Covered? (Title Insurance and Insurance Gaps), Power of Sales, City of Hamilton Updates, How Do You Position Yourself? No Money to Close, Scams and Fraud Tips and New Rules on Client Identification and Verification.

This program contains 2.00 Hours of Substantive Content and 2.00 Hours of Professionalism Content.

Registration Fees (continental breakfast and lunch will be included):

- HLA Member Cost: \$237.30 (HST included)
- Non-Member Cost: \$259.90 (HST included)
- Articling Student, Non-Practicing Member and Paralegal Cost: \$214.70 (HST included)
- Law Firm Staff and Clerks Cost: \$192.10 (HST included)

Click [here](#) to download the flyer and to register, please email your completed form to ksolmaz@hamiltonlaw.on.ca.

Halton County Law Association – Annual Family Law Seminar

This session will take place on **November 3** from 1 to 4:30 PM, in person and via Zoom.

The Halton County Law Association Annual Family Law Seminar will be held at Rattlesnake Point Golf Club and Zoom on **November 3** from 1 to 4:30 PM. There will be lunch provided at the venue from 12 to 1 PM. This program is open to our members and non-members.

Topics Include:

- Update from the Courts
- Hague Convention and Recent Rule Changes
- Financial Disclosure and Imputing Income
- Enforcement Motions and Rule 1(8)



For more details and to register, [click here](#).

Toronto Lawyers Association – How to Succeed at Written Advocacy

This session will take place on **November 8** from 5:15 to 6:30 PM via Zoom Webinar.

Introducing the third program in TLA's Skills Development Series: How to Succeed at Written Advocacy. Effective written advocacy is the foundation of every legal file and is a vital skill for all lawyers regardless of practice area.

Topics of discussion include:

- Pleadings - Effective vs. ineffective drafting
- Factums - How to open your factum, importance of audience, purpose and tone and factums for appeals, motions, applications
- Affidavits - Purpose of affidavits, dealing with exhibits
- Notices - Of motion, appeal and cross motions
- Key do-s and don't-s

Take the time to learn how to get it right and succeed!

Register [here](#).

Toronto Lawyers Association – Introduction to Financial Statements (Free Program)

This session will take place on **November 14** from 12 to 1 PM via Zoom Webinar

Financial Statements can be complicated, and Secretariat's mission is to help you face them with more confidence. This session will help attendees become more comfortable with “the numbers” so you know what to look for when you come across them as part of a transaction or litigation matter.

Join us for a free online lunch and learn program, as we hear from Secretariat on their rundown of the key concepts of financial statements.

Register [here](#).

Toronto Lawyers Association – The Charter: Recent Key Criminal Cases

This session will take place on **November 15** from 5:30 to 7 PM via Zoom Webinar.

Looking to get up to date on the latest criminal law *Charter* cases? Attend *The Charter: Recent Key Criminal Cases*, brought to you by TLA's Criminal Law Committee.



Join Justice Philip Campbell of the Superior Court of Justice, Defence lawyer Kim Schofield and Assistant Crown Attorney Pamela Larmondin as they dive into significant recent Charter decisions. This esteemed panel will distill what you need to know in the current Charter-related criminal jurisprudence.

Don't miss this opportunity to hear three outstanding criminal law experts discuss the decisions that may make or break your case. Ideal for both criminal defence lawyers and prosecutors at any level of experience.

Register [here](#).

Hamilton Law Association – Advocacy and Insurance Seminar

This session will take place on **November 21** from 9 AM to 3 PM at the Hamilton Convention Centre (1 Summers Lane, Hamilton).

Topics include: Update from the Bench, Top AB Cases, Long Term Disability Caselaw Update, Lay Witness Panel, Mild Traumatic Brain Injury, General Damage Assessment Panel, Top Tort Cases and An Economic Update.

This program includes 4.5 Hours of Substantive Content and 2.00 Hours of Professionalism Content.

Registration Fees:

- HLA Member Cost: \$440.70 (HST Included)
- Non-Member Cost: \$485.90 (HST Included)
- Articling Student and Non-Practicing Members Cost: \$372.90 (HST Included)
- Law Firm Staff & Clerks Cost: \$372.90 (HST Included)
- Law Students Cost: \$101.70 (HST Included)
- Breakfast, and lunch will be provided as well as a drink ticket and networking session from 3:00pm-3:30pm

Click [here](#) to download the flyer please and to register, please email your completed form to szordan@hamiltonlaw.on.ca.

Law Society of Ontario – The 12-Minute Paralegal – Trending Topics

This session will take place on **December 6** from 12 to 2 PM via Webcast.

This session will focus on key professionalism topics including paralegal/lawyer teamwork, new career paths, networking tips, social media lessons and much more.

Click [here](#) to register.



Current Consultations and Submission Deadlines

Ministry of the Attorney General: Vexatious Litigant Procedural Framework

The Ministry of the Attorney General is seeking input and perspective on a potential amendment to the *Courts of Justice Act* (CJA) regarding the procedure to seek a “vexatious litigant” order. MAG is seeking input on the following questions:

1. Is your organization concerned about vexatious litigants/vexatious litigation in the Ontario civil justice system?
2. With respect to the current framework for dealing with parties who engage in vexatious litigation (including the provisions in the CJA, the Rules, and case law),
 - a. What are the downsides?
 - b. What are the strengths?
3. Are there specific reforms to this framework that you would propose?
4. In contemplating possible reforms to this framework, what safeguards do you consider important to protect the right of Ontarians to access the civil courts to resolve their disputes?

The letter from MAG can be found [here](#). Please note that we received a follow up communication from MAG that the references in the letter to Rule 12.03 of the *Rules of the Small Claims Court* should read Rule 12.02(3).

