



# FOLA'S WEEKLY COURTS UPDATE

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## FOLA'S WEEKLY UPDATE May 31, 2023

### COURT UPDATES

#### **SUPERIOR COURT OF JUSTICE UPDATES SCJ CONSOLIDATED PROVINCIAL PRACTICE DIRECTIONS & THE TORONTO COMMERCIAL LIST PRACTICE DIRECTION UPDATE**

The Office of the Chief Justice has revised all of the provincial practice directions, and integrated relevant portions of the pre-existing practice directions with content from the pandemic-era notices. As of June 15, 2023, updated, stand-alone practice directions for each of the following practice areas will be posted on a reorganized SCJ website: criminal, family, civil, commercial and Divisional Court.

Outdated practice directions and notices will be archived. As a result, the profession, parties, public and the media will be able to identify current practice directions with provincial application in one, accessible location for each area of the Court's responsibility. The profession, parties, public and the media will still be required to refer to Regional Notices & Practice Directions where applicable.

The Civil, Family, Criminal Provincial Consolidated Practice Directions, the Toronto Commercial List practice direction, and the Consolidated Divisional Court Practice Direction will come into effect on June 15, 2023 and be posted on the website. Filing through the JSO Portal and other filing directions as set out in the Consolidated Divisional Court Practice Direction is effective immediately.

#### **MEMORANDUM (from Chief Justice Geoffrey B. Morawetz)**

**ANNEX 1: Consolidated Provincial Practice Direction for Criminal Proceedings**

**ANNEX 2: Consolidated Provincial Practice Direction for Family Proceedings**

**ANNEX 3: Consolidated Civil Provincial Practice Direction**

**ANNEX 4: Consolidated Practice Direction for Divisional Court Proceedings**

**ANNEX 5: Consolidated Practice Direction Concerning the Commercial List**

#### **ONTARIO COURT OF JUSTICE UPDATES:**

No updates this week

#### **COURT OF APPEAL FOR ONTARIO UPDATES:**

No updates this week

## CONSULTATIONS

### **Bill C-47 – PROPOSED MANDATORY DISCLOSURE (FEDERAL)**

The federal government has proposed amendments to the Income Tax Act (“ITA”) under sections 68 and 69 of [Bill C-47](#), An Act to implement certain provisions of the budget tabled in Parliament on March 28, 2023.

The Law Society of Ontario is concerned about this proposal and has sent in a [submission](#) to the Standing Senate Committee on National Finance. They are also hoping to secure an appearance before the Committee.

The Federation of Law Societies of Canada has also sent a [submission](#).

FOLA would like to hear from Law Association members in respect of anticipated impacts of these proposed changes - specifically, regarding the practical effects these changes will have on sole practitioners and lawyers working in small firms. Please send your comments to katie at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca) by June 5<sup>th</sup>. Learn more [here](#).

### **CERTIFIED SPECIALIST PROGRAM – LAW SOCIETY OF ONTARIO**

The Law Society of Ontario is seeking feedback from the professions and the public on the future of the Certified Specialist Program. FOLA is preparing a formal Submission. If you would like to send your input for consideration in our Submission, please send those to Katie at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca) by September 20<sup>th</sup>. If you would like to prepare your own submission, you can do so directly until October 1, 2023. Learn more [here](#).

### **CHILD, YOUTH, AND FAMILY SERVICES ACT – 5 YEAR REVIEW**

The five-year legislative review of the [Child, Youth and Family Services Act, 2017](#) (CYFSA) has been officially launched. 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 will be preparing a formal Submission. If you would like to contribute your input for consideration, please send your comments to **Katie at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca) by June 30<sup>th</sup>**. If you would like to share your feedback independently, please submit a written submission to [CYFSA@ontario.ca](mailto:CYFSA@ontario.ca) or fill out the survey found [online here](#) by **Friday July 14, 2023**.

### **MINISTRY OF FINANCE: MULTI-EMPLOYER PENSION PLANS (MEPPS)**

The Ministry of Finance (MOF) is seeking feedback on a proposal to establish a permanent framework for target benefit plans in regulations made under the Pensions Benefits Act. This framework will impact how the value of pension benefits is calculated for the purposes of family law matters for all Multi-Employer Pension Plans (MEPPs) that can reduce accrued benefits. FOLA will be preparing a Submission. If you would like to send comments to us for consideration in our Submission, please send those to **Katie at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca) by June 15<sup>th</sup>**. Interested parties should review the Consultation Paper (linked on our website). Learn more [here](#).

## MINISTRY UPDATES

### MINISTRY OF THE ATTORNEY GENERAL

**JUSTICE SERVICES ONLINE FEEDBACK SESSIONS:** In late March, MAG and FOLA hosted a series of regional JSO Feedback Sessions. We now have resources from those sessions here:

- [Summary of the JSO User Feedback Sessions](#)
- [Presentation deck](#)

### MINISTRY OF CHILDREN, COMMUNITY AND SOCIAL SERVICES

**FAMILY RESPONSIBILITY OFFICE:** MCCSS has some new information and useful tools on their website related to the FRO Online, including the Statement of Arrears Calculator tool. Visit [here](#).

