



Family Lawyers Association

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FAMILY LAWYERS ASSOCIATION ANNUAL REPORT FOR 2010 TO 2011

INFORMATION DISTRIBUTION TO MEMBERS

One of the main goals of the Family Lawyers Association is to keep its membership apprised of developments and events relevant to family law. This year we worked hard to make sure that members were provided with information quickly via e-mail and by visiting our website. Below is a snapshot of just some of the things we brought you news about:

Government and Reform

In the past year or so the A.G has implemented significant legislative and process reforms viz a viz family law. These reforms are touted as part of a series of steps planned to make the family justice system faster, more affordable and less confrontational. We kept abreast of such changes and brought news of them to you throughout the year.

The process reforms we told you about included:

- a. Changes to the Family Law Rules which became effective on September 1, 2011;
- b. The relocation of Family Cases at the Toronto Superior Court of Justice during the summer of 2011;
- c. The implementation of the mandatory information program;
- d. The launch of on-site (free of charge), and off-site (reduced fee) mediation services;
- e. The launch of the Information and Referral Coordinator program at the Toronto Superior Court of Justice. This program is essentially the assignment of individuals to act as coordinators at the courthouse to serve as a point of contact for families entering the family justice system and to help connect them with agencies in the community that can provide support services during family breakdown, including counselling and alternatives to litigation;
- f. The availability of Ontario Court Forms Assistant to help you work with your clients to fill out such forms as the parenting affidavit. This is a free online program which

contains many of the most commonly used family court forms. The system prompts users with a series of questions and automatically fills in the court forms based on their answers. To find out more visit: <https://formsassistant.ontariocourtforms.on.ca>;

- g. The new Family Court Support Worker program (workers assigned to provide victims of domestic violence with information about the family court process; document the history of abuse for the court; refer victims to specialized services and support in the community; help with safety planning related to court appearances; accompany victims to court proceedings where appropriate).
- h. We also kept you apprised of the developments relating to pension law reform and brought you news of the finalization of the regulation (which is under the *Pension Benefits Act*). The new pension regime will be effective **January 1, 2012**;

Changes to Legal Aid Ontario

In addition, we told you about the following Legal Aid Ontario initiatives specific to family law legal aid:

- a. The launch of six new family law service centers (Toronto, North York, Brampton, Newmarket, Chatham and Sarnia) managed by paralegals and students working under the supervision of a lawyer.
- b. The launch of the Family Law Information Program (FLIP), an online information program designed to provide families with information about the Family Court process, including legal and practical issues related to divorce and child custody; and,
- c. The revision of the process for referral of clients to the certificate process.

Bencher Elections

As you know, this was the year to vote in a new slate of LSUC Benchers. We brought you news of the elections and of the candidates in an effort to ensure that you were aware of who the candidates were so that you could exercise your vote to help us ensure that the new slate included Benchers who would be familiar with and sensitive to the practice of family law and in particular, the needs of sole practitioners and small or mid-sized firms. The next time around we hope to be able to host our first "Meet the Benchers" event.

Opportunity Updates

During the past season we also told you about various opportunities which included:

- a. Information about JusticeNet a new organization to provide an opportunity for concerned lawyers to take a leadership role to help bridge the access to justice gap existing in Canada's legal system. This is made possible by charging referred clients \$100-\$150/hr depending on the client's income range below \$59,000/yr and

number of dependents. As Justicenet was expanding its roster of lawyers, we let you know that you could participate in the program or simply find out more visit: www.justicenet.ca;

- b. Information about a new website / program called My Support Calculator set up (affiliated with Divorcemate). As we told you, it provides a free and accurate child support and spousal support calculator, a searchable list of family law professionals available to help individuals, and information about child and spousal support and other family law issues. As we noted, to get on the list of searchable professionals, or to simply find out more, visit: www.mysupportcalculator.ca

TAKING A POLITICAL POSITION

Submissions of the Family Lawyers Association on Bill 179 May, 2011 – Submissions prepared by: Mary Reilly

The gist of the proposed amendments around adoption was that if a Society wishes to place a Crown Ward with an access order for adoption, it would be required to give notice of the proposed placement to the person who has been granted an access order and the person with respect to whom an access order has been granted. The person who has been granted an access order would have the right to apply for an openness order within 30 days after notice is received.

The Bill includes provisions that set out some criteria about when an openness order would be appropriate, and provides for temporary orders relating to openness in the child's best interests.

