

FOLA News

Issue 8: March 18, 2024



Federation of Ontario
Law Associations
Fédération des associations
de barreau de l'Ontario

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Featured Member Rewards Partners in this Issue

The image displays three logos stacked vertically within a white rectangular frame. At the top is the CCECM logo, featuring the letters 'CCECM' in a grey sans-serif font with a small red maple leaf icon inside the first 'C', followed by a circular graphic of three overlapping green and yellow rings with a blue arrow pointing clockwise. To the right of this graphic is the text 'CANADIAN COLLABORATIVE FOR ENGAGEMENT & CONFLICT MANAGEMENT' in a blue sans-serif font. Below this is the eStatePlanner logo, which consists of a blue square icon containing three horizontal lines, followed by the text 'eStatePlanner' in a blue sans-serif font. At the bottom is the Bell logo, rendered in its characteristic blue, bold, sans-serif typeface.



Important Information

FOLA 2024 Spring Plenary – Save the Date, Hotel Reservations

The FOLA Spring Plenary will be held from **Wednesday, May 8 (evening only) to Friday, May 10** at the Doubletree Hotel in Toronto.

The link to book your hotel reservation can be found [here](#).

Further details, including a link to register, will be provided shortly.

FOLA Defends Independence of the JAAC

Ontario Premier Ford has recently made comments declaring that the Judicial Appointments Advisory Committee (JAAC) should appoint judges that are “tough on crime” or should make appointments with partisan influence. FOLA issued a press release advocating for an independent JAAC and judiciary, and we have been covered in the [Toronto Star, Globe & Mail, CBC, Trillium, Global News, CityNews, and The Law Times](#).

FOLA Invites Ontario Premier and Attorney General to Roundtable to Discuss Judicial Appointment Concerns

On March 12, 2024, FOLA invited Premier Ford and Attorney General Downey to attend a roundtable with representatives of 14 leading legal organizations in the coming weeks; we await word. The legal organizations include: the Women’s Law Association of Ontario, Women in Canadian Criminal Defence, the Roundtable for Diversity Associations, the South Asian Bar Association, the Law and Mental Disorder Association, L'Association des juristes d'expression française de l'Ontario, the Family Lawyers’ Association, the Canadian Association of Black Lawyers, the Canadian Hispanic Bar Association, the Canadian Muslim Lawyers’ Association, the Filipino Canadian Lawyers Network, the Canadian Association of Lawyers with Disabilities, and the Federation of Asian Canadian Lawyers. See [letter here](#).

Access to Justice Study in Rural Ontario Seeking input from Law Associations

Lawyer Neha Chugh (and Bencher, though not in that capacity) is conducting an Access to Justice Study in Rural Ontario sponsored by the Ontario Bar Association’s Chief Justice Fellowship. If your local president has not reached out to her, FOLA encourages you to do so at neha@chughlaw.ca. She will present her preliminary findings at the Spring Plenary.

Current Consultations and Submissions

Civil Rules Review Working Group

On September 28, 2023, Attorney General Downey and Chief Justice Morawetz announced the launch of a Civil Rules Review (“CRR”) to identify issues and develop proposals for reforming the *Rules of Civil*



Procedure (the "Rules") to make civil court processes more efficient, affordable, and accessible for Ontarians. The Civil Rules Review Working Group has recently been established to conduct the CRR.

The Working Group's mandate and timelines (see [here](#)) is to identify, through consultation, areas where targeted changes to the *Rules of Civil Procedure* will:

- increase efficiency and access to justice for Ontarians;
- reduce the complexity of the civil justice system;
- reduce costs for litigants;
- maximize the effective use of court resources;
- reduce delay; and/or
- leverage technical solutions.

Phase 1 (Scoping Phase)

FOLA has received notice (see [here](#)) that the Phase 1 consultation paper has now been issued and can be found [here](#)

Through the Phase 1 Consultation Paper, input is being asked about whether potential reforms identified by the CRRWG are worth deeper consideration and consultation and about other potential areas of reform, not otherwise identified, that are worth consideration and consultation in Phase 2.

