

# FOLA News

Issue 13: October 20, 2024



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

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## Important Information

### FOLA Fall 2024 Plenary!

The FOLA Fall Plenary will be held in Hamilton at the Sheraton Hotel from **Wednesday, November 6 to Friday, November 8**.

You can find the draft agenda [here](#). Plenary registration is limited to Presidents or their delegates. Details are available on the website at [www.fola.ca/plenary](http://www.fola.ca/plenary).

Please direct inquiries to FOLA's Executive Assistant, Kelly Lovell, at [kelly.lovell@folca.ca](mailto:kelly.lovell@folca.ca).

### Notice of FOLA's Upcoming General Meeting

In accordance with By-Law No. 8, the Federation of Ontario Law Associations will hold a General Meeting during the Fall Plenary for the purpose of electing directors at the indicated time and place below.

Place: Centre/East Ballroom, 2<sup>nd</sup> Floor, Sheraton Hotel, 116 King Street West, Hamilton, ON  
Date and Time: **Friday, November 8** at 9:00 AM

Questions about nominations to the FOLA board can be directed to FOLA's Director of Policy and Advocacy, Ian Hu, at [ian.hu@folca.ca](mailto:ian.hu@folca.ca).

### Real Estate Update October 16, 2024

The Real Estate Update October 16, 2024 is available [here](#). Updates include the virtual verification of client identity, Bill 200, federal trust reporting requirements, a warning about AI in meetings, and much more. Thanks to Real Estate Committee Chair Mark Giavedoni for this valuable resource!

### LAO President & CEO David Field Retires

On **October 11** Legal Aid Ontario President and CEO David Field retired. Janet Budgell, LAO's VP General Counsel & Compliance, will act as President & CEO while recruiting takes place for the open position. He acknowledged FOLA's role in supporting access to justice in this [letter](#).

FOLA recognizes and thanks David's years of service advancing access to justice and improving the LAO system, and wishes him an enjoyable retirement.

### Law Society Awards – Call for Nominations

Each year the Law Society of Ontario proudly recognizes Ontario lawyers and paralegals who have made outstanding contributions to the legal professions.



Nominations are now open for the 2025 Law Society of Ontario Awards for the following 5 categories:

**Law Society Medal**

Outstanding Service

**William J. Simpson Distinguished Paralegal Award**

Outstanding professional achievement

**Lincoln Alexander Award**

Community Service

**Laura Legge Award**

Leadership

**J. Shirley Denison Award**

Commitment to access to justice and/or poverty issues.

We encourage you to nominate local members who you feel meet the criteria for any of the 5 awards. You can find more detailed information regarding the Awards and the Nomination process [here](#).

**Please note that the deadline for Nominations is December 13.**

### **LAO Call For Nominations – Sidney B. Linden Access to Justice Award**

Do you know someone who has shown a long-standing commitment to supporting access to justice for low-income people in Ontario? Is there a person who regularly goes above and beyond to help? If so, please consider nominating them for the Sidney B. Linden Access to Justice Award! The deadline for submission is 5:00 p.m. **Friday, December 6**.

This award is named after Justice **Sidney B. Linden**, the first chair of Legal Aid Ontario (LAO), who has been involved with legal aid for over 38 years. The Sidney B. Linden Access to Justice Award created by LAO honours exceptional individuals who have demonstrated ongoing support and help to low-income people in Ontario by giving their time, expertise, or service to promote access to justice.

**Who is eligible?**

- Lawyers in the private sector
- Community legal clinic staff
- People who work at a student legal aid services society
- Paralegals
- Academics
- LAO staff lawyers and employees
- Other professionals

**Nominate someone!**



Please consider nominating someone you know by completing the [nomination form](#) and sending it [tearlek@lao.on.ca](mailto:tearlek@lao.on.ca).

## Current Consultations

### LSO – Considering Increased Transparency: Licensee Reporting and Disclosure to the Public

The LSO is considering disclosing charges and convictions against lawyers, amongst other things, in its Lawyer and Paralegal Directory. In particular:

- Require that licensees report additional information to the Law Society that is relevant to their practise of law or provision of legal services, including a more comprehensive list of criminal and other charges, findings of guilt, business and trade names, and licensure in other provinces.
- Disclose on the Lawyer and Paralegal Directory some of that information, where it is in the public interest, is relevant to the licensee's professional business and obligations as a licensee, and/or which can be ascertained from other public sources. This includes certain criminal and other charges and findings of guilt and when an investigation is underway, where disclosure is in the public interest.

You can provide your own opinion on the [LSO's consultation page for this program here](#). You can also provide your feedback to FOLA by emailing Ian Hu, Director of Policy and Advocacy, at [ian.hu@fola.ca](mailto:ian.hu@fola.ca). FOLA anticipates submitting feedback to the LSO.

## Recent FOLA Submissions

### Family Law Act – Enforcing Family Law Arbitration Awards

FOLA received a request for feedback from the Ministry of the Attorney General on the issue of enforcing Family Law arbitration awards. More detailed information regarding the consultation questions can be found [here](#).

FOLA prepared a submission in response that can be found [here](#).

## Notices to the Profession

### Notice: Amendments to Rules of Civil Procedure (O. Reg. 384/24)

On **October 15**, [Ontario Regulation 384/24](#) was filed to amend the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194. In summary, this regulation makes changes respecting certification of the authenticity of authorities cited in factums, certification of the authenticity of authorities and other documents and records cited in expert reports, and the duplicate filing of notices of application.



O. Reg. 384/24 amends seven rules and one form to:

- require every factum under the rules to be accompanied by a statement by the filing lawyer (or self-represented litigant), or a person they authorize, certifying that they are satisfied as to the authenticity of every authority cited in the factum (rule 4.06.1(2.1));
- stipulate that, for the purposes of the factum certification requirement, authorities published on a government website or by a government printer, on CanLII, on a court's website, or by a commercial publisher of court decisions are presumed authentic, absent evidence to the contrary (rule 4.06.1(2.2));
- require every expert report under the rules to include a statement by the expert witness certifying that they are satisfied as to the authenticity of every authority or other document or record cited in their report, other than:
  - documents or records consisting of evidence or potential evidence analyzed by the expert in the report and provided to the expert by or on behalf of the party intending to call them as a witness,
  - authorities or other documents or records that the expert has cited solely in order to address the use of the same authority, document, or record by another expert engaged in the proceeding; and
  - authorities or other documents or records whose authenticity the expert calls into question in the body of the report (rule 53.03(2.1));
- stipulate that, for the purposes of the expert report certification requirement, authorities and other documents or records published on a government website or by a government printer, in a scholarly journal, or by a commercial publisher of research on the subject of the report are presumed authentic, absent evidence to the contrary (rule 53.03(2.2));
- add a certification of authenticity statement for authorities, documents, and records to Form 53, Acknowledgment of Expert's Duty, which must be signed by every party-engaged expert (in addition to the certification requirement in their report itself);
- clarify which requirements for the reports of party-engaged expert witnesses also apply to reports prepared by court-appointed experts (rule 52.03(7)-(7.1));
- revise existing provisions referring to certification statements in appeal and judicial review factums to harmonize with the new certification of authenticity provisions for all factums (rules 61.11(1) and (5), 61.12(3) and (5.3), 68.04(3) and (6));
- remove the requirement to file a copy of a notice of application when filing proof of service of that notice (rule 38.06(4)); and
- make minor consequential amendments.

A summary of O. Reg. 384/24 is available on Ontario's Regulatory Registry at [24-MAG009](#).

The amendments in the regulation will come into force on December 1, 2024.

The revised Form 53 is available for download on the [Ontario Court Forms website](#).





## Notice: October 15, 2024 in-force date for Courts of Justice Act s. 140 amendments and associated Rules of Civil Procedure amendments

On **Aug. 29** [Order in Council 1183/2024](#) was signed, proclaiming **October 15** as the day on which section 7 of Schedule 6 of the [Enhancing Access to Justice Act, 2024, S.O. 2024, c. 2](#), will come into force.

This provision amended section 140 of the [Courts of Justice Act](#) (CJA) to increase the flexibility of the procedure to obtain an order under subsection 140(1) (“vexatious litigant order”). The amendments:

- provide that vexatious litigant orders may be made on a motion by any person or on a judge’s own initiative, as well as on an application (as is currently the case);
- provide that judges of the Court of Appeal and all branches of the Superior Court of Justice may make vexatious litigant orders;
- require notice on the person who is the subject of the vexatious litigant order; and
- set out the appeal and review routes for orders.