Our treasurer, Mary Reilly, put together a response on behalf of the Family Lawyers Association and she, Victoria Starr and member William Sullivan attended at the hearing where Mary presented an oral version of the submissions. A copy of her submissions were sent to all members but can be found on our website by vesting: <http://flao.org/board-activity/>

Submissions of the Family Lawyers Association to the Law Society of Upper Canada on the issue of Unbundling of Legal Services - April, 2011 – Submissions prepared by Mary Reilly

The Law Society has begun a review of the ethical and procedural issues relating to the "unbundling" of legal services, otherwise known as limited legal services or limited legal representation. Unbundling is the concept of taking a legal matter apart into discrete tasks and having a lawyer or paralegal provide limited legal services or limited legal representation, that is, legal services for part, but not all, of a client's legal matter by agreement with the client. Otherwise, the client is self-represented.

While the Law Society's Rules of Professional Conduct and the Paralegal Rules of Conduct do not prohibit such retainers, there is nothing that expressly addresses limited retainers or unbundling of services.

A Law Society working group has been formed that includes representatives from the Professional Regulation, Paralegal Standing and Access to Justice Committees. The working group is focusing on ethical guidance for lawyers and paralegals as it relates to unbundling.

The Law Society asked the Family Lawyers Association for its views and concerns on the proposed amendments to the Rules of Professional Conduct prior to Convocation's consideration of the proposals. Our treasurer, Mary Reilly prepared the response and a copy may be found on our website by visiting: <http://flao.org/board-activity/>

Submissions of the Family Lawyers Association to The Attorney General for Ontario on the matter of Issues to be Considered at any Roundtable Discussion on Process Reforms Affecting Child Protection Cases - August 2011 – Submissions prepared by Mary Reilly

In the fall of 2010 various organizations set up a round table discussion group called "The Home Court Advantage". The group was comprised of professionals from all areas related to the practice of family law and the family law system (domestic side). Members of the family lawyers Association were among those who participated in this two-day event as were many of the judges, mediators, assessors, and other lawyers involved in the practice of family law. This 2 day roundtable multidisciplinary brainstorming session resulted in a very detailed report that identified various areas and processes that needed to be reviewed and is well, made specific recommendations as to how to improve the system. The report was presented to the Attorney General and has since played a very influential role in the development and implementation of both the substantive and procedural changes that we have seen over the last two years. The advent of the four pillars is one such example.

The Attorney General is now interested in looking at the procedural functioning of the legal side of the child protection system in Ontario.

Gary Gotlieb and Victoria Starr, delegates of the Family Lawyers Association Board, were involved in meetings with representatives from the Ministry of the Attorney General (MAG) over the summer 2011 to discuss such issues as raising the OCL tariff to par with that of LAO. At our last meeting, the Family Lawyers Association was invited to:

- a. Identify for MAG areas / issues that should be addressed in order to improve the functioning of the legal side of the child welfare system. Those issues could relate to improvements so that the lawyers are able to work with each other and the court more efficiently and cost-effectively, or, quicker and more effective ways of obtaining disclosure from third parties, or anything else the Family Lawyers Association members believe should be reviewed and addressed to improve the functioning of the system and access to justice;

- b. Make suggestions to MAG about the various players who should be consulted with and included in any consultations or at any roundtable/brainstorming sessions (i.e. OCL lawyers, judges, mediators, assessors etc...); and,
- c. To advise MAG of the name of the Family Lawyers Association Board delegate to attend at such sessions or consultations.

The Family Lawyers Association sought input from its members and Mary Reilly prepared submissions which were presented to MAG at the end of September 2011. To view a copy of these please visit our website: <http://flao.org/board-activity/>

ADVOCATING FOR ITS MEMBERS

Securing an Increase in the Office of the Children's Lawyer Tariff: Representative: Gary Gotlieb and Victoria Starr

The Family Lawyers Association, through Board Directive, heard its members concerns regarding the lack of parity between the Office of the Children's Lawyer (OCL) remuneration rates and the LAO rates presently paid to panel members. In an effort to seek parity, the Family Lawyer's Association presented a strong case to the Minister of the Attorney General through correspondence, telephone and personal meetings with representatives of that office. As a result of our efforts, a job action was avoided, and an agreement was reached, with the support of the OCL, which will see an increase in rates paid to OCL panel members effective July 1, 2011. We will continue to monitor the situation and work toward continued parity between the two tariffs. The FLA wishes to thank the collaborative work of the MAG and the OCL, and look forward to continued cooperation between all of the interested parties.

Paralegals – Representatives: Mary Reilly, Jean Hyndman, Ghina Al-Suwaidi, Cynthia Mancina and Victoria Starr

Paralegals are looking to expand their scope of practice to include family law. In 2010 they brought a motion to be heard at the LSUC annual general meeting. As many of you know, the Family Lawyers Association was instrumental in mobilizing the profession so as to thwart the motion and we believe that the motion was withdrawn by the paralegals in large part due to the overwhelming opposition our mobilization efforts generated.