FOLA is preparing a submission and if you would like to send your input for consideration in our submission, please email Douglas Judson (info@douglasiudson.ca) and Kelly Lovell (kelly.lovell@fola.ca) by **March 28, 2024**.

If you or your organization would like to prepare your own submission, you can do so directly until **April 5, 2024**.

Proposed Amendments to Rule 34.12 and Rule 30.03 of the Rules of Civil Procedure

In an effort to ensure that the civil justice system is operating as efficiently as possible to the benefits of the parties who are entitled to timely justice that focuses on the true issues between them, the Refusals Motions Subcommittee of the Civil Rules Committee is considering an amendment to subrule 34.12(3), which provides that a ruling on the propriety of a question that is objected to and not answered during an examination for discovery may be obtained on motion to the court ("refusals motions").

The Subcommittee is also considering amendments to Rule 30.03 for mandatory documentary disclosure in actions involving personal injury (e.g. slip and fall claims, medical malpractice, and motor vehicle accidents), as the bulk of refusals motions arise from these cases.

The Refusals Motions Subcommittee is seeking feedback on answers to specific questions from users of the civil justice system to assist in the formulation of recommendations to the Civil Rules Committee.



The proposed amendments and the consultation questions can be found [here](#).

FOLA is preparing a submission and if you would like to send your input for consideration in our submission, please email Ian Hu (ian.hu@fola.ca) and Kelly Lovell (kelly.lovell@fola.ca) by **April 15, 2024**.

If you or your organization would like to prepare your own submission, you can do so directly until **April 30, 2024**.

Recent FOLA Submissions

National Requirement Review

The Federation of Law Societies of Canada (FLSC) conducted a review of the National Requirement, the standard that law graduates from Canada and abroad must meet to qualify for entry to bar admission programs in the common law provinces and territories.

The FOLA submission can be found [here](#)

The Committee's final recommendations for amendments to the National Requirement were adopted by the Council of the Federation of Law Societies of Canada on March 12, 2024.

The Final Report including the recommendations can be found [here](#) (English) and [here](#) (French).

Notices to the Profession

Notice to the Public and Legal Profession- Resuming Administrative Dismissals

Ontario's *Rules of Civil Procedure*, *Rules of the Small Claims Court*, and *Family Law Rules* require court staff to administratively dismiss eligible cases after the expiry of certain timelines.

During the COVID-19 pandemic, procedural timelines (including administrative dismissal timelines under the court rules) were suspended from March 16 to September 13, 2020, by O. Reg. 73/20 under the *Emergency Management and Civil Protection Act* (and continued under the *Reopening Ontario Act*).

After September 13, 2020, the Superior Court of Justice and Ontario Court of Justice confirmed direction for court staff to continue to refrain from administratively dismissing civil, small claims, Divisional Court, and family matters. This continued suspension enabled court staff to prioritize matters that would best assist litigants and move cases forward.

Effective May 13, 2024, court staff will resume issuing and serving administrative dismissal notices and/or orders for delay for civil, Small Claims Court, Divisional Court, and family matters. This includes issuing dismissal notices and orders that have been on hold since March 16, 2020. Please review the attached notice for further information relating to resuming administrative dismissals. This notice is also located on www.ontariocourtforms.on.ca and [here](#).



Updates for the Profession

Legal Aid Ontario Update

Please click [here](#) for the latest Legal Aid Ontario update on Tariff Reform (number of hours, hourly rates and block fee rates).

Law Society Licensee Update – February 29, 2024

Please click [here](#) for the latest LSO Update.

Member Rewards

Canadian Collaborative for Engagement & Conflict Management

CCECM offers a 15% discount to FOLA members for all courses. Visit the dedicated website for this offer for FOLA members at <https://ccecm.ca/fola>!

CCECM is a national leader in conflict management training. An array of online & in-person programs across the dispute resolution spectrum are offered by CCECM's deep roster of highly regarded faculty members. Many CCECM workshops qualify for designation and Law Society of Ontario Accredited CPD.

CCECM has academic ties that include the publication of a peer-reviewed academic journal available on CanLII and a book store featuring cutting edge, contemporary contributions to the field of dispute resolution.

CCECM programs range from foundational, core training in conflict engagement, mediation, and arbitration to focused workshops on such popular topics as the hybrid med-arb process, online process design and the impact of AI on the journey to conflict closure.

CCECM is proud to partner with FOLA and offer this special discount through The Voice of the Practising Lawyer. Whether you are looking to fine tune your advocacy in ADR or expand into dispute resolution practice yourself, CCECM has the resources, programs, and world class training to support you.

Bell Canada

The Better with Bell Spring Event is now on!

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Enter Federation of Ontario Law in the company/association field and select your company from the drop-down

Upload proof of Federation of Ontario Law membership (PDF or JPG formats)

Check out your exclusive offers from Bell!

¹ Current as of March 1, 2024. 5G available in select areas. See bell.ca/5G. Available with compatible devices within network coverage areas available from Bell Mobility. Connection service fee (\$60) will appear on your first bill. Existing Bell customers who choose to switch to the Bell Exclusive Partner Program before the end of their contract are required to pay out their device balance and are subject to a \$50 migration fee. 9-1-1 government monthly fee in AB.: \$0.95, N.B.: \$0.97, N.L.: \$0.75, N.S.: \$0.43, P.E.I.: \$0.70, Qué.: \$0.52, N.W.T.: \$1.70, SK.: \$2.08. Bell remits required amount to government. Taxes extra. Other conditions apply. Subject to change without notice, not combinable with other offers. **(1)** Speeds of up to 512 Kbps for light web browsing, email, and messaging **(2)** Offer ends April 3, 2024. Ultimate Plan – CAN/U.S./MEX: With new activations or upgrades on an eligible 2-year plan with Bell SmartPay™. Rates are subject to change. Reduced data speeds beyond max speed data will be provided at up to 512 kilobits per second. You can continue to use data at these reduced speeds until your next monthly bill period. See bell.ca/mobilitytermsofservice. Subscriber must be (and remain) a Canadian resident and the majority of your usage must be in Canada. Max data usage per user may be capped at 10 GB/ billing period while in the U.S. and Mexico. Includes texts sent to a Canadian, U.S., or Mexican phone number while in Canada, U.S. and Mexico, texts received while in Canada, the U.S., and Mexico and excludes premium texts. While in the U.S. and Mexico, calls to numbers that are outside of Canada, the U.S. and Mexico are not included and will be billed at \$1.45/min. Roaming outside Canada, the U.S., and Mexico is not included. Sending and receiving picture or video messaging in the U.S. and Mexico and Push-to-Talk services use data from your rate plan. **(3)** Bell SmartPay™ is available with new activations or upgrades on eligible 2-year rate plans. Credit is applied monthly over 24 months on your device payments. Activation must be in the same name as the primary account holder. Amortized taxes on the financed amount are payable with your monthly device payments. Purchase financing provided by Bell Mobility, on approved credit. Cost of borrowing is \$0. If you end your Bell SmartPay™ Agreement early, then your remaining device payments will become due immediately. If you are ending your Service Agreement at such time as well, the remaining balance on your Agreement Credit (plus applicable taxes) will become due immediately. This amount will be reduced when required by the Wireless Code. Screen images are simulated. “Bell SmartPay” is a registered trademark of Bell Canada. All other trademarks and logos used are trademarks of their respective owners. © 2024 Bell Canada. All rights reserved.



