

SUDBURY DISTRICT LAW ASSOCIATION

LEGAL BRIEFS

VOLUME 4 ISSUE 1

APRIL 2011

SPECIAL POINTS OF INTEREST:

- Province wide expansion of Family Services by The Honourable RSJ Louise L. Gauthier
- Continuing Professional Development and the Sudbury District Law Association

MESSAGE FROM THE BENCH

PROVINCE-WIDE EXPANSION OF FAMILY SERVICES

BY THE HONOURABLE RSJ LOUISE L. GAUTHIER

On December 9, 2010, Ontario Attorney General, the Honourable Chris Bentley, announced plans to expand family services in the courts, across the province. This announcement was part of plans to improve justice in the family law area, based on the Minister's "Four Pillars" of family justice reform:

1. Provide more information to families up front about the steps they need to take and the impact on children when relationships break down;
2. Enhance opportunities to identify challenges, ensure early disclosure and provide community referrals to better support families in reaching resolutions;
3. Improve access to legal advice as well as less adversarial means of resolving challenges such as mediation; and

4. Streamline and simplify the steps involved for those cases that must go to court.

The Minister announced that, by the summer of 2011, "families across the province will have access to improved services through Ontario's courts."

Those improved services are the following:

- a. The Mandatory Information Program, which educates families about the effects of separation and divorce and their options;
- b. The Family Mediation Service to assist families in resolving their disputes outside the courtroom; and
- c. Information and Referral Coordinators to refer families to community agencies for additional information and assistance regarding their dispute.

A Mandatory Information Program has been in place in the

Toronto Superior Court for a number of years, and was piloted in Milton and Brampton since June, 2010. It was recently expanded to Ottawa and Newmarket, and will be available in all of the 17 Family Court Branch sites across the province by April, 2011.

The Family Mediation Service and the Information and Referral Coordinators are currently only available in the 17 Family Court Branch sites.

MANDATORY INFORMATION PROGRAM:

The Mandatory Information Programs, referred to as MIPs are two to three hour sessions presented jointly by a lawyer and a mental health/social service professional.

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MESSAGE FROM THE SDLA PRESIDENT

I pleased to write to you as your President.

The SDLA annual general meeting was held on March 1, 2011. This event was well attended with 49 members in attendance. The Honourable Chief Justice Heather Smith of the Superior Court of Justice was this year's guest speaker. Chief Justice Smith confirmed with me how pleased she was with the great numbers of the Bench and Bar who attended our annual general

meeting and I believe that you share my sentiments that the Chief Justice's address was greatly appreciated by those in attendance.

I am pleased to report that our membership continues to grow. Currently we have 180 members. Our current membership includes 9 new members.

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The sessions include information about the effects of separation on children and adults, about basic legal issues, and information about going to court. Options, other than going to court, are reviewed by the presenters. MIPs will be coordinated by local service providers; it is anticipated that assistance in the implementation will be provided from the local bar and judiciary. Those members of the Sudbury Law Association who practice family law may wish to speak to their counterparts in Toronto, Brampton, Milton, Ottawa or Newmarket to find out how exactly the bar participated in the implementation of this service.

MEDIATION:

We have been advised that mediation services will be available on site, at the courthouse, as well as off site, in mediators' offices. The number of funded service hours will depend on the volume of cases in a given court location. The plan is to provide free on site services to parties who are in court that day and who narrow or simple issues to be resolved.

Typically, a Judge, or duty counsel would refer parties to the on site mediation service. Parties with multiple or complicated issues requiring more than one mediation session, would be referred to off site mediation. The user fees charged will be in accordance with a sliding scale prescribed by the Ministry, and based on income and number of dependents.

INFORMATION AND REFERRAL COORDINATORS:

IRCs are trained social service professionals who are a point of contact for parties as they first access the family justice system. As a first point of contact, IRCs can identify those parties who require access to the court on an urgent basis and refer them to Legal Aid's advice or duty counsel. They maintain connections with local resources and are to provide information about what services are available in the community.

The objective in the expansion of family justice services is to provide similar services to all family litigants in Ontario. The Ministry will enter into contracts with service providers who will then be responsible for providing the information programs, the mediation services, and the Information and Referral Coordinators. There is no doubt that the quantity of services and the manner of delivery of the services funded through the contracts will depend on the size of the court and the volume at any given court location. It is not known at this time whether the services will be available full time, or only on specified days and times. It is also not known how much of those services might be provided electronically or by way of other technology.

The MIP, the mediation services, and the IRC will be available in both the Superior Court and the Ontario Court

In those court locations where the two courts are located in separate building, the logistics of the delivery of the services, we are told, will be determined after consultation with courts and assessment of available space.

Currently, the Ministry of the Attorney General is following the procurement process, and is working with both the SCJ and the OCJ on a province-wide implementation plan.

The Ministry will be encouraging local participation as the process unfolds.

Stay tuned.

RSJ L.L. Gauthier
April 2011

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HOW DO I GET MY MANDATORY CPD HOURS?

The SDLA is in the planning stages of a one and a half day Continuing Professional Development event this fall. There are session leaders in place for programs in the following areas:

Criminal
Civil / Commercial Litigation
Family
Estates
Aboriginal Issues
Real Estate
Corporate
Insurance
French Language Issues

We will be offering concurrent 3-hour sessions in each of these practice areas on Thursday afternoon, Friday morning, and Friday afternoon.

Chief Justice Warren Winkler is the confirmed keynote speaker at a Bench and Bar dinner on Thursday, October 20th. Please mark the date on your calendar as this will be an evening not to be missed.

We will continue to update you as we confirm the following:

LSUC Accreditation for CPD hours
Program schedule, speakers and panelists
Fees

Organizing Committee:
Lucille Shaw & Madam Justice P. Hennessy—Co-chairs
Geoff Jeffery, Dawn Dubois, Gerald Brouillette, Trevor Kestle, Ian Sinclair and John Michael Bray.

WHEN:
OCTOBER 20TH AND OCTOBER 21ST 2011

WHERE:
HOLIDAY INN, REGENT STREET SUDBURY, ONTARIO

Stay tuned for further information!

MYSUPPORTCALCULATOR.CA

Coming Spring 2011, a new website, www.MySupportCalculator.ca, will begin providing the Canadian public with better access to justice through a free, basic and educational child and spousal support calculator.

MySupportCalculator.ca will run a very simplified version of divorce-MATE'S Tools 2K software, handling only the most simple and uncomplicated financial situations.

A concise, easily understandable

printout will be generated that can be taken to court or to a family lawyer. While providing the basic child and/or spousal support figures, the printout will also "warn" the public of the limitations of the simplified calculator and the complexity of the issues in their situation; the website will encourage the public to seek help from a qualified family law professional listed and profiled on the website.

MySupportCalculator.ca will provide a comprehensive list of family law professionals located in the user's general prox-

imity, with further search refinements available based on information provided by the family law practitioner when you establish your "profile."

Any family law practitioner who wishes to be listed and profiled on this new website should sign up now by going directly to www.mysupportcalculator.ca/profile.

Note; My SupportCalculator is 100% owned and operated by MySupportCalculator Ltd. , and is owned and managed completely independently from DIVORCEmateSoftware Inc. Both are separate and distinct legal entities.



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**SUDBURY DISTRICT LAW
ASSOCIATION**

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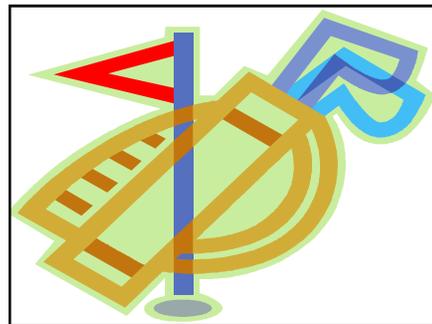
SDLA GOLF TOURNAMENT 2011

FRIDAY AUGUST 12th 2011

CEDAR GREEN

TEE OFF TIME : 12:00 Noon

**CONTACT: M.P. O'HARA
MILLER, MAKI (705)675-7503**



SDLA PRESIDENT'S MESSAGE... CONTINUED

On behalf of the SDLA, I would like to welcome the following members to the SDLA: Alex Caza, Peter Denton, Kristen Newman, Sheena Alexander, Barbara Burton, Matthew Dorreen, James Ross, Diane Rioux.

It has been a busy year. The current active subcommittees of the SDLA are:

Family Law

Criminal Law

Continuing Professional Development (CPD)

Library Committee

Continuing Professional Development continues to be a priority for the SDLA over the coming year. The planning for the October 2011 CPD session is now in the works. The dates set aside for the October CPD are Thursday October 20th and Friday October 21st. We would ask that you mark these days off in your calendars and plan to attend.

The SDLA has set out to modernize our communications with our members. I am pleased to report that the SDLA website (<http://www.sdl.ca/>) is almost complete and you will soon be receiving a form to indicate whether you would like your name and email address posted on this website and whether you would like to receive ongoing communications from the SDLA via email communications. Please look for this form and submit your replies to Rannah and Nina.

Dawn V. Dubois

President