Related amendments to the [Rules of Civil Procedure](#) (RCP) that were made in [O. Reg. 322/24](#) will also come into force on October 15, 2024, to align with the entry into force of the section 140 amendments. The key features of the regulation are as follows:

### *Rule 2.1 improvements:*

- Reorganization of rule 2.1.01 to better reflect the chronology of steps and to distinguish between the court acting in response to a written request and on its own initiative.
- New provision in rule 2.1.01 to automatically stay proceedings pending a determination under that rule.
- Various changes to bring Rule 2.1 into better alignment with other rules, especially with regard to terminology.
- A new request form (Form 2.1A) with details about what to include for each court to replace the ad hoc letters currently sent to the courts.
- Renumbering of the current notice form to Form 2.1B.

### *New Rule 2.2 to bring together all components of the vexatious litigant framework under the RCP:*

Rules 2.2.01-2.2.07 set out the procedure governing the making of vexatious litigant orders, when they are sought by way of motion (in an ongoing proceeding), application (in a separate, standalone proceeding), or on a judge’s initiative (in an ongoing proceeding).

- The procedure consists broadly of:
  1. an initial notice step to the person who is the potential subject of the vexatious litigant order and to all others identified as being involved in ongoing litigation with that person;
  2. a period for the person who is the potential subject of the vexatious litigant order to respond to the notice;





3. a further reply period for all persons involved in ongoing litigation with the person who is the potential subject of the vexatious litigant order;
4. an initial review by a judge and a decision by that judge either to dismiss the motion/application/proposal or order a hearing in the matter, with ancillary directions as needed;
5. a hearing (if the initial review judge so orders);
6. a decision either to make a vexatious litigant order or decline to do so, with ancillary terms as appropriate in either case; and
7. requirements for staff to immediately issue the vexatious litigant order (if one is made), circulate it to the indicated parties and persons, and send it to the Court Services Division for inclusion in the index of vexatious litigant orders.
  - Seven new forms under Rule 2.2, including model order forms.
  - New definition in Rule 2.2 for “vexatious litigant order”, meaning an order made or contemplated under section 140(1) of the CJA.
  - Cross-reference in new rule 2.2.08 to flag that the process for a vexatious litigant to seek leave to commence a proceeding under section 140(3) of the CJA is set out under rule 38.01(3) (which in turn points to rule 38.13).
  - Transposition of the existing rule 2.1.03 (process to stay or dismiss a proceeding commenced without leave by a person who is already under a vexatious litigant order) to new rule 2.2.09, with numerous modifications to:
    - reflect that vexatious litigant orders may be limited in scope and therefore stay or dismissal under this rule should only occur where the proceeding commenced/continued without leave falls within the ambit of the order; and
    - clarify that the rule does not alter the registrar’s authority to refuse a document for filing or issuance if they determine that a vexatious litigant order applies in the context.

*Minor consequential amendments:*

- To the rules governing originating process, motions, applications, and case management.

To view the French version of the above Notice, please click [here](#).

## Updates for the Profession

### Law Society Licensee Update – September 26, 2024

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

## Member Rewards

A reminder that all FOLA members have access to the rewards program here: <https://www.fola.ca/resource/member-rewards/>.

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As a FOLA member, you're entitled to a 10% discount on Clio products. [Dive into your free trial or claim your discount today](#). Already a Clio user? Great! Secure your discount by emailing [affinity.partners@clio.com](mailto:affinity.partners@clio.com). Plus Clio will be at the upcoming Plenary so you can connect with the Clio team there.



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Members of the Federation of Ontario Law Associations can enjoy a 11% corporate discount at select Hilton Hotels and, in addition, have a 9% chain-wide discount at all other Hilton Hotels Globally. Discounts are subject to availability and valid for both business and personal travel.

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International (Except Americas): Hilton and DoubleTree	112183059





## 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](mailto:ian.hu@fola.ca)) Kelly Lovell ([kelly.lovell@fola.ca](mailto:kelly.lovell@fola.ca)).

Event details are also listed on the calendar on FOLA's website [here](#).

### Carleton County Law Association – 44th Annual Civil Litigation Updated Conference

New this year, the CCLA Civil Litigation Conference will be held at the Fairmont Queen Elizabeth in Montreal, Quebec, on **Friday, November 15, and Saturday, November 16**. We can't wait to see you there! The Via Rail train station is conveniently located in the Fairmont, so mark your calendars, book your rooms, and book your train tickets today! (Don't forget: CCLA members have access to the FOLA Via Rail Discount Code. Contact [membership@ccla-abcc.ca](mailto:membership@ccla-abcc.ca) for details!).