**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](#).

## LiRN UPDATE

### LiRN "CLAWBACKS"

As you may recall, last year LiRN advised law associations that they intended to move forward with a "clawback" of previously unused grants unless the association could create an appropriate business case to redirect those funds. Associations should be aware that LiRN has not provided - and will not provide - FOLA with any specific financial information of any individual association. LiRN has previously advised that the association's financial information is confidential and they will not disclose it to us without the written consent of the individual association. As a result, they have not made us aware of their final decisions regarding the clawbacks. For this reason, we are inviting associations with concerns to follow up with either of us if you have concerns about any business case you've made or that was rejected. Please email your concerns to Katie at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca)

### [BEST PRACTICES FOR COMMUNICATING WITH YOUR BOARD](#) (Video)

Board relationships are an important component of the work for library staff and local law associations in Ontario. In this video, LiRN asked some Library staff and a past president of an association to offer their perspective of what constitutes a good relationship with the board of your relationship.

#### Panel

- Rebecca Bentham, Executive Director, Hamilton Law Association
- Milena Protich, Past President, Waterloo Region Law Association
- Pia Williams, Executive Director, Waterloo Region Law Association

LiRN is developing a document containing many of these helpful ideas and will share it as soon it is ready.

*\*Please consult LiRN's [Additional Library Services and Responsibilities Policy](#) for any clarifications about what your duties can consist of in terms of work for your association.*

## FOLA UPDATES

- ❖ **FOLA'S SPRING 2023 PLENARY:** FOLA's [Post Plenary Report](#) is now available! It included links to videos of sessions that were recorded. View our Plenary page [here](#) for photos and presentations.
- ❖ **FEATURED MEMBER REWARD:** Bell Mobility has a brand-new special offer this month. [Learn more and shop now!](#)
- ❖ **FOLA AWARDS 2023:** FOLA'S 2023 Awards have changed a bit. We have changed (slightly) the eligibility requirements for the Presidents' Award and the Luminary Award (for library staff and

association staff) and have replaced the Distinguished Service Award with the Emerging Leader Award. Nominations are now open and full eligibility requirements and nomination forms can be found [here](#).

❖ **FOLA's JUNE NEWSLETTER:** FOLA's June Newsletter is now available. Read it [here](#).

## JUDICIAL VACANCIES

❖ **OCJ – CORNWALL (CRIMINAL LAW) – BILINGUAL POSITION:** The Judicial Appointments Advisory Committee advises MAG on the appointment of Judges to the Ontario Court of Justice and invites applications for a bilingual judicial position in Cornwall. Deadline is June 21<sup>st</sup>. Learn more & apply [here](#).

## LAW SOCIETY OF ONTARIO

**CONVOCATION:** The next Convocation will be on June 28<sup>th</sup>.

## EVENTS

### LAWYERS' IMPROV NIGHT

**June 1, 2023 – 7:30pm (EST)**

**Socap Comedy, 154 Danforth Ave. (2<sup>nd</sup> Floor), Toronto**

Can you convince a judge that your client didn't do it, well how about making a jury laugh? The host, professional improviser and comedian Daphney Joseph, will lead everyone through Improv Games with a focus on improving courtroom and presentation skills. Participants will have the opportunity to get up on stage and test out your skills under 'under the lights' in a safe and non-judgmental atmosphere. Just want to watch? That's fine too. A maximum of 90 spaces are available for this exciting in-person program.

Registration is \$30. [Register here](#). \$10 discount for your members using code FOLA.

*This event is eligible for 1.5 hours substantive CPD credit.*

### TACKLING THE SEPARATION DATE STALEMATE (PEEL LAW ASSOCIATION)

**June 6, 2023 - 4:00-5:00pm (Zoom)**

Speakers: David Frenkel, Frenkel Tobin LLP and Yunjae Kim, Birenbaum Steinberg Landau Savin & Colrairie LLP

This education session will provide you with information on how to obtain a preliminary assessment of the separation date issue and how to better understand the foundational elements of a couple's relationship.

Topics will include:

- Relationship, Communication and Intimacy
- Household and Family
- Financial Affairs
- Activities with the Public
- Separate Residences
- And more

[Learn more and register here](#)

### 17TH SOLO AND SMALL FIRM CONFERENCE: SECRETS FOR SUCCESS

**June 8, 9 a.m. to 4:30 p.m.**

What does success mean for you and your law practice? No matter what goals you have, being able to achieve your objectives means greater satisfaction in both your professional and personal life. Our experienced presenters share their secrets on being successful in key areas including effectively managing your time, business, staff, technology, and so much more. [Register today](#) (in-person event or live webcast).

**SAVE THE DATE: DURHAM REGION LAW ASSOCIATION 2<sup>nd</sup> ANNUAL FALL CONFERENCE**  
**DATE: Thursday, September 28 & Friday September 29, 2023**  
Ajax Convention Centre - Information and registration coming soon

### **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.robinette@fola.ca](mailto:katie.robinette@fola.ca) and they will be shared with 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.robinette@fola.ca](mailto:katie.robinette@fola.ca).

**ANYTHING ELSE?** Email Katie at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca)