



FOLA'S WEEKLY COURTS UPDATE

Fola.ca

FOLA'S WEEKLY UPDATE November 16, 2022

SUPERIOR COURT OF JUSTICE UPDATES

DISPUTE RESOLUTION OFFICER PROGRAM EMPANELMENT: The SCJ, in collaboration with the Ministry of the Attorney General, is seeking candidates to join DRO panels in Barrie, Brampton, Hamilton, Kitchener, London, Newmarket, St. Catharines, Toronto and Welland. **The deadline to apply is Friday, November 25, 2022 at 11:59pm (EST).** Learn more and apply [here](#).

ONTARIO COURT OF JUSTICE UPDATES:

OCJ VACANCY - WINDSOR: This appointment involves presiding over family and criminal law matters (approximately 75% family and 25% criminal) and also involves travel within the regional boundaries and elsewhere in the province of Ontario, as assigned by the Regional Senior Justice and/or the Chief Justice. Deadline is December 1, 2022. [Learn more & apply](#).

OCJ CONSULTATIONS - FAMILY LAW: FOLA has been invited to a meeting to discuss the mode of appearance for Ontario Court of Justice family cases' proceedings on December 1st. Matters can be heard in-person, by virtual technology (video or telephone) or by a combination of in-person and virtual technology. In most cases, the judiciary can determine that an appearance can be heard by a different method than indicated in the scheduling notice. This [link](#) provides you with the notice issued by the court that includes the mode of proceedings chart: [Scheduling of Family Matters at the Ontario Court of Justice](#). FOLA is being asked to address the following:

- 1) From your perspective, what works well with the court's modes of appearances, including conferences, motions, focused hearings, and trials.
- 2) From your perspective, what does not work well with the court's modes of appearances, including conferences, motions, focused hearings, and trials?
- 3) From your perspective, how do litigants without technology engage in the court process?

If you would like to share your thoughts/comments in advance of our meeting, please do so by November 25th. You can send your comments to Katie at katie.robinette@fola.ca. Please put "OCJ - Family" in your subject line and indicate what Law Association you are a member of.

OCJ CONSULTATIONS - CRIMINAL LAW: FOLA has been invited to a meeting to discuss the mode of appearance for Ontario Court of Justice criminal proceedings on December 2nd. We are being asked to comment on the [Interim Guidelines re Mode of Appearance for Ontario Court of Justice Criminal Proceedings](#) and specifically address the following:

- 1) Any issues / problems with application of court's guidelines re mode of appearance for criminal proceedings (bail, case mgmt., pleas, trials)

- 2) Key obstacles to accommodating meaningful virtual and in-person proceedings under the current guidelines, including strategies for serving vulnerable accused persons who lack the resources to attend court by videoconference.
- 3) Do you have any recommendations regarding future guidelines or initiatives regarding mode of appearance in criminal proceedings?

If you would like to share your thoughts/comments in advance of our meeting, please do so by November 25th. You can send your comments to Katie at katie.robinette@fola.ca. Please put "OCJ – Criminal" in your subject line and indicate what Law Association you are a member of

COURT OF APPEAL FOR ONTARIO UPDATES:

No updates this week

MINISTRY OF THE ATTORNEY GENERAL

No updates this week

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 [ONCA Resource Page](#).

RECOVERY SECRETARIAT

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

FOLA

- ❖ **FOLA LETTER TO LSO RE: VIRTUAL ID VERIFICATION:** On Friday, November 11th, FOLA sent a letter to Megan Shortreed, Chair LSO's Professional Regulation Committee re: Removal of Virtual Validation of Client ID (Bylaw 7.1). You can read our letter [here](#).
- ❖ **REAL ESTATE:** On and after October 25, 2022, the Non-Resident Speculation Tax rate was increased from 20% to 25% of the purchase price. Please reference the [government website](#) for details. Note that the 20% rate applies to transactions with agreements that were signed and entered into before October 25.
- ❖ **REAL ESTATE:** The Ontario government is working to help make the [Land Registration Documents search page](#) easier to use. It is inviting people who may have used this site previously to book a session with the government to provide feedback. The sessions will take place over the next few weeks, and will be conducted online, using screen-sharing software. Each will be about 45 minutes long. Participants who attend a session may receive a \$45 gift card (excluding government employees). You can use [this link](#) to complete a 5-minute questionnaire. Each participant will be asked to provide consent via email before the session starts
- ❖ **WEBINAR FOR FOLA MEMBERS: A GUIDE TO ASSEMBLING, SHARING, AND SERVING LEGAL DOCUMENTS**
Wednesday November 16th at 11:00 a.m. or Thursday November 17th at 4:00 p.m.
See why over 500 Canadian law firms and over 15,000 lawyers and staff practice secure file sharing and automated document assembly.
In this 30-minute session, you will hear how you can:
 - Protect your clients and firm when sharing documents
 - Serve parties electronically without an Affidavit of Service
 - Easily generate court forms and letters in minutes
 - Eliminate errors and reduce your exposure to risk

- Never miss a deadline or due date

[Learn more & register here.](#)

All attendees will be entered into a draw for a \$50 Amazon gift card and the winner announced at the end of the webinar.

