



# COVID-19 & THE PRACTICE OF LAW

## WEEKLY UPDATE

Fola.ca

### COVID-19 - WEEKLY CHECK IN LOG #51

March 31, 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

- ❖ Effective today, the [SCJ's Consolidated Provincial Practice Direction](#) now provides, at paragraph 117, the following guidance to counsel and parties with respect to reserved decisions:
  - If a judge or master does not release a decision or endorsement within the timeframe provided by the judicial officer or as required under the Courts of Justice Act, and if the parties have not been advised that an extension of time has been granted by the Regional Senior Judge or Chief Justice, counsel or parties should make reasonable inquiries with the appropriate court office. If, after reasonable inquiries, the decision is still not released and no extension or explanation has been provided, counsel or the party (if self-represented) are advised to write to the Regional Senior Judge.
- ❖ Naming conventions of electronically filed documents with the Ontario Court of Appeal can be found [here](#) and naming conventions of electronically filed documents with the SCJ can be found [here](#).
- ❖ The Court of Appeal for Ontario has a Twitter account! You are encouraged to follow them at [@ONCA\\_en](#) for updates (including a soon-to-be-announced clarification on Bail Appeals).
- ❖ Today (March 31<sup>st</sup>), the Court of Appeal for Ontario revised last week's practice direction called the [Consolidated Practice Direction Regarding Proceedings in the Court of Appeal During the COVID-19 Pandemic](#) that came into force on March 29<sup>th</sup>. The French version of the consolidated practice direction can be found at [this link](#).
- ❖ The SCJ, in collaboration with the Ministry of the Attorney General, is seeking candidates to join new DRO panels for the Kingston, Kitchener and Welland Unified Family Courts. You can read more and apply [here](#). The deadline is April 9<sup>th</sup>.
- ❖ CaseLines' scope will be extended in Toronto to include Bail Hearings and Bail Review effective April 12<sup>th</sup> and we can expect CaseLines to launch in Central East and Central South Regions in April.
- ❖ **CaseLines Webinar Recordings from February 2021 are now on Vimeo:**
  - Civil Demonstration (East & Northwest regions): February 23, 2021: <https://vimeo.com/528339815/c03b912d81>
  - Family Demonstration (East and Northwest regions): February 24, 2021 - <https://vimeo.com/528336065/1c69c516a3>
  - Criminal Demonstration (East and Northwest regions): February 23, 2021 - <https://vimeo.com/528344696/090cd8beab>
  - Criminal Q&A (Toronto): February 24, 2021: <https://vimeo.com/528344696/090cd8beab>
- ❖ [CaseLines Hearings - Tips for the Bar](#) (Feb 19)

## 2. MAG

- ❖ MAG) is seeking input and perspective on a new regulation to be made pursuant to the [Provincial Offences Act \(POA\)](#), specifying additional ways to serve POA summonses. The proposed regulation would allow service by way of registered mail, courier, or email. It would also permit service on a recipient's licensed lawyer or paralegal, where applicable. The full text of the proposed regulation is available on the Regulatory Registry [here](#). FOLA is preparing to submit comments and if you would like to share your views with us to consider as we draft our Submission, you can send those to Katie at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca) by 5pm on Monday, April 5<sup>th</sup>. Alternatively, you can submit your comments directly through the [Regulatory Registry](#) on or before **April 12, 2021**.
- ❖ **CONSULTATIONS ON REMOTE NOTARIZATION:** MAG has launched consultations on modernizing the Notaries Act – specifically with regards to remote notarization. FOLA shared our concerns in a consultation session with MAG staff today (March 31<sup>st</sup>) highlighting the need for strict minimum standards and caution around the potential for fraud. FOLA will keep you posted as discussions move forward.
- ❖ **CASELINES & JUSTICE SERVICE WORKING GROUP:** MAG has agreed to arrange for CaseLines and Justice Service Ontario working groups to discuss ways to improve the systems and provide input. If you have comments to share, please send those to Katie at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca). Your comments will be shared with the group.