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processes

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e-stateplanner.com/foia**



Upcoming Events and Law Association News

FOLA promotes law association events and other news. If your organization has upcoming events or related news that would be of interest to our members, please complete the form that can be found [here](#) and submit to both Ian Hu (ian.hu@fola.ca) Kelly Lovell (kelly.lovell@fola.ca).

Event details are also listed on the calendar on FOLA's website.

TLA – How to Use Arbitration in the Face of Court Delays to Save Your Clients Time, Money, and Headaches in Any Dispute

This session will take place on **Tuesday, March 26** from 12:00 PM to 1:00 PM via Zoom Webinar.

- Join Eric Morgan, Arbitration Place and Kushneryk Morgan LLP for an insightful discussion on how you can best use arbitration to resolve your clients' disputes quickly, efficiently, and cost-effectively.
- You will be learning about practical tips and strategies for how to lay the foundations for successful arbitrations. The discussion will also include ethical and professional issues in arbitration including arbitrator conflicts and independence and interviewing arbitrators.

Register [here](#).

TLA – Estate Law Round-Up

This session will take place on **Wednesday, March 27** from 4:30 PM to 6:00 PM via Zoom Webinar.

This annual Estates program will continue this year with a review of various timely topics impacting the Estate and Trust practitioner. Ian M. Hull, Jordan M. Atin, Jonathon Kappy, Suzana Popovic-Montag, will be discussing topics on:

- Initial Steps in Estate Administrations
- Dealing with Foreign Assets
- Review of Common Estate Claims
- Executors Compensation
- Litigating Insolvent Estates
- Estate Administration Issues Relating to Receipts, Releases, and Indemnities
- Undue Influence – “A Ball of Wax”
- Wills for Typical Situations
- Trusts for Residences
- Planning for Unusual Assets

Register [here](#).



Hamilton Law Association – Real Estate Workshop: Title Searching 101

This session will take place on **Thursday, April 11** from 12:00 PM to 2:00 PM in person at The Hamilton Law Association (45 Main Street East, Suite 500). More details to follow!

Register [here](#).

The Hamilton Law Association – 22nd Annual Estates and Trusts Update

This session will take place on **Thursday, April 25** from 12:30 PM to 4:00 PM in person at The Hamilton Law Association (45 Main Street East, Suite 500).

- Case Law Update
- Real Estate, Beneficiaries of Estate – What you need to know from a Real Estate Lawyer
- Disabled Beneficiaries
- Constructive Trusts
- Tax Update
- Minors as Beneficiaries
- Discussion on P.O.A Gifting, M.A.I.D. Update, Triple A – Abatement, Ademption and Anti-lapse and Substantial Compliance

Register [here](#).

Halton County Law Association – Annual Estates and Family Law Seminar

This session will take place on **Friday May 10** from 9:00 AM to 12:30 PM in-person at the Oakville Golf Club. Topics:

- Will Drafting Tips and Traps – Including Technology AI
- Estate Planning for Blended Families and Substantial Compliance
- Spousal Election: Family Law Rights Over a Will and the Role of the Trusts in Family Law – Including Consideration of LGBTQ Issues
- And more

Register [here](#).

Job and Appointment Opportunities

Judicial Vacancy – Sudbury – Bilingual Ability an Asset

For more information click [here](#) (English) and [here](#) (French). **Deadline to apply: April 3, 2024**



Judicial Vacancy – Windsor – Bilingual Ability an Asset

For more information click [here](#) (English) and [here](#) (French). **Deadline to apply: April 3, 2024**

Hamilton Law Association Seeking an Executive Director

The Hamilton Law Association ("HLA") is seeking a dynamic, strategic, and visionary Executive Director to provide leadership and direction to the organization. This is a salaried position with flexible hours that report to the HLA Board of Trustees.

The executive director serves as the chief administrative officer and is responsible for the day-to-day administration and management of the HLA.

For more information on key responsibilities and how to apply please [click here](#).



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