LAW SOCIETY OF ONTARIO

- ❖ **BENCHER ELECTIONS:** Nominations are now open for the 2023 Bencher Elections! You can find more information on [FOLA's Bencher Elections webpage](#). Information as to how FOLA will be involved in these elections will be discussed at our Fall 2022 Plenary and will be posted on that page following the event. Also, over the coming weeks, FOLA will be adding resources for those considering running - so please do visit this page regularly! **Nominations are open until February 24th and voting will occur online in April 2023 with the results announced on May 1, 2023 after the tabulation of votes.**
- ❖ **CONSULTATION: 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@fola.ca by November 4th. 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.
- ❖ **CONSULTATION: EXPANDED REMEDIAL OUTCOMES FOR THE PROCEEDINGS AUTHORIZATION COMMITTEE (PAC):** The Professional Regulation Committee is seeking feedback on its recommendation to expand the remedial outcomes available to the Proceedings Authorization Committee (PAC) to include mandatory regulatory meetings and continuing education or remediation programs. Visit [LSO Website](#) for more information. **Deadline is January 15, 2023.**
- ❖ **REINSTATED REQUIREMENTS FOR VIRTUAL VERIFICATION OF CLIENT ID:** Effective January 1, 2023, lawyers and paralegals who choose to verify the identity of an individual using video conferencing technology or other forms of virtual communication are required to authenticate the individual's government-issued photo identification. [Learn more here.](#)
- ❖ **AWARDS PART 1:** 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 December 31. Learn more on the [LSO website](#).
- ❖ **AWARDS PART 2:** Nominations for the 2023 Law Society Awards are open until December 16, 2022. Award criteria, the nomination process and the online nomination form are all available [here](#). Paralegals are eligible for the William J. Simpson Distinguished Paralegal Award. Awards for lawyers include the Law Society Medal and the Laura Legge Award. Both lawyers and paralegals are eligible for the J. Shirley Denison Award and the Lincoln Alexander Award. Nominations are encouraged for members from all communities, practice areas, firm sizes and regions across the province.
- ❖ **CONVOCATION:** The next meeting of Convocation is scheduled to take place on December 1st.

THE OBA & COURT DELAYS

The OBA is collecting data on Court Delays through an online portal on their website. They are encouraging lawyers to complete their survey so that they can use that data to address our growing backlogs. Complete their survey [here](#).

EVENTS

WEBINAR FOR FOLA MEMBERS: A GUIDE TO ASSEMBLING, SHARING, AND SERVING LEGAL DOCUMENTS

Wednesday November 16th at 11:00 a.m. or Thursday November 17th at 4:00 p.m.

See why over 500 Canadian law firms and over 15,000 lawyers and staff practice secure file sharing and automated document assembly.

In this 30-minute session, you will hear how you can:

- Protect your clients and firm when sharing documents
- Serve parties electronically without an Affidavit of Service
- Easily generate court forms and letters in minutes
- Eliminate errors and reduce your exposure to risk
- Never miss a deadline or due date

[Learn more & register here.](#)

All attendees will be entered into a draw for a \$50 Amazon gift card and the winner announced at the end of the webinar.

THE ART OF EXAMINATIONS

Tuesday, November 22, 2022 - 4:00 - 5:30pm (virtual)

SPEAKER: John Russo, Pallett Valo LLP

Summary: Learn about examinations (rule review, re-examination, examination styles, etc.), examinations for discovery, and cross-examinations.

[Learn more & register](#)

THE 19TH EMPLOYMENT LAW SEMINAR

Thursday November 24th, 2022, from 2:00pm - 5:00pm

HLA Member Cost: \$135.60 (HST Included) / Non-Member Fee: \$163.85 (HST Included) / Articling Student Cost: \$101.70 (HST Included) / Law Staff Cost: \$90.40 (HST Included)

Join the HLA for the 19th Annual Employment Law Seminar held via Zoom. Topics include, a Legislative Update, Challenges with Hybrid or Remote Work, Intersection of Long-Term Disability Benefits and Employment Law - A Case Study, Case Law Update and Employment Contracts: Special Clauses, Pitfalls and Validity. This program is accredited for 2.5 hours of Substantive Content and 0.5 Hours of Professionalism Content.

[Click here](#) to fill out the form to register.

Please email form to: szordan@hamiltonlaw.on.ca

CIVIL LITIGATION: HOW TO CONDUCT MOTIONS

Tuesday, November 29, 2022 - 4:30 - 5:30pm (virtual)

SPEAKERS: Amandeep Sidhu and Melissa Wright (KMB Law LLP), with Honourable Justice Charles C. Chang (SCJ)

Summary: Everything you wanted to know about motions but were afraid to ask!

[Learn more & register](#)

THE 36TH ANNUAL JOINT INSURANCE SEMINAR

Thursday December 1st, 2022, from 9:00am - 2:00pm

HLA Member Cost: \$217.30 (HST Included) / Non-Member Cost: \$247.73 (HST Included) / Articling Student and Law Staff Cost: \$121.69 (HST Included)

Join the HLA for the 36th Annual Joint Insurance Seminar. Topics include, Updates on the Courts, Top Tort Cases, Medical Malpractice: Take a Walk on the Wild Side, Partial Settlement Agreement; Pierringer meets Mary Carter, Epidemiology Update, Top AB Cases & LAT Update, A Primer:

Biomechanical Engineering Analysis, Products Liability Update, Appraisals and Challenging Engineering Evidence. This program is accredited for 5.00 Hours of Substantive Content and up to 1 Hour may be claimed as Professionalism Hours.

[Click here](#) to fill out the form to register.

Please email form to: szordan@hamiltonlaw.on.ca

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 send your concerns to Katie at katie.robinette@fola.ca and they will be relayed 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.

EVERYTHING ELSE

Law Association members are welcome to send any issues/concerns 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.