Since that motion we have continued to watch the efforts of the paralegal community to expand its scope of practice. We connected with with representatives of the Law Society so that we would receive early notice of any similar motions to be brought at the 2011 AGM and more importantly to be included in a meaningful way in the Staff Review that the Law Society has undertaken in this regard. A Starr Review is an internal review of the issue which results in recommendations being made to Convocation. If those recommendations are that a further review is required then the Benchers will likely vote to engage in a broad external review. Should this happen, there will likely be committee hearings and province

wide consultations with organizations and lawyers. We are confident that the Family Lawyers Association will be included in any such consultations and we continue to connect with the Law Society's representatives including the representative spear heading the Staff Review, Diana Miles and we will keep you posted.

Continuing Professional Development (LawPro and Law Society) - Representative: Ghina Al-Suwaidi

The Family Lawyers Association is extremely pleased that its efforts to have the 311 Open Bar Series program entitled "On being an Officer of the Court" (offered in January 2011) accredited by LawPro as one of the programs qualifying towards the achievement of a \$50 premium credit.

Family Lawyers Association board member, Ghina Al-Suwaidi, is working closely with the 311 Jarvis Education Committee to get CPD New Member Accreditation for as many of the 311 Open Bar Series programs as we can. Thanks to Ghina for all her hard work we were able to ensure that the hours spent by members who attended the various 2010 – 2011 programs received credit for the time towards the 12 hours of substantive content. We could not get the CPD New Member / Professionalism Content accreditation for any of the programs other than the January 2011 program on ethics and the February 2011 program on domestic violence because the 2010 – 2011 programs had been designed long before the CPD requirements came into effect and it would have been too difficult to restructure and reorganize the programs. We hope it will be different this year as the Education Committee is working hard with Ghina to design its programs so that they meet the requirements. Fingers crossed because with any luck, all of the 2011 – 2012 programs will receive CPD New Member Accreditation.

COMMUNITY REPRESENTATION, COMMITTEE AND SUBCOMMITTEE REPORTS

Alliance for Sustainable Legal Aid (ASLA) - Representatives: Jean Hyndman and Victoria Starr

The Family Lawyers Association is a member of the Alliance for Sustainable Legal Aid, ASLA. The mandate of ASLA is to develop an ongoing government relations strategy to educate federal and provincial representatives about the importance of,

- (a) The provision of appropriately funded and consistently high quality legal aid services in a cost-effective and efficient manner to low-income individuals throughout Ontario;
- (b) Innovation in the provision of legal aid services, while recognizing the private bar and clinics as the foundation for the provision of legal aid services.

The members of the Alliance are the following organizations, each of which has appointed one representative to the Alliance:

- The Advocates' Society
- Association of Community Legal Clinics of Ontario

- County and District Law Presidents Association
- Criminal Lawyers' Association
- Family Lawyers Association
- Law Society of Upper Canada
- Mental Health Legal Committee
- Ontario Bar Association
- Refugee Lawyers Association

ASLA's focus right now is on developing a government relations strategy. A small sub-committee of ASLA's members is working on the strategy. So far, that strategy is to have as a priority focus on the provincial election and ensuring that we are able to put ASLA issues on the radar of each party; the development of a "message track" letter for leaving with the people with whom ASLA representatives meet; and meeting with representatives from each party.

ASLA has also been working on developing a stakeholder relations policy and on improving its relationship with Legal Aid Ontario so as to better understand its structure, policies and so that ASLA is included in discussions about changes to LAO and made aware of such changes early on.

Auditor General – Representative: Mary Reilly, Sara Wunch, and Renuka Satchithanathan

The Office of the Auditor General of Ontario is currently completing a performance audit of Legal Aid Ontario's delivery of legal aid services. They advised the Family Lawyers Association that they were interested in speaking with key stakeholders to gather their perspectives on how well clients are served, the impact of recent LAO initiatives on both stakeholders and clients, and any other issues we could consider in our review. Given that family law services are highly significant to Legal Aid Ontario, they approached the Family Lawyers Association and spoke with Co-Chair, Cynthia Mancia about the issues. The Report is due to be released by the end of 2011.

Legal Aid Ontario (LAO) Advisory Committees – Representatives: Mary Reilly and Victoria Starr

Although we are working to convince Legal Aid to assign a devoted seat on its Advisory Committee to the Family Lawyers Association, it has been the case for some time that at least one of our board members sits on this committee. Previously it was Mary Reilly and this year Victoria Starr was asked and agreed to join. In this way we strive to bring the voice of the Family Lawyers Association to the table.

The role and objectives for the advisory committees are to:

- Provide expertise and advice to the LAO Board in order to ensure that the Board is informed about environmental factors that have the potential to affect LAO's clients and service delivery and that should be taken into consideration during the strategic and business planning process;
- Review and provide input on proposed service priorities and initiatives that are being considered for inclusion in the next LAO business plan;
- Report to the Board on any other issues that affect access to justice for low-income Ontarians or inform the development of longer-term strategic and business planning.

Law Society of Upper Canada Treasurer's Liaison Group – Representative: Victoria Starr

The Family Lawyers Association is also represented by its Chair on the LSUC's Treasurer's Liaison Group. This group meets quarterly with the Treasurer to discuss issues of common interest and to update each other on initiatives being undertaken by their respective organizations. The Treasurer sometimes uses the meetings to inform and consult with members about issues facing the Law Society and the profession in general.

The Treasurer's Liaison Group participants include representatives from a variety of legal organizations throughout the province. The composition of the group is subject to change, and at this time the following are some of the organizations that participate: The Advocates' Society, County and District Law Presidents' Association, Association des juristes d'expression française de l'Ontario (AJEFO), Toronto Lawyers' Association, Ontario Bar Association, Association of the Law Officers of the Crown, Criminal Lawyers' Association, Family Lawyers' Association, Canadian Association of Black Lawyers, Ontario Crown Attorneys', Association, Women's Law Association of Ontario, Indigenous Bar Association, Federation of Asian Canadian Lawyers, South Asian Bar Association of Toronto, Pro Bono Law Ontario.

The main issues discussed at the meetings between November 2011 and now focused on:

1. The Bencher Election and getting the vote out.
2. The shortage of articling positions and possible solutions to the problem
3. The Opening of the Courts which was held on September 13, 2011.

At the last meeting there was an excellent discussion about the current state of articling in Ontario, and some of the issues facing the profession.

311 Jarvis Operations Committee Representative: Jean Hyndman

Jean attended the bi-monthly Operations Committee Meetings on behalf of the FLA, and she is also sitting on 3 sub-committees 1) Local Family Services Expansion Implementation Committee 2) Review of Consent forms and proposed Standardized Order and 3) Spousal

support calculations, and will also be the FLA rep at the next Scheduling subcommittee meeting in November.

There have been a few new developments and issues that have arisen at 311 Jarvis Court this year that members should be aware of.

a. Integrated Domestic Violence Court

The Integrated Domestic Violence Court has been launched as a two year pilot project. The objective is to have one Judge dealing with both the family and criminal matters and both matters will be dealt with on the same date.

Any litigant involved in a family Application at 311 Jarvis and criminal charges of a domestic nature at Old City Hall may opt into the program provided that both parties to the family law litigation agree. It is also available for woman litigants who have charges pending at College Park Court. The intake process is done at Old City Hall.

It is important to note that this is not a plea court and the person charged with a domestic offence is not required to plead guilty in order to participate. He or she may opt out if they wish to proceed to a trial on the criminal charges. The other party may also opt out.

The court began operating on June 10, 2011 in court room 10. It will sit on two Fridays per month and will be presided over by Justice Bovaird and Justice Waldman.

b. Scheduling Sub-Committee

In order to meet the goals of Justice on Target of speeding up the disposition of cases, Justice Paulseth has set up a committee to deal with scheduling and other issues. The first meeting was on June 2, 2011 and another meeting is scheduled for November 2011. Some ideas being considered are ways to have people see duty counsel but still be ready to appear in court at 10:00 a.m. and instituting a system of exit pre-trials or trial audits between the time of scheduling the trial and its actual commencement. We would welcome any input from members which we can raise at the next meeting.

c. Mediation

On site mediators have now been hired for both 311 Jarvis and 47 Sheppard. The Bench at 311 is most anxious to retain their long standing mediation service which is provided to both litigants and people who have not yet started Applications. They will be available at First Appearance Court and referrals will be made by duty counsel. The mediation services may be used so long as one party qualifies financially for duty counsel services.

Some concern has been raised about the ability to screen for domestic violence in First Appearance Court where there is often little time to speak to parties. There was also concerns raised about the provision of independent legal advice which will be done through duty counsel, but they are limited in what they can advise on. In particular, they do not provide advice about spousal support or property issues which requires a much more in-depth interview. Justice Jones is chairing a committee to deal with process questions in

the implementation of this new mediation service and our Board member, Jean Hyndman, is our representative on the committee.

A mediator, Summer Neudel, was hired in June and attended the Operations Committee meeting on her first day of employment. Currently, she will be at 393 University Avenue on Tuesday and Thursday mornings, when they hear motions, and at 311 Jarvis on Monday, Wednesday and Friday mornings. A major difficulty is the lack of space at 311; to provide her with an office to meet with people as to do so would mean displacing someone else. One solution proposed was to subdivide the largest office that LAO has at 311 Jarvis.

d. Structural Changes

The HVAC project continues and is now moving into the second floor court rooms. As a result, some domestic matters will be heard in court room 10 in the basement. Court room 8 is being converted to a file room (courtroom 8 is the court room beside the court counter).

e. New Consent Forms

The standard Consent form has been amended again to reflect changes in the mandatory annual disclosure and the Restraining Order provisions, including the non-denigration clauses. Initially, the new Consent forms will be printed on blue paper to ensure only the new ones are used.

More changes will be forthcoming, however, and the Consent committee will start meeting again in October 2011. The Committee will also be looking at the proposed standardized Order form that the Ministry of the Attorney General is working on.

f. Legal Aid Issues

The simplified financial eligibility criteria came into effect in February 2011 and Legal Aid Ontario reports that applications are being processed faster since that came into effect. Applications are now made through a referral by duty counsel or through a Client Service Centre.

In the courts, duty counsel will be vetting applications by the formal criteria for referral to Legal Aid Ontario for a certificate. If duty counsel refuses to provide the referral form, which they would do if they determined that the client was not eligible for a certificate, that is deemed a refusal of a certificate which could be appealed to the Area Committee. The appeal form can be obtained onsite or at a regional office.

Lawyers seeing clients on the special duty counsel forms for domestic violence victims may still refer them to Legal Aid Ontario for a certificate with a letter outlining the services required; they do not need to obtain the duty counsel referral form.

g. Local Family Services Expansion Implementation

Attendance at the Mandatory Information Program (MIPs) became a requirement for anyone commencing a family law case after August 31, 2011. Sessions are held at the

Francophone Centre. These will be similar to the sessions that have been mandatory at 393 University for years. They will be presented by a lawyer and a social worker, although an emergency back-up DVD is available if a lawyer has to cancel at the last minute.

LAO also has a program on its website which *may* substitute for attendance at the program for people who have difficulty with child care, mobility or just raising TTC fare to get there. It will be up to the case management judge to decide if viewing the website will be sufficient on a case-by-case basis.

h. 311 Jarvis is also implementing increased services in onsite and offsite mediation.

Onsite mediation is now available 3 mornings per week. First appearance court has now cut back to 3 days per week - Monday, Wednesday and Thursday. Since the mediator is shared with 393 University, she will be available for first appearance court on Thursdays, and there is no FAC on Fridays, when she will be there.

Currently, there are no plans to eliminate the onsite mediator that 311 Jarvis has had for many years, and he will continue to mediate for people who have not started litigation, as well as those that have.

The Ministry has contracted with Cornet Consulting and Mediation to provide offsite mediation services on a fee for service based on a sliding scale. The Ministry subsidizes people up to income of \$95,000 per annum. The offsite mediation will be done by a roster of mediators, and parties will be able to address issues of spousal support and property as well.

47 Sheppard Bench and Bar – Representative: Paula McGirr

We met on January 26, April 6 and June 15, 2011. Our next meeting is October 5, 2011. Significant issues discussed this year were the following:

1. Arrival of an on-site legal aid Ontario mediator, to supplement the mediation services provided by Alison MacArthur, the court mediator.
2. Commencement of the Integrated Domestic Violence Court at Jarvis, to be presided over by Justice Waldman of our court and Justice Bovard, a criminal judge who filled in at our court for 3 months in the winter of 2010 while Justice Zuker filled in at his court.
3. Commencement of the mandatory information program (“MIP”) litigants must now attend.
4. The backlog of domestic cases awaiting trial and whether extra judges could be brought in.
5. Streamlining procedures in CAS assignment court to expedite protection trials.
6. MAG’s Four Pillars initiative and its impact on our court, particularly in the area of mandatory mediation.

7. Problems getting orders issued and entered, delays at the counter, what staff was doing to fix those problems and later (at the June meeting) a report on how these situations had somewhat improved.
8. Incidental issues raised by the Children's Aid Societies, the City of Toronto Social Services court workers, FRO counsel, court's administration, the private bar and the judiciary.
9. The success of the N.Y. Education Committee CLE programs and an overview of potential topics to be offered at future programs.

393 Bench and Bar – Representative: Ghina Al-Suwaidi

At the meeting of the Bench and Bar of May 18, 2011 there was a request for volunteers from organizations to join the Local Implementation Committee. Ghina Al-Suwaidi will be sitting on that committee. The committee will work together with the Bench and Bar committee of 393.

The plan for 393 in general is as follows (Implementation committee to work on specific issues):

1. Complete the renovations;
2. Retiring room to be refreshed. There will be 2 in the northeast corner of the 9th floor.
3. Courtroom 907 and 908 will be divided in half each. Will end up with four rooms to be used as conference rooms/motions.
4. Two courtrooms will be wheelchair accessible for the judges.
5. The space to the right of the police office will have:
 - FLIC
 - Computer and Internet for same day service providers
 - One staff person for referral (moved from 10th floor)
 - New service provider's space: mediation, advice counsel and referral coordinator
 - DRO office will be divided into two.
6. Courtroom 904 will either be used by advise counsel or as conference room;
7. Security issues have to be addressed, as there will be more public on the 9th floor than the usual.

a. 14b committee:

Committee met and the following came up:

- When judges get the 14B they do not receive the whole file. Q: Can file be taken up to judge?
- How to reject less 14B Motion forms;

- Can arbitration awards be turned into court orders? (Rules committee is looking at that)

b. Legal Aid

In the process of hiring mediators for 9th floor.

c. Paid DC

Proposal: lawyers to represent clients privately on a sliding scale instead of duty counsel for those who do not qualify for legal aid.

The proposal has been put to the Treasurer of the Law society who referred it to the Advocate Society who in turn referred it to the OBA.

Lawyers to bring their own visa machines if they wish to be paid by visa.

d. September 22, 2011 Meeting

Here are the highlights from the September 22, 2011 393 Bench and Bar Committee meeting:

- they are booking Case Conferences (CC) from November 23rd onwards;
- you can have a DRO CC any Wednesday;
- Justice Jarvis will be there for 3 weeks in November, starting November 14th, to help with the backlog and hear urgent CCs, any day of the week;
- they are booking short trials from February 20, 2012 on;
- they are booking long trials from February 27, 2012 on;
- they are booking long motions from March 2, 2012 on. If you have a Judges endorsement, they will use a Tuesday or a Thursday for a long motion and that will get you in sooner than March, 2012 on a Monday.
- Justice Kruzick is going supernumerary and is coming to 393 in October; and,
- the renovations are still underway so what you see is not the end product. Work is still being done on the FLIC offices and they are looking into ways in which to integrate the DRO and Mediation Services;

The Chief Justice's Committee on Professionalism – Representative: Cynthia Mancia

The Office of the Chief Justice of Ontario, a number of years ago, created the Chief Justice of Ontario's Advisory Committee on Professionalism. This committee has 3 sub-committees, all related to the issue of professionalism. The focus of the Committee, and its sub-committees, is to promote, develop and strengthen ethics and professionalism with the practice of law in Ontario.

The Professionalism Committee invited the various associations and/or organizations which represent the Bar to a meeting in the spring of 2011. The purpose of the meeting was to introduce the various organizations to a new initiative of the Committee.

As background, the Committee (and its sub-committees) have been active, over the past years, presenting colloquia which sought to promote ethics and professionalism and which brought together the practicing side of law and academia.

The Committee has begun a new initiative in which it seeks the support of the FLA and all of the other associations representing lawyers. This initiative consists of the creation of two fellowships (1 of \$15,000 and 1 of \$5000), annually, which would have two persons undertaking research, writing and presenting of their work to the profession. The research and writing would focus on ethics and professionalism.

The idea behind setting up annual fellowships focus on the four goals the Committee has established:

1. Encourage scholarship in the academic discipline of ethics and professionalism in Canadian Universities/College;
2. Continue to develop Canadian materials on legal ethics and professionalism in the practice of law;
3. Promulgate the principles of Professionalism to the practicing bar at Continuing Education conferences;
4. Commission Key note speakers for continuing education conferences on these issues.

The Chief Justice's Committee is seeking the support of all law associations/organizations for the development of these two fellowships.

Specifically, the Committee is seeking the following from the various law association/organizations:

1. Provide venues for continuing professional development programs which would include professionalism components including opportunities for the fellows to attend to present their work; and
2. Consider funding the fellowships.

The Committee understands that no single organization will commit to inviting one of the fellows to the CPD programs on an annual basis. Depending upon the research undertaken by each fellow, different organizations will have differing levels of interest in the presentation by the fellows. However, the expectation is that over time each organization committing to supporting the Chief Justice's Committee and the fellowships will bring one or both of the fellows to a CPD program.

The Committee is clearly seeking to broaden its base of support by bringing in various law associations/organizations and therefore broadening the impact of its initiatives. The second area of support, funding, has been presented as the fellowships will cost \$20,000, in total, each year.

The Chief Justice's Committee has approached the Law Foundation for funding. No answer has yet been provided, due to the structure of the Law Foundations Funding Committee. The Committee, however, does not wish to rely on the Law Foundation and hopes to find independent funding for the fellowships it wishes to establish.

The Committee has received funding commitments including:

- a) \$5000, for each of the first two years for the \$5000 fellowships from Eddie and Brian Greenspan;
- b) \$1000 per year for three years from:
 - i. Toronto Lawyer's Association
 - ii. Ontario Crown Attorneys Association
 - iii. Ontario Trial Lawyers Association

The FLA Board voted to support the Chief Justice's initiative and to pledge \$500 in support of same with a commitment that the board will review the matter of renewing its donation each year for the next 3 years.

Governance Committee – Representatives: Renuka Satchithanathan, Robert Shawyer, Victoria Starr

Our Governance Committee worked hard this year on amendments to our bylaws. These amendments will be presented to the members at the AGM on October 27, 2011 so that they can be ratified by vote of the FLA members in attendance at the AGM. Our primary focus this year was on improving the functioning of the Board. Here is a list of some of the amendments our members will be asked to consider:

1. Amendment to allow for electronic voting by Board members;
2. Amendment to allow participation in board meetings by telephone or Skype or other electronic means;
3. Amendment to refine the definition of and to clarify the election process with respect to our Chair and co-Chair;
4. Amendment to refine the role of each of the "Officers"
5. Amendment to set out guidelines for the keeping of records (i.e. letters, bylaws etc.... so that we can transfer them from one executive to the next);
6. Amendment to each member's term of membership.

Fundraising Committee - Access to Justice Grant – Representative: Ghina Al-Suwaidi and Renuka Satchithanathan

The FLA is proposing to have a two-day conference on issues of domestic violence. The conference will look at the issue from a cultural perspective and how different communities deal with domestic violence situations. What we, as lawyers, can do, to fairly and fully represent parties involved in such a situation.

The proposed conference will focus on domestic violence in a diverse community. It will be designed to explore the effects of culture, family intervention, domestic violence, and how the allegation/and/or reality of domestic violence in litigation can influence the course of a proceeding in court.

Toronto is the most diverse city in the world. It has more than 150 nationalities living in and around Toronto. A number of litigants end up in court because of lack knowledge and understanding of the legal system. Once the parties are at the litigation stage, they will need all the support and guidance, especially from counsel who is representing them, whichever side of the spectrum they are on.

Having a victim of alleged domestic abuse may also influence how a lawyer will represent the alleged victim or the alleged perpetrator. Cultural differences can make a difference on how to deal with a client.

In many cultures extended family involvement plays a major part in domestic assault situations. Many times family members try to intervene to “rectify” the situation not knowing that such interference may be in violation of the laws. Such intervention can have consequences to counsel and may give rise to legal issues such as obstruction of justice or breach of solicitor and client privilege.

The conference will also look at what orders and procedures are necessary for domestic assault situations, taking into account the children’s best interests and maintaining the bond between parents where there is no violence allegation against children. This is of more importance to counsel now with the introduction of the Domestic Violence Court in Toronto.

The importance of education and methods of education will be a focus, done in partnership with other community organizations, whether those specialized in the domestic violence field or those that would assist newcomers and immigrants (Settlement organizations from various communities). An example would be of suggesting a model of referral of information to be provided with respect to access to public support for both parents in domestic abuse situations.

Other issues that will be addressed are:

- Whether women in the communities have specific difficulties in accessing the family court.

- Whether fathers have difficulties in finding support groups to seek the assistance of when involved in domestic situations and charges are laid.
- Whether or not we need a broader understanding of what access means.
- How to represent a client whose cultural values lead him to believe abuse of his wife is acceptable.
- How issues, like community membership and pride, can be significant factors for a client and how to respond to these concerns
- What differences there are in responses to domestic violence based on age, gender, socio-economic status, or other factors in communities.
- Do lawyers see their role to include an obligation to educate a client about Canadian cultural and legal norms.
- Tips for lawyers representing clients from diverse communities in cases where domestic violence is alleged.

A decision has not yet been made with respect to the grant.

WEBSITE DEVELOPMENT – REPRESENTATIVES: CYNTHIA MANCIA, BARBARA KRISTANIC, VICTORIA STARR

As many of you know, in the last two years we have focused on the development and enhancement of our web site. We have done this and will continue to do it because we see it as an ideal way to share information with members. This year a great deal of effort went into updating the site to make it more effective. We encourage you to take a look by visiting us at: www.flao.org.

There are three great places to visit on our website: News and Events and Lawyers Toolkit. Under the news events tab you will find flyers and information about what is going on in family law. The events you can find information about on our website include the 311 Open Bar Series programs, the North York Education programs, AFCC conferences etc.... To find out more visit: <http://flao.org/news-and-events/>

We are especially proud of the tab on our website called “Lawyers' tool kit”. If you visit this tab you will find articles, model draft orders, a link to the Superior Court Bench book of case and most importantly, Justice Sherr’s case annotations. These annotations are updated by Justice Sherr regularly and provided to the FLA as a courtesy. When we get these updates we in turn update the annotations found on the website. We have also reproduced the list and links to the cases that form part of the case book available at each Superior Court. Check this feature out by clicking on the following link: <http://flao.org/lawyers-toolkit/>

The website committee is working on creating some kind of member log in section where we will post our bylaws, minutes from board meetings etc., all in an effort to make sure you have access to information about who we are and what we are working on.

