

FOLA News

Issue 3: September 7, 2023



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

In This Issue

Important Messages	2
Reminder: Updated FOLA Contacts	2
Fall Plenary: Save the Date.....	2
Upcoming Events and Law Association News	2
Toronto Lawyers Association – Professionalism & Civility Survey	2
Peel Law Association – The Role of Digital Forensics & Digital Evidence in Legal Proceedings	2
Durham Region Law Association – Fall Conference	3
Peel Law Association – Now What? Life After <i>Ahluwalia</i>	3
Peel Law Association – Let’s Talk About Death... of a Business Owner.....	3
Current Consultations and Submission Deadlines	4
Law Society of Ontario: Certified Specialist Program.....	4
Ministry of Finance: A Permanent Framework for Pension Benefits	4
Federation of Law Societies of Canada: National Requirement Review	5
FOLA Submissions	5
Legal Aid Ontario: Minimum Experience Requirements for Ontario Review Board Roster.....	5
Consultation on Price Escalations and Consumer Protections Related to New Home Purchase Agreements.....	6
Notices	6
Updated Scheduling of Family Matters at the Ontario Court of Justice	6
Job and Appointment Opportunities	7
Northwest Community Legal Clinic – Executive Director.....	7
Promoted Content	7
Lawyers Financial – 3 Tips to Budget Like Nobody’s Watching	7
Lawyers Financial – The Age of Recognition	7
FOLA Executive Contacts	8



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

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

The link to book your hotel reservation, along with information regarding the reimbursement of expenses, will be sent out in a separate email.

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 – Professionalism & Civility Survey

The Toronto Lawyers' Association (TLA) recently announced that it is undertaking a review of the state of professionalism and civility in our profession, given how our work and life environments have shifted during and post-pandemic.

As you know, this issue is one of growing concern for members of the judiciary and the bar alike. As part of this review, the TLA has created a survey to get your feedback. The survey can be completed in less than 10 minutes, and the TLA asks for your feedback by **September 15**.

You can complete the survey [here](#).

Peel Law Association – The Role of Digital Forensics & Digital Evidence in Legal Proceedings

This session will take place on **September 27, 2023** from 4:30 to 5:30 PM, via Zoom. The presentation will cover:



- How, in today's society, a vast amount of evidence is digital in nature,
- The role of digital forensics,
- Authenticating evidence, and
- Some best practices on working with an expert witness.

The speakers will be Ryan Duquette, MNP, and Kim Ferreira, Speigel Nichols Fox.

Register [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.

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

This session will take place on **October 11, 2023** from 4:30 to 6:30 PM, via Zoom.

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 and PLA Treasurer
- Geoffrey Carpenter, Carpenter Family Law Professional Corporation
- Michelle Isenstein, Blaney McMurtry LLP

Register [here](#).

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

This session will take place on **November 1, 2023** 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 Chociej, MNP.

Register [here](#).

Current Consultations and Submission Deadlines

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**.

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 will be preparing a submission on this topic and we would appreciate your comments and feedback for consideration by **October 1**. Please forward comments to Kelly Lovell (kelly.lovell@fola.ca).

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

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

In this section, we share recent consultation responses submitted by FOLA:

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

FOLA prepared a submission to the Legal Aid Ontario (LAO) consultation on introducing minimum experience requirements (MERs) in the *Legal Aid Services Rules* for the existing Ontario Review Board roster. The FOLA submission can be found [here](#).



Consultation on Price Escalations and Consumer Protections Related to New Home Purchase Agreements

The FOLA response to the Consultation on Price Escalations and Consumer Protections Related to New Home Purchase Agreements can be found [here](#).

Notices

Updated Scheduling of Family Matters at the Ontario Court of Justice

We are pleased to report that our *Scheduling of Family Matters at the Ontario Court of Justice* has been updated and is now posted. The modes of appearances have been amended as part of the *Scheduling* notice. You may find the updated *Scheduling* notice [here](#).

There are a few significant changes that we would like to bring to your attention:

1. Rather than in-person, the mode of appearances for initial and continuing case conferences for domestic matters will be virtual hearings. Case conferences and Status Review Applications in *CYFSA* matters will also be virtual rather than in-person.

There will be conditions on the virtual hearings for these appearances – they will depend on technology being available for both the parties, the lawyers and the courts. Also note that the First Appearance Court clerk and/or a judge may direct another mode of appearances for the case conferences.

2. Another change concerns the modes of appearances for First Appearance Court. We have introduced a bifurcated approach:

- In the Northwest and Northeast regions only, parties and their lawyers may attend the First Appearance Court virtually, if technology is available, and unless otherwise directed by a judge; and
- In the Toronto, Central West and West regions only, parties and their lawyers will be required to attend the First Appearance Court in person, and unless otherwise directed by a judge.

We changed the modes of appearances for First Appearance Courts for a very specific reason: we were no longer receiving any consent agreements out of the First Appearance Courts in southern Ontario.

We have asked and received assurances from Legal Aid Ontario and the mediators that they will appear in-person for these appearances.



First Appearance Courts in the Northwest and Northeast regions may remain virtual. This was done to take into account the long distances and lack of available counsel in the North.

Note that the scheduling notice only includes rules-based events. There are many other appearances that are not covered in the scheduling notice, including garnishment hearings, child interviews, first meetings, secure treatment hearings and reports on child interviews, etc. that are directed by the judiciary.

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.

Promoted Content

Lawyers Financial – 3 Tips to Budget Like Nobody’s Watching

What if we told you that you already have all the money you need? Enough cash to cover your expenses, pay your debts, maybe even save a bit for your future. You’re probably rolling your eyes right now, but a lot of personal finance issues come down to the maxim, it’s not how much money you make, it’s how much money you save. Enter the concept of budgeting, one of the least sexy words in the English language, ranking just ahead of “lawnmower,” and just behind “extraction.” But like all the other non-glamorous things we do in life, like, say, cleaning the cat’s litter box or filing our taxes, avoidance isn’t exactly a great idea. Fun? Fun!

Click [here](#) to read more.

Lawyers Financial – The Age of Recognition

Why building a culture of appreciation starts with a good pension plan.

Come for the insights, stay for the Spice Girls reference: click [here](#) to read more.



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