



COVID-19 & THE PRACTICE OF LAW

WEEKLY UPDATE

Fola.ca

COVID-19 - WEEKLY CHECK IN LOG #15

June 24, 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 SCJ is planning on issuing a Notice to the Profession either tonight or tomorrow morning outlining the work of the Recovery Secretariat and the resumption of in person hearings in the Courts. The Notice is expected to cover issues around trial management conferences, case conferences, and information around Courtrooms targeted to reopen on July 6th with a reminder that locations are targets only and will still be subject to meeting health and safety requirements.
- ❖ Both the OCJ and the SCJ noted that any lawyer or client who had a health reason for not wanting to (or being able to) appear in person will be able to request that their matter be dealt with remotely. Specific health questions that the Courts can legally require parties to volunteer is currently being discussed among Justices and Court staff.
- ❖ Both Courts want to remind lawyers that remote hearings are to remain an essential part of the Courts' work for the foreseeable future and that some cases may be a hybrid of in-person and remote (which would be determined during Trial Readiness screenings).
- ❖ Lawyers can expect Civil Non-Jury Trials to continue to be held remotely through the summer.
- ❖ Criminal Jury Trials are not anticipated to be heard until September with the possible exception of a few that may be extremely urgent or be approved to move forward as "trial" Jury Trials to ensure that, come September, in-person Jury Trials can move forward more smoothly.
- ❖ It is anticipated that an extension of the timelines under the Bankruptcy and Insolvency Act (Canada) ("BIA") will not be moved beyond the existing June 30th timeline.

2. FOLA

❖ **REOPENING OF THE COURTS:**

On June 19, 2020, Ontario's Recovery Secretariat hosted a virtual town hall on COVID-19 safety and the reopening of Ontario's Courts. The town hall offered an overview of MAG's phased, gradual and responsive plan for court recovery, which aligns with the [Framework for Reopening Our Province](#). You can find materials from the virtual town hall [here](#).

❖ **FOLA SUBMISSIONS REGARDING EXPANSION OF SERVICES AT COURTS**

Under the leadership of the OBA, FOLA joined with Legal Aid Ontario (LAO) and The Advocates' Society (TAS) in an effort to assist the Court in identifying which matters ought to be prioritized as remote operations continue to be expanded. We sent two letters to OCJ Chief Justice Lise Maisonneuve outlining our recommendations on both [Family Law Matters](#) and [Criminal Law Matters](#). Both are hyperlinked.

❖ **REMINDERS:**

1. 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 [here](#)). If you have participated in a remote hearing and have some additional suggestions, we'd love to hear them! Please email Katie Robinette at katie.robinette@fola.ca and put "REMOTE HEARINGS" in the subject line.
2. 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.
3. **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.

❖ **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 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 July 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@fola.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@fola.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.