FOLA is preparing a submission and if you would like to send your input for consideration, please email Kelly Lovell (kelly.lovell@fola.ca) by **October 4**.

If you or your organization would like to prepare your own submission, you can do so directly to vaia.pappas@ontario.ca by **October 6**.

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 6**.

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



Ministry of Finance: A Permanent Framework for Pension Benefits

On March 15, 2023, the Ministry of Finance launched consultations on proposed regulations necessary for implementing a permanent target benefit framework in Ontario. The consultation closed on June 30, 2023. The government appreciates the comments and feedback it received during this consultation.

FOLA's response to the initial consultation can be found [here](#).

In response to stakeholder feedback, a second paper is now posted for consultation, which includes a set of revised proposals, including:

- A revised approach to the provision for adverse deviations (PfAD) in which plan administrators would have discretion to establish their plan's PfAD in line with the plan's funding and benefits policy;
- Streamlining requirements for the conversion process;
- Permitting the commuted value calculation to include a reduction by the plan's going concern funded status, if required by the terms of the plan; and
- Adding a requirement for plan administrators to establish and file a communications policy, while revising some of the proposed minimum information required to be included in member communications.

This second paper builds on the previous paper by setting out the revised proposals and providing additional details on some of the elements addressed in the previous paper. The second paper can be found at [Ontario Regulatory Registry](#).

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 6**.

If you or your organization would like to prepare your own submission, you can do so directly until **October 17**.

FOLA Submissions

Update on FOLA Efforts to Bring Licensees to Under-Served Communities

In May 2023, a motion was put forward to the Law Society of Ontario (LSO) 2023 annual meeting by representatives of FOLA. The motion, as adopted, requires that the LSO implement strategies and incentives to bring licensing candidates and recently licensed lawyers and paralegals to under-served communities. The motion, as adopted at the annual meeting, can be found [here](#).

The LSO's Access to Justice Committee has carriage of the follow up work on this motion. FOLA has forwarded a letter to the committee with some initial recommendations and considerations on how to move forward with this important initiative. You can find our letter [here](#).



Any feedback or suggestions on this initiative would be welcome and should be sent to Douglas Judson (info@douglasjudson.ca) and Kelly Lovell (kelly.lovell@fola.ca).

Superior Court: Consultation on Access to Attend Court Matters Virtually

FOLA 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?

The FOLA submission can be found [here](#).

Law Society of Ontario: Certified Specialist Program

The Law Society of Ontario (LSO) asked for feedback from the professions and the public on the future of the Certified Specialist Program. FOLA's submission can be found [here](#).

Notices, Updates & Important Information for Members

Obituary – Jeffrey Lem

FOLA was deeply saddened by the news of Jeffrey Lem's passing. He was a force of nature that brought leadership, organization, order and progress to the land registration and conveyancing system in Ontario, not to mention the practice of law as a dedicated solicitor, former LSO Benchler and academic. He will be certainly missed by all. Mr. Lem's obituary can be found [here](#).

Legal Aid Ontario Update – Tariff reform: Number of Hours, Hourly Rates and Block Fee Rates

Legal Aid Ontario (LAO) recently announced that coming into force on **October 16** LAO will:

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

Information on the tariff reforms for each area of law can be found [here](#).

Law Society of Ontario – Licensee Update

The Law Society of Ontario Licensee update dated September 28 can be found [here](#).



Ministry of the Attorney General – Accessing Wi-Fi in Courthouses

The OPS Guest (signal name: OPSGuest) is available to “Parties to a Matter” (e.g., counsel, self-represented litigants) in all courthouses in the province. This Wi-Fi signal broadcasts from courtrooms, judicial areas, boardrooms, and judicial chambers.

To access the OPSGuest, an application form must be submitted and can be found [here](#). Instructions for connecting to the OPSGuest can be found [here](#).

Job and Appointment Opportunities

Northwest Community Legal Clinic – Executive Director

Information on this position can be found [here](#). The Northwest Community Legal Clinic will begin processing applications on Thursday, September 7, 2023, but will continue to accept applications after this until the position is filled. The anticipated start date is January 2024.

Ontario Court of Justice – Judicial Vacancy (Oshawa, Criminal Law)

This appointment involves presiding over criminal law matters and involves travel within the regional boundaries and elsewhere in the province of Ontario. The deadline to apply is **October 19**.

The advertisement can be found [here](#).



FOLA Executive Contacts

Douglas W. Judson
Chair
info@douglasjudson.ca

William Woodward
Past Chair
wwoodward@dyerbrownlaw.com

Ashley Gibson
Central South Representative
ashley@gnrlaw.ca

Gord Prisco
Northeast Representative
gordon@valinpartners.net

Terry Brandon
Chair, Legal Aid Committee
terrylbrandon@acriminaldefence.ca

Sam Misheal
First Vice Chair
sam@familyseparation.ca

Corey Wall
Treasurer
Central East Representative
Corey@walllaw.ca

Jennifer Simpson Rooke
Southwest Representative
jrooke@mousseaulaw.com

Kevin Cooke
East Representative
kcooke@cswan.com

Logan Rathbone
Co-Chair, Family Law Committee
logan@rathbonelaw.com

Allen J. Wynperle
Second Vice Chair
Chair, Practice Resource Committee
allen@wynperlelaw.ca

Laura Oliver
Central West Representative
Co-Chair, Family Law Committee
laura@rusolaw.ca

Karen Seeley
Northwest Representative
kseeley@mcauleylaw.com

Anna Wong
Toronto Lawyers' Association Rep.
annaspwong@gmail.com

Mark Giavedoni
Chair, Real Estate Committee
Mark.Giavedoni@gowlingwlg.com