



COVID-19 & THE PRACTICE OF LAW

WEEKLY UPDATE

Fola.ca

COVID-19 - WEEKLY CHECK IN LOG #16

July 8, 2020

Summary

Invited participants: Sector calls

OBA, FOLA, LSO, LAO, the Advocates' Society, & OTLA

Superior Court of Justices in Ontario, Court of Appeal for Ontario, & Ontario Court of Justice

MAG - Political and Department staff

Issues discussed:

1. Courts

- ❖ The Court of Appeal for Ontario (CAO) issued new practice directives this week including the lifting of the suspension deadlines effective July 16th. The directive includes information for requesting the continuation of a suspension. The other was a "[Notice Regarding Videoconference Appearance Technology \(Zoom\)](#)" informing the bar that, as of July 6th, 2020, the CAO will use the Zoom video conferencing platform for all remote hearings. The Notice offers an overview of the process for Zoom appearances at the CAO; best practices for participating in Zoom appearances at the CAO; and information for members of the public and the media about how to request access to observe a Zoom hearing at the CAO. You can find all CAO Notices [here](#).
- ❖ The Superior Court of Justice (SCJ) noted that, since the reopening of the Courts, they have experienced some bandwidth issues with Zoom when bringing in witnesses remotely. They advised those on the call that they are aware of the issue and are working quickly to address this.
- ❖ The Civil Working Group continues to meet and are currently reviewing Rules of Civil Procedure. Their next meeting is on August 18th and we can expect an update following that meeting.
- ❖ The SCJ continues to issue Regional Notices, having so far issued updates for Central West, Central East, Central South, and Southwest. All Regional Notices are being sent out as they are posted to their respective Regional Presidents and can be found [here](#). FOLA does expect a Regional Notice for the Northwest later this week. No timeline given for other regions.
- ❖ The SCJ and the Ministry of the Attorney General (MAG) continue to build an online searchable docket portal which will be fully accessible to both the profession and the public. FOLA expects an update from MAG in time for next week's update.
- ❖ The Ontario Court of Justice (OCJ) expects to have something similar although no update was available.
- ❖ The College Park (Toronto) Courthouse remains closed. We were told that the main concern relates to the use of elevators and is a unique issue to the College Park location. The reasons for the delay in the re-opening of the Guelph Courthouse related to establishing entrance/exit protocols and staffing for screening entrants. Guelph opened without issue yesterday (July 7th) after those issues were addressed.

2. MAG

- ❖ On July 7th, the government passed 1st reading of the [Re-Opening Ontario - A Flexible Response to COVID-19 Act, 2020](#) that would, if passed, support the continued efforts to re-open Ontario in a way that recognizes that the impact of COVID-19 may still be felt for an extended period of time after the declaration of emergency is over. There are three emergency orders made by the Ministry of the Attorney General that the Attorney General wanted brought to your attention: O. Reg. 73/20 - Limitation Periods; O. Reg. 76/20 - Electronic Service; and O. Reg. 129/20 - Signatures in Wills and Powers of Attorney. You can read the Bill [here](#) and read the letter from the Attorney General outlining the three emergency orders noted above [here](#).
- ❖ MAG informed those on the call that we can expect an update on Tribunals shortly.
- ❖ MAG has told us they will be reviewing our weekly Issues Report and responding to unanswered member questions shortly.

3. LSO

- ❖ The next Convocation has been set for August 6th. One order of business will be to establish LSO Committees.

4. FOLA

❖ RE-OPENING OF THE COURTS:

Wondering what to expect when visiting a courthouse? Get pre-screened [here](#) (requirement), [Check out this video](#); read this: [MAG GUIDEBOOK-PRECAUTIONARY MEASURES FOR REOPENING COURTS](#); and this: [Addendum to Guidebook](#). All links are available on our Courts webpage along with materials from the Town Hall hosted by Ontario's Recovery Secretariat on June 19th.
Website: <https://fola.ca/courts>

❖ REMINDERS:

1. **LIBEL & SLANDER ACT CONSULTATIONS:** The Ontario's Attorney General has a **call for submissions/comment on Ontario's Libel & Slander Act**. Submissions are due August 1st and FOLA is preparing a submission. If you would like to share your thoughts for FOLA to consider as we prepare our submission, please visit [here](#) for more information and email your comments to Katie.Robinette@fola.ca with "LIBEL & SLANDER" in the subject line by July 20th.
2. **DISCOUNT RATE CALL FOR SUBMISSIONS:** The Court of Appeal has asked FOLA to prepare a submission regarding the report of the Discount Rate Subcommittee of the Civil Rules Committee dated April 27, 2020 and entitled "[Report to the Civil Rules Committee on rules 53.09 and 53.10](#)". If you would like to offer input, please email your comments to Katie.Robinette@fola.ca with "DISCOUNT RATE" in the subject line by July 20th. [See more](#).
3. **FAMILY LEGAL SERVICES PROVIDER (FLSP) LICENSING MODEL CALL FOR COMMENT:** The Law Society's Access to Justice Committee is inviting lawyers to provide comments on a FLSP Licensing model. The proposed scope of permissible activities, required competencies, and outline of the training program are detailed in the Access to Justice Committee's FLSP Licence Consultation Paper. FOLA is preparing a submission and if you would like to offer input for our Submission, please email Katie.Robinette@fola.ca and put "FLSP" in the subject line by October 15, 2020. [See more](#).
4. **MEMBER BENEFIT - PILOT PROGRAM:** Is your association struggling to recruit new members? Looking to add value for your existing members? FOLA is exploring a partnership with TELUS Business and we are looking for two or three Law Associations to pilot a great deal on Business Plans! If you are interested in learning more, please email katie.robinette@fola.ca with "TELUS PILOT" in the subject line to discuss how FOLA might include your Association in the pilot.

5. **REMOTE HEARINGS:** The e-Hearings Task Force (of which FOLA is a member) has drafted some documents that have been designed to help you prepare for Remote Hearings (which you can find on our Courts page [here](#)). If you have participated in a remote hearing and have some additional suggestions, FOLA would love to hear them! Please email Katie Robinette at katie.robinette@fol.ca and put "REMOTE HEARINGS" in the subject line.

❖ **EVENT NOTICES:**

1. FOLA is in talks with **Bloomberg Law** to see if we can arrange a deal for Law Libraries so that they can offer the platform to their members. To gauge interest, and to walk you through what they offer, FOLA is pleased to offer two live Webinars with Bloomberg Law representatives who will provide a walkthrough of the resources available on the Bloomberg Law platform. We welcome you to attend to learn how Bloomberg Law can bring value to your members. Dates are July 9th (2pm EST) and July 14th (10am EST). Links to both can be found [here](#).
 2. The **CD Howe Institute** is hosting a webinar titled "Can COVID-19 Propel Ontario's Justice System into the Digital Age?" on July 23rd from 12:30pm-1:30pm (EST). If you are a CD Howe member, the cost is \$35. If not, guests are welcome to register at a cost of \$75. [Click here for the link](#).
- ❖ **FAVOUR:** FOLA is looking for content for our now-regular "Association Shout-out" section in our August newsletter. If your Law Association is doing something that you consider unique that is either giving back to the community or helping to engage your members, please do share this with Katie at katie.robinette@fol.ca. The goal of this section is to get other Associations to either copy your idea or adapt it into something that they, too, might be able to offer their members. Thanks!

QUESTIONS/CONCERNS?

Law Association members are welcome to send any issues/concerns related to the practice of law caused by the COVID-19 epidemic to FOLA at katie.robinette@fol.ca and we will continue to address them in as timely a manner as possible. Please note that prior to submitting a question, you are requested to visit the [Ontario government's website](#), the [Courts' websites](#), and the [Law Society's FAQ](#) page. These links can all be accessed on FOLA's [COVID-19](#) page. 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. If your concerns are related to issues surrounding health and safety measures as the Courts expand in person operations, please indicate the name of the Courthouse, the steps you have already taken to address your concerns, and your recommended solutions.