If you wish to book your hotel room by phone, call the Reservation Department at the Fairmont Queen Elizabeth directly at 1-514-861-3511 or any reservations agent (24 hours) at 1-866-540-4483. When calling, please identify yourself as an attendee of the CCLA Civil Litigation Conference to ensure ease of booking and that you receive the conference room rates.

If you plan to drive:

- Hotel Valet parking by Indigo: Available 24/7. The overnight parking rate is \$39, taxes included, for departures before 4:00 PM.
- Outdoor Parking Indigo on Belmont Street: You can use the outdoor parking lot, where you must pay at the pay machine
- CN Central Station Indoor Parking Indigo on Belmont Street: You can use the indoor parking lot of the Central Station complex, where you must pay at the pay machine.

We want to say a big thank you to our generous sponsors and exhibitors!

If you wish to participate in the conference as an exhibitor or sponsor, please contact Violet Hayward [vhayward@ccla-abcc.ca](mailto:vhayward@ccla-abcc.ca) for more information.

### Toronto Law Association – 7th Annual Women in Law: Your Money

This session will take place on **Thursday, October 24** from 5:30 pm – 8:00 pm In Person Only.

Get excited because TLA's premiere annual professionalism event is back and better than ever—in person for 2024! This year, we're zeroing in on the magic of money mindset, and trust us, you don't want to miss this!

[Register here](#)





## Northumberland County Law Association – 100th Anniversary Centennial Gala

Congratulations to the Northumberland County Law Association, which celebrates its 100-year anniversary this year! The NCLA was incorporated on March 7, 1924 and they are holding various events throughout this year to recognize this significant milestone. Northumberland's premier event is the 100th Anniversary Centennial GALA evening which is taking place on **Saturday, November 9th** at Dalewood Golf & Country Club in Cobourg, featuring networking opportunities, engaging speakers, entertainment, LawOscars and more! Tickets are \$100/pp and each attendee will enjoy a cash bar, a delicious plated dinner with complimentary wine on every table, as well as live music and dancing. Cocktails to start at 5:00 pm. Join them to celebrate! To enquire or RSVP please email [NCLA100year@gmail.com](mailto:NCLA100year@gmail.com).

## Toronto Law Association – Effective Use of Experts in Litigation

This session will take place on **Wednesday, November 13** from 5:30 pm – 6:30 pm in person only. Experts can make or break a case. This program focuses on litigation strategy involving expert witnesses: working with experts to add value to your case and aid in litigation strategy, as well as how to turn your opponent's expert into your own through effective cross-examination.

This TLA special program will be led by **David Rudolf, criminal defense and civil rights lawyer featured in Netflix's hit The Staircase and civil rights and criminal defense lawyer Sonya Pfeiffer**. Sonya is also an award-winning journalist who covered the real-life trial behind The Staircase.

[Register here](#)

## Osgoode PD - 19th Annual: The Civil Litigator's Survival Guide to Evidence

Evidence can make or break your case! Stay current so you have the tools you need to build a successful litigation strategy with OsgoodePD's 19<sup>th</sup> annual one-day program. Join a distinguished faculty of leading judges and senior practitioners covering topics such as: hearsay, evidence in motions and applications, techniques for handling experts before and during trial, Tips from the Bench, and more. The online (live) program takes place January 22, 2025, or register for the March 26, 2025 online replay. Take advantage of early bird pricing (save \$200) until October 31, 2024. Learn more and register [here](#).

## Appointment and Job Opportunities

### Six Judicial Vacancies – Criminal, Brampton (4), Toronto(2)

For more information click [here](#) (English) and [here](#) (French). **Deadline to apply: November 1, 2024**

### Pro Bono Ontario – Staff Lead

PRO BONO Ontario is seeking a staff lead for the Hotline Civil Procedure's Line. For more information about the position and the form to complete to apply, please click [here](#).



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<sup>1</sup> bell.ca/network. Offer ends October 28, 2024. One-time Connection Service Fee (\$70) applies. \*Price includes \$10/mo. Autopay credit. Autopay credit available with eligible plans. Requires pre-authorized debit payments which must be set up within 31 days of order to keep credit. With Bell SmartPay™ on an eligible 2-year rate plan. New activations and eligible hardware upgrades only. \*\*Speeds of up to 256 Kbps for very light web browsing, email and messaging.