



ONTARIO  
BAR ASSOCIATION  
A Branch of the  
Canadian Bar Association



March 2013

Family Law Section

## DID YOU KNOW...

By Victoria Starr\*

Here is some of what's going on in or related to family law:

1. **Notice to the Profession Re Changes to the Family Law Rules:** Changes were made to the Family Law Rules effective January 1, 2013, relating to family arbitrations and money that is paid into court in family cases. Please note the Case Conference Brief requirement as of January 1, 2013. To view these visit: <http://flao.org/news-and-events/>
2. **Notice to the Profession Concerning the Naming of Court Locations:** A Notice to the Profession was issued concerning the proper naming of court locations and direction to change your precedents. As you will see, under s. 21.1 of the *Courts of Justice Act*, the "Family Court Branch" is the name of the court of unified jurisdiction. Peel Region and Toronto Region are not courts of unified jurisdiction, and therefore the correct style of naming these court locations is (to view the direction visit: <http://flao.org/news-and-events/>):

The Superior Court of Justice  
393 University Avenue  
Toronto, Ontario

The Superior Court of Justice  
7755 Hurontario Street  
Brampton, Ontario

3. **Dispute Resolution Officer Program Pilot Project in the Superior Court of Justice Practice Direction:** Effective January 1, 2013, a new Practice Direction applies to *all* Dispute Resolution Officer (DRO) Programs in the Ontario Superior Court of Justice. To view this visit: <http://www.ontariocourts.ca/scj/en/notices/>
4. **Notice to the Profession - Protocol on the Use of Electronic Devices in the Courtroom:** This protocol outlines how electronic devices may be used in courtrooms of the Superior Court of Justice (Ontario) by counsel, licensed paralegals, law students and law clerks assisting counsel, self-represented litigants, and media or journalists. Click on this link to find out more and to see the notice: <http://ontariocourts.ca/scj/en/notices/protocols/>
5. **Superior Court of Justice's *Prioritizing Children Statement a/Objectives (December 2012)*:** The Superior Court of Justice is prioritizing its focus on improving the family court

process in matters involving children-at-risk, such as high conflict and child protection cases. They plan to work innovatively on multiple fronts to ensure cases involving children-at-risk receive the Court's earliest attention and efforts for resolution. The *Statement of Objectives* is the Court's guideline as it moves forward on this initiative. This document includes "*Seven Pathways to Success*" that it will pursue to achieve the stated objective of improving the family court process for all children-at-risk. The Court's approach will engage various justice partners and stakeholders, as well as broader institutions and organizations, in an effort to address this challenge on all fronts. To find out more visit: <http://www.ontariocourts.ca/scj/en/famct/prioritizing-children.htm>

- 6. Law Society of Upper Canada's Challenges Faced by Racialized Licensees Project:** The Law Society has set up a working group called "Challenges Faced by Racialized Licensees Working Group". The Working Group was created in 2012 and is composed of Benchers of the Law Society. It is mandated to,
- a. identify challenges faced by racialized licensees in different practice environments, including entry into practice and advancement;
  - b. identify factors and practice challenges faced by racialized licensees that could increase the risk of regulatory complaints and discipline;
  - c. consider best practices for preventive, remedial and/or support strategies;
  - d. if appropriate, design and develop preventative, remedial, enforcement, regulatory and/or support strategies, for consideration by the Equity Committee and other committees as appropriate, to address the challenges described above.

The Working Group plans to share its information about its work with legal organizations such as the Ontario Bar Association's Family Law Section and the Family Lawyers Association and wishes to receive feedback from them about perceived challenges for racialized licensees in the legal profession. If you have any comments you wish to share with the working group, please contact me, Victoria Starr ([victoriastarr@starrfamilylaw.com](mailto:victoriastarr@starrfamilylaw.com)).

- 7. New Law Society Program: Managing Babies, More Challenging than Managing Practice:** The Law Society has a second, new program for women lawyers, career coaching. It's goal is to keep women in practice after they have a child. The Law Society provides up to six hours of free coaching from experienced career coaches who are independent of the Law Society. It is a great program. A chance from a woman lawyer to talk to someone about what is needed to go off on leave, what should be put in place before returning and the challenges of juggling a child and the practice.
- 8. 393 Bench and Bar Update from Lorna Yates: Here's an update from Lorna Yates, Chair of the OBA Family Law Section regarding 393 University:**
- Conferences are being booked for the beginning of March (6 weeks out - not bad);
  - Long Motions are being booked for the beginning of June;

- Trials are being booked from September 9, 2013 onwards;
- Jennifer Daudlin, the amazing LAO Duty Counsel, is likely going to be made a permanent person at 393 which is great news;
- The Barbra Schlifer Clinic has a full time Family Court Support Worker (the position rotates between three Court Support Workers), every day but Wednesday and the first Friday of the month.

**9. Case Comment - *Ward v. Ward*:** *This is an interesting case comment on what is unconscionable when it comes to deviating from the division of property regime for married couples. Here is a taste: “Court has very limited discretion to deviate from the statutory formula for dividing property between spouses at the end of a marriage. It must find that the statutory formula, equalization of net family property, is not just "unfair," or "inequitable," but "unconscionable" before it can impose a different result. Section 5(6) of the *Family Law Act ("FLA")* sets out the limited circumstances which can lead to an order requiring net family property to be divided unequally, in contrast to the equal division presumption set out in section 5(1). What is "unconscionable?" .....*”

Follow this link to read the rest:

[http://campaign.r20.constantcontact.com/render?llr=tdrf6hhab&v=001rxOp\\_4aBK0rcy2oC\\_DJqH9LMtN1yNoEK8OzHfgFVr7LfChshPNOlu9cUP4fZzMb52uz2bei8DrUVsYoZMCuLZ7kZ9AiO1Op6NO4hG282d-lr-4QTiP1qKKG2ffdlriYSUH2sSHiJNALZSHA-8mXCzIAGLi8S0pr2AVOC3CrXnY6T6wOwvL8zsw%3D%3D](http://campaign.r20.constantcontact.com/render?llr=tdrf6hhab&v=001rxOp_4aBK0rcy2oC_DJqH9LMtN1yNoEK8OzHfgFVr7LfChshPNOlu9cUP4fZzMb52uz2bei8DrUVsYoZMCuLZ7kZ9AiO1Op6NO4hG282d-lr-4QTiP1qKKG2ffdlriYSUH2sSHiJNALZSHA-8mXCzIAGLi8S0pr2AVOC3CrXnY6T6wOwvL8zsw%3D%3D)

- 10. New local Administrative judge:** Justice Brian Weagant became the new Local Administrative Judge at 311 Jarvis, effective January 1, 2013.
- 11. Amazing Resource:** AFCC has partnered with Sesame Street to provide resources to parents and their children. If you haven’t already, please review the “Little Children: Big Challenges Divorce Toolkit” at [www.sesamestreet.org/parents/topicsandactivities/toolkits/divorce](http://www.sesamestreet.org/parents/topicsandactivities/toolkits/divorce) . Help to spread the news of this resource to families.
- 12. Meaningful Change for Family Justice: Report of the Family Justice Working Group, Action Committee on Access to Justice in Civil and Family Matters:** There is an important Report : Consultation Draft: Meaningful Change for Family Justice: Report of the Family Justice Working Group, Action Committee on Access to Justice in Civil and Family Matters. The deadline for responding was pretty short and somehow many of us who have been actively involved in Family Law Process Reform did not hear about this important - and for the most part – excellent Report. A group has formed with the objective of creating a joint response across our various organizations as we have had a considerable success by cooperating in that way. Assuming our request for an extension to work on a response is granted, the next step will be for each organization to put its reply together for submission to the working group. This is potentially a very important Report that focuses on the implementation gap and the funding gap for Family Law Reform – as compared to spending on Criminal matters.

Please review the report and send me your comments by March 1<sup>st</sup>, via e-mail to me, Victoria Starr - [victoriastarr@starrfamilylaw.com](mailto:victoriastarr@starrfamilylaw.com)

The draft Report is online ([http://www.cfcj-fcjc.org/sites/default/files/docs/2012/Report\\_of\\_the\\_Family\\_Justice\\_Working\\_Group.pdf](http://www.cfcj-fcjc.org/sites/default/files/docs/2012/Report_of_the_Family_Justice_Working_Group.pdf))

**13. Family Law Reaction to Pension Changes** - Your assistance required - link to brief survey below to share your experience with pension changes:  
[http://www.oba.org/En/Survey/Surveys/Survey\\_1306.aspx](http://www.oba.org/En/Survey/Surveys/Survey_1306.aspx)

**14. CBA PracticeLink to Solo and Small Firm Bulletin:** This is a great little bulletin for all of you solo and small firm people. Check out this link: [http://www.cba.org/CBA/newsletters-addendum/2012/2012-11\\_solo.aspx](http://www.cba.org/CBA/newsletters-addendum/2012/2012-11_solo.aspx)

**15. American Bar Association's Domestic Violence (DV) list:** The purpose of this list is to provide a forum for litigating victims' attorneys to exchange information and resources to improve and expand access to justice for victims of domestic violence, sexual assault, dating violence and stalking. Open discussion is encouraged. Participants should, however, adhere to the list guidelines when using the listserv. List guidelines are circulated upon joining the list and several times throughout the year. You do have to subscribe though so get in touch with any questions via their Contact Form

[https://abanet.qualtrics.com/SE/?SID=SV\\_dmdKzq0DWEhqzVG](https://abanet.qualtrics.com/SE/?SID=SV_dmdKzq0DWEhqzVG).

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