

## Family Law Bench and Bar Communique – Spring, 2019

### Trial Records and Trial Scheduling Endorsement Forms and Trial Records

Despite the fact that as of January 1, 2019 the Family Law Rules now specifically require that a Trial Scheduling Endorsement Form (TSEF) be completed by the parties in order to be scheduled for Trial (Rule 17(11)), many of the cases on the Trial List did not have completed TSEF in the Court files. Also, many Court files did not have Trial Records despite the fact that Rule 23(1) requires one to be filed 30 days before the scheduled start date of a Trial.

Counsel are again reminded that these documents (TSEF and Trial Record) are to be filed with the Court *prior* to the Assignment Court for all future matters or your matter will be struck.

Respondents are permitted to file Trial Records and can address the Applicant's failure to do so in their cost submissions. Also, the TSEF is a Court Order and should be included in the Trial Record.

Going forward, matters will not be put on a Trial List without a completed Trial Schedule Endorsement Form.

Counsel are reminded that issues regarding the admissibility of documents and the qualification of experts should be raised at a Trial Management Conference and noted on the TSEF.

Counsel are also expected to proceed at Trial in accordance with their TSEF in terms of the number of witnesses and the length of the witnesses' testimony.

### Interpreters

Counsel are reminded that it is their obligation to arrange for an interpreter at Trial if one will be necessary.

### Eagle Feather

Counsel are advised that there is an Eagle Feathers available in the Court House for witnesses that wish to make use of them when testifying before the Court. Janisse Crozier is the Keeper of the Eagle Feather and can be reached at [Janisse.Crozier@ontario.ca](mailto:Janisse.Crozier@ontario.ca). If Ms. Crozier is unavailable the Registrar in the Courtroom can call Court Support to have the Feather brought to the Court room the day it is required.

### Unbundled Legal Services

Counsel are reminded of the Ontario Family Law Limited Scope Services Project, a collaborative effort between the OBA, FOLA and the Advocates Society and the Superior Court of Justice and

other partners. Counsel can be listed on a roster if they provide these services provided they complete the required training: [https://www.cbapd.org/details\\_en.aspx?id=ON\\_19FAM0129V](https://www.cbapd.org/details_en.aspx?id=ON_19FAM0129V)). Also, for more information see [www.familylawss.ca](http://www.familylawss.ca).

### January Court Sittings

All matters on the list were reached in January with 14 trials proceeding.

### Current Court Wait Times (as of the beginning of March)

#### Family Law:

Case Conferences	3 weeks
FCDC	7 weeks
Settlement Conferences	8 weeks
Short Motions	4 weeks
Long Motions	2 weeks
Trials	November 25, 2019

#### Child Protection

Case Conferences	2 weeks
Motions	2 weeks
Long Motions	4 weeks
Registrar's Court	Every day except Friday
Trials less than five days	4 weeks
Trials greater than five days	4 weeks

Significant progress has been made in reducing the backlog of cases thanks to the appointment of a full complement of family law Judges. By way of contrast, here are the wait times from a year ago:

### One Year Ago - Winter of 2018 - Date Availability

#### Family Law:

Case Conferences	13 weeks
FCDC	6 weeks
Settlement Conferences	12 weeks
Short Motions	11 weeks
Long Motions	9 weeks - 12 weeks
Trials	September 24, 2018

#### Child Protection

Case Conferences	5 weeks
Motions	6 weeks
Registrar's Court	Every day except Friday

Trials less than five days	7 weeks
Trials greater than five days	7 weeks

### New Representation on the Family Law Bench and Bar

Carol Cochrane and Jane Murray have retired from the Bench and Bar Committee after many years of dedicated service. The new representatives to replace them are Katherine Cooligan ([kcooligan@blg.com](mailto:kcooligan@blg.com)) and Barb Cohen ([barb@cohenfamilylaw.ca](mailto:barb@cohenfamilylaw.ca)). Please feel free to contact them or myself, Jennifer Jolly ([jjolly@familyjustice.ca](mailto:jjolly@familyjustice.ca)) if you have any issues or concerns that you would like raised with the Judges or with Court Administration.