

## Wellington Law Association – SCJ Civil/Family/Estates Bench and Bar Committee

### Minutes

November 21, 2017, 4:30 pm, Wellington County Courthouse

**Present:** Mark Muir Rodenburg (chair), Justice G. Lemon, Cherolyn Knapp, Teresa Pearson, Don Kidd, Jacque Rodden Yetman, Stephanie Evans-Bitten, Trenton Johnson

**Regrets:** Justice Mossip

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1. Agenda approved.
2. Minutes of May 30, 2017 meeting approved.
3. **Business Arising from the Minutes:**
  - **8(d). Construction Lien Process: ACTION:** Trent had already circulated a draft summary of the construction lien processes for Guelph.
4. **Court Operations and Staffing:**
  - Jessica Roes was assigned to Kitchener effective July 1, 2017. It was confirmed that Stephanie Evans-Bitten is the new Supervisor Court Operations for the Guelph courthouse.
  - Staffing is stabilized and full-time jobs are being developed.
5. **SCJ Court Scheduling**

The November sittings had a number of scheduled trials that ended up settling so that Justice Mossip ended up being sent to Brampton. Teresa reminded everyone that if a case is settled the court should be notified immediately so that, in so far as possible, unused court time is kept to a minimum.

Teresa advised that many confirmation forms are not being completed correctly. In particular lawyers are not indicating what specific issues are to be dealt with but instead leaving that section blank or saying "All". Also lawyers are not providing the anticipated time to argue the matter and are not specifically indicating what materials the Judge should read. Improperly completed confirmation forms will result in the matter being placed on the "unconfirmed list".

All of this is provided for in the Central West Practice Direction which can be found at <http://www.ontariocourts.ca/scj/practice/practice-directions/central-west/cw/>

It was discussed that a program to assist clerks with regards to filing requirements at the court would be held sometime in March or April, 2018.

6. **Update from the Bench**

Lawyers are reminded that they need to complete properly and file a Trial Scheduling Endorsement Form (like a Family Law Pre-Trial Form). This is clearly provided for in paragraph 27 of the aforementioned Central West Practice Direction. Paragraph 27 provides as follows:

Parties must serve and file