

NOTICE TO THE FAMILY LAW BAR

From CLRC Meeting January 17, 2017 and the Bench and Bar Meeting on February 21, 2017

Available Dates:

Family Law:

Case Conferences- 14 weeks

Motions- short motions- 16 weeks, long motions- 12 weeks

FCDC- 5 weeks

Settlement Conferences- 16 weeks

Trials- Next sitting available November 27, 2017.

Child Protection:

Conferences- 4 weeks

Motions- 5 weeks

Registrar's Court- every day except Fridays

Trials- less than 5 days, 4 weeks, more than 5 days , 4 weeks

1. Trial Sittings: The problem of matters on the trial lists not being reached is getting worse. Cases on the list that were not started have been moved to new trial dates. The Court will move away from the practice of cases that have started in one trial sitting to be adjourned to the next trial sitting and rather, the Court will endeavor to provide fixed trial dates for the remaining part of the trial not completed during a trial sitting. Counsel continue to seriously underestimate the length of trials. Counsel are reminded that senior counsel may conduct Settlement Conferences. Counsel are reminded that the Trial Scheduling Endorsement Forms are to be made part of the Trial Record and must be completed in full by both parties and signed by the judge at the Settlement Conference (which forms are mandatory if the matter is to be placed on a trial list if the matter does not settle at the Settlement Conference). Jonathan Richardson will contact the Advocates Society as to putting on a CLE program on the conduct of a Family Law Trial in Ottawa.
2. The CFSA subcommittee: Justice Shelston noted that new CFSA legislation is expected at the end of June 2017 however; no major substantive changes are expected. The CFSA Hustle will once again be in October 2017. There continues to be an issue as to trained Registrars for CFSA matters and this issue is being addressed. The University of Ottawa will

be running a special course on child protection in honour of Justice Polowin commencing January 2018.

3. FLIC/Mediation Services- Michael Kushnir reported that since January 2017 there have been 14 onsite mediations. This reflects an increase in demand for onsite mediation. The Bar is reminded as to the availability of subsidized onsite mediation and offsite mediation.
4. CLRC- Justice Doyle reported that membership of this statutory Committee is under review. George MacPherson (on behalf of Legal Aid Ontario) and Julie D'Aoust (on behalf of CAS) will be added as members. Mimi Marrello will be replacing Steven Fried as the CCLA Family Bar representative. It is also planned to have invitees from various stakeholders in the family law system attend meetings when input is needed rather than increasing the size of the Committee.
5. Rules Committee:
 - a. Jane Murray reported that most of the meetings in January were spent discussing the changes to the forms required by Bill 28 ("Families are Equal Act, 2016) which is to respect the diversity of family make-up.
 - b. Some discussions continue on revisions to the Rules regarding costs and changes to the Confirmation Form.
 - c. The next Rules Committee meeting will be March 27, 2017.
6. Legal Aid: George MacPherson reported that Legal Aid is currently experiencing a funding crunch and had a large deficit at the end of 2016. This is as a result of increased demand for immigration services and expanded criminal coverage. Steps are being taken to address the issue but these steps do not include any reductions in family services.
7. Long Motions- Carol Cochrane and Jane Murray are working on a draft Practice Direction relating to the requirement for a timetable to be established by agreement or Court Order for any motion (long or short). Concern was expressed about treating this document as a Practice Direction. Justice Doyle indicated that there was support for the idea amongst the judges and Masters but it was not possible to proceed by way of Practice Direction. Instead it was suggested that it would be appropriate to discuss and establish time lines for motions at the Case Conference or at a Procedural Motion.
8. New Committee Member: After six (6) years as the CCLA representative for the Bench and Bar and the CLRC, my mandate has come to an end. For the first time in many years, the CCLA has elected two family law members namely Mimi Marrello and Jennifer Jolly. Mimi will replace me on the CLRC and Jennifer Jolly will replace me on the Bench and Bar. It was a great honour for me throughout this period and I wish Mimi and Jennifer all of the best for their future endeavors in their respective roles. All future requests from the Family Bar

should be addressed to Jennifer Jolly at (613) 286-9924 (email: jjolly@familyjustice.ca) or Mimi Marrello at (613) 445-3923 Ex. 104 (email: mimi@altdivorcenepean.com).

9. The next Bench and Bar meeting is scheduled on May 30, 2017 and the next CLRC meeting is scheduled on April 4, 2017.
10. Any request to have items or issues added to the agenda, please contact Jennifer Jolly at (613) 286-9924 (email: jjolly@familyjustice.ca) or Carol Cochrane at (613) 236-9442 or ccochrane@lmrlawyers.com

Steven Fried