## 3. RECOVERY SECRETARIAT

- ❖ **VACCINE INFORMATION:** While MAG cannot advise individual organizations about how to interpret provincial guidance for their own staff, they have suggested that if your staff is attending a workplace – whether that was a courthouse or other location – to support the administration of justice in any capacity, they may qualify to receive a Phase 2 vaccine. As such, you are encouraged to continue to monitor the [Getting a COVID-19 vaccine in Ontario webpage](#) and to connect with your local public health unit for details about when and how you, or your staff, could get a vaccine. That said, the Ministry of Health (MOH) recently issued a document called [COVID-19: Guidance for Prioritization of Phase 2 Populations for COVID-19 Vaccination](#) which provides additional clarity that we wanted to share, to help you communicate with your staff/members, and make determinations for your own organizations. The document provides helpful information about roles and responsibilities, approach to sequencing of vaccine distribution, and the province's ethical framework. If you have any questions, please email: [MAGRecoverySecretariat@ontario.ca](mailto:MAGRecoverySecretariat@ontario.ca).
- ❖ **NOW AVAILABLE!** Version 6 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:** Questions about Courthouse operations during COVID-19 can be directed to Samantha Poisson at [MAGrecoverysecretariat@ontario.ca](mailto:MAGrecoverysecretariat@ontario.ca).

## 4. FOLA

- ❖ **FINAL REMINDER: TAKE OUR [COURTHOUSE LIBRARY USE SURVEY](#):** As you know, FOLA has long been advocating for increased funding for our law libraries. This advocacy has ramped up considerably in light of the Law Society's recent budget cuts. **It is critical that the LSO understands the importance and specific use of our libraries by our members so please take a moment to fill out our short survey.** Responses will help us in our efforts to convince all Benchers of the importance of law libraries throughout Ontario. [TAKE THE SURVEY](#)
- ❖ **VISIT OUR LAW LIBRARY ACTION CENTRE:** FOLA has created a [Law Library Action Centre](#) -complete with curated social media posts and some images for you to share. Please take a moment to visit and send a tweet or two. Tag FOLA (@Ont\_Law\_Assoc) and we will share all your Law Library advocacy posts! [Here's the link!](#)
- ❖ **VOLUNTEER OPPORTUNITY:** As Ryerson's Law Practice Program plans for the upcoming cohort, we are recruiting eligible Ontario Lawyers for various roles (Mentor, Assessor, Trial Advocacy Advisor or Guest

Speaker). Please note that participation is entirely virtual, from anywhere in Ontario. Learn more and apply [here](#).

- ❖ **FOLA's APRIL NEWSLETTER:** FOLAs April newsletter will officially be sent out tomorrow. But we have a sneak peek for all readers of this update. You can access it [here](#)! If you don't already subscribe to our newsletter, we encourage you to can sign up [here](#)!
- ❖ **FOLA MEMBER REWARD:** Vaultie has developed a secure, compliance based digital identity-based notary seal built to help lawyers and notaries authenticate documents and verify ID's in an online world. And just for you, they are offering FOLA members a special code to receive \$30.00 off of your first month. Use code [FOLATRIAL](#).
- ❖ **ASSOCIATION NEWSLETTER:** Northumberland Law Association's Winter 2021 Newsletter is now available! You can read it [here](#).
- ❖ **SMALL CLAIMS COURT WORKING GROUP - COMMENTS/SUGGESTIONS WELCOME:** Jane Robertson is FOLA's representative on the Small Claims Court Working Group, whose mandate is to assist with formulating revisions to forms and process given the impact of the Covid-19 epidemic on the operations of the Small Claims Court. Jane is welcoming feedback and insight from the perspective of both the practicing bar and the per diem Deputy Judges who practice and preside in the Small Claims Court, Superior Court of Justice, Ontario. Feel free to contact her with suggestions and/or queries that you wish to come to the attention of the Small Claims Court Working Group. Please be advised that while she may not be able to answer your questions directly, she will bring your queries and comments to the attention of the working group. Jane can be reached by email at: [jajadiver@bellnet.ca](mailto:jajadiver@bellnet.ca)

## 5. LAW SOCIETY OF ONTARIO

- ❖ Final Reminder: The application deadline for the 2021 Annual Fee COVID-19 Deferral Option is today (March 31). Learn more [here](#).

## 6. FEDERAL GOVERNMENT

- ❖ There is an open federal appointment opportunity for the position of Chairperson, Canadian Human Rights Tribunal. Deadline for applications is April 6th. You can find out more [here](#).
- ❖ As you know, FOLA has been focusing on issues related to the practice of law in Ontario (MAG & the Ontario Courts) since the start of the pandemic. If you are experiencing issues in the Federal Courts (like e-filing, e-hearings), we'd like to know. Please email Katie at [katie.robinette@folo.ca](mailto:katie.robinette@folo.ca). Briefly describe your issue/concern and highlight any steps you have already taken and we will do our best to assist you.

## 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@folo.ca](mailto:katie.robinette@folo.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](mailto:MAGrecoverysecretariat@ontario.ca).