



COVID-19 & THE PRACTICE OF LAW

WEEKLY UPDATE

Fola.ca

COVID-19 - WEEKLY CHECK IN LOG #40

January 13, 2021

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, Department staff, and the Recovery Secretariat

Issues discussed:

1. COURTS

❖ On January 11th, the SCJ issued the following Updates and Notices:

- a) [Gowning for counsel and attire modifications](#) - Effective January 18, 2021, amendments to the [Consolidated Provincial Practice Direction](#) specify in paragraph 59 the court attendances (in person) at which counsel are not required to gown. Paragraphs 60 and 61 specify that counsel may modify their traditional court attire in order to accommodate personal circumstances. These amendments relate to in person hearings only. For virtual hearings, the Chief's COVID-19 notice provides as follows: *PROCEDURES GOVERNING ALL SCJ PROCEEDINGS DURING SUSPENSION OF IN-COURT OPERATIONS (Section C #2) Gowning: The requirement to gown for an appearance in the SCJ is suspended. Counsel, parties and others participating in video hearings are expected to dress in appropriate business attire. Judges will similarly dress in business attire.*
- b) [Class actions](#) - Effective January 18, 2021, amendments to the [Consolidated Provincial Practice Direction](#) specify in paragraph 43 that costs outlines must be filed in certification and other motions. Amendments to paragraph 44 create a new [Class Proceedings Judge's Book of Authorities](#) with links to the CanLII website. Counsel need not include in their filed books of authorities any of the cases contained in the Class Proceedings Judges' Book of Authorities. However, extracts from those authorities which counsel intend to refer should be included in the filed book of authorities.
- c) [Best Practices Guide for Class Proceedings](#) - The Class Actions Bench and Bar Liaison Committee drafted a Best Practices Guide to assist both counsel and judges by providing suggested topics and processes to be considered in connection with the case management of class actions.
- d) [Toronto Commercial List and Estates List Filing Direction](#) - Amendments to the Toronto Commercial List and Estates List Filing Direction clarify requirements for filing documents with the court and uploading them to a document sharing platform in advance of hearings.
- e) [CaseLines FAQ](#) - The CaseLines FAQs have been updated. FAQ 7 sets out the court's new document naming protocol. FAQ 8 indicates that tabs and bookmarks are now functional in CaseLines.
- f) [Small Claims Court adjournment order](#) - An order of Chief Justice Morawetz further adjourning certain Small Claims Court proceedings to March 1, 2021 is now on the [SCJ website](#).
- g) The Small Claims Court notice now provides a document naming protocol. It is in the [Email Filing](#) section of the public notice.

h) [Toronto Practice Direction](#) - Effective January 11, 2021, paragraph 24 of the Toronto Region's Consolidated Practice Direction for Civil Actions, Applications, Motions and Procedural Matters in the Toronto Region has been amended to require parties or their representatives to provide their email addresses to the Civil Motions Coordinator 30 days prior to the motion date. Email addresses are required for the CaseLines document sharing platform.

- ❖ The Court of Appeal of Ontario continues to conduct all matters via Zoom and in-person Court staff will be reduced to ensure safe distancing during the current emergency measures.
- ❖ The CAO is still working on a new Privacy Protocol document and are expecting to be able to release that late this week or early next week.
- ❖ OCJ staff were not able to attend the meeting.

2. MAG

- ❖ Unfortunately, representatives from MAG were unable to join the meeting.

3. RECOVERY SECRETARIAT

- ❖ **REMINDER:** Version 5 of the Recovery Secretariat's Guidebook, "COVID-19: Recommended Precautionary Measures for Resuming Court Operations" is now available on [Ontario.ca](#), in both [English](#) and [French](#). *As a reminder, the Guidebook is a living document and may continue to be updated over time, in response to feedback and/or evolving provincial guidance regarding COVID-19.*
- ❖ **REMINDER:** Site-specific Courthouse HVAC data will no longer be collected by FOLA. If you wish to receive regular HVAC data from the Recovery Secretariat, please email: MAGrecoverysecretariat@ontario.ca.
- ❖ **REMINDER:** Questions about Courthouse operations during COVID-19 can be directed to Samantha Poisson at MAGrecoverysecretariat@ontario.ca.

4. FOLA

- ❖ **SUBMISSIONS:** FOLA's Submission to MAG re: expanding the definition of "child" in the Children's Law Reform Act (sent January 8th) can be found [here](#). Note that the Toronto Lawyers' Association's Submission can also be found there.
- ❖ **FOLA'S YEAR IN REVIEW:** William Woodward, FOLA's Chair, has published a Year-in-Review. Check it out [here!](#)
- ❖ **REMINDER:** During the entire month of January, FOLA is running a [#BellLetsTalk awareness campaign](#) on [Twitter](#) to help raise awareness about mental health and wellness in the legal community, highlight resources, and remind lawyers with personal and family mental health issues they are not alone. Please do [follow us](#) and join the discussion! If you want to check out our #BellLetsTalk resources, please visit [here](#).

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@fola.ca and we will continue to 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. 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 and the steps you have already taken to address your concerns to: MAGrecoverysecretariat@ontario.ca.