FELLOWSHIP / SOCIAL

Boat Cruise

This year, under Board Member Paula McGirr' direction, we hosted our first annual Boat Cruise. It was a great success and we all look forward to the second one!

Fall 2011 – AGM and Social

Our second social of the season will follow our Annual General Meeting which is to be held on Thursday October 27, 2011 (AGM from 5:30 – 7 p.m. and Social from 7 – 11 p.m.). Both of these events will take place at Alice Fizooli's. To find out more visit our website.

Pub Nights

Family Lawyers Association Paul Fox has graciously volunteered to work with the Board to set up regular pub nights. We hope to start this in the New Year and run a pub night once every two months or so. Stay posted.

Google Chat Group

This year the Family Lawyers Association set up its new Google Chat Group. Any Family Lawyers Association can be a member of this chat group. The goal of this chat group is to all our members to communicate with one another, ask questions, and share comments and ideas much like the way people do in other online chat groups and social networking sites like Facebook.

CONTINUING EDUCATION

311 Open Bar Series- Representatives: Mary Reilly, Paula McGirr, Victoria Starr;

North York Education Series- Representatives: Paula McGirr, Lauren Israel

Members of our Board sit on the 311 Open Bar Series Education committee, and the 47 Sheppard Avenue Education Series Committee. This is a way for our members to have input on the type of programs offered in the two series. The next season is chalked full of great programs that we know will interest you. We will continue to send you notice of each program as we have done over the past year;

MAKING CONNECTIONS WITH OTHER ORGANIZATIONS FOR THE BENEFIT OF OUR MEMBERS

Family Law Coalition- Representatives: Mary Reilly, Sara Wunch, Victoria Starr

Members of our Board continue to work to try to unite other family law organizations with a view to forming a strong and powerful coalition. We believe this will allow the family law bar across the province to unite quickly when changes are in the wind about which family

lawyers should be heard from and have input. A coalition will provide a greater ability to effect change.

The Advocates Society – Representative: Robert Shawyer

We have connected with the Director of Education at The Advocates' Society and Board member, Robert Shawyer is leading the way in discussions regarding future partnership potential on running education programs together. The unique format of programs run by the Advocates Society is such that there is a morning portion with esteemed judges and counsel providing updates and tips on advocacy as well demonstrations on various topics; and, the afternoon consists of breaking out into groups where participants carry out exercises depending on the topic of the program in a safe learning environment. The afternoon workshops are run by trained skilled faculty and each participant receives individual feedback on his/her performance. The purpose of the skilled workshops is to provide hands-on experiences and feedback from experienced faculty.

As a feature of goodwill the Advocates Society gifted two passes for their April 11, 2011 program called Conducting Family Law Motions. The FLA held a draw in order to give the tickets to two of its lucky members.

Ontario Bar Association – Family Law Executive

Both Robert Shawyer and Victoria Starr sit on the Family Law Executive of the Ontario Bar Association. Being part of both organizations has facilitate meaningful sharing of information and enabled us to have the two organizations work cooperatively on issues that affect family lawyers across the province.

Association of Family and Conciliation Courts (AFCC)

This year we connected with representatives from AFCC, Anthony Macri and Tammy Law (both of whom are also members of the Family Lawyers Association). Making these connections enabled us, thanks to Anthony Macri, to share upcoming CLE information and brochures. Our connections went beyond this as Tammy Law (who heads up the AFCC group for new child protection lawyers), shared her group's thoughts/ideas about working with the Family Lawyers Association and as well with ideas that ultimately ended up being included in the submissions made to MAG on process reform and child protection law.

Commission on Women in the Profession

The Family Lawyers Association co-sponsored the ABA Commission on Women in the Profession's program, "Road to Independence". The Road to Independence" is the latest publication of the ABA Commission on Women in the Profession. It recounts the experiences and insights of 101 women lawyers who have taken the courageous and

difficult step of creating a law firm of their own, either as a solo or with others. The program was held on August 5, 2011.

IMPROVING MEMBERSHIP AND ITS DIRECT BENEFITS

New fees and structure

We have made some changes to our fee and membership renewal structure. These are:

1. Our annual membership fees went up effective July 1, 2011. The new amounts are \$50 for a regular membership and \$75 for an enhanced membership.
2. Starting July 1, 2011 all memberships will be renewable on the first day of the month, 12 months from the month in which the member joined or last renewed. This is different from how it has been which was that all memberships expire on the same date every fall.

The Family Lawyers Association needs your membership. I urge you to become a member by filling in the attached application and sending in your membership fee. Please visit our web site: <http://www.flao.org> to get the application form

Membership Discounts

Our members receive a discount of \$5 per program offered by the 311 Jarvis Open Bar Series. Consequently, our members pay an admission fee of \$20 instead of \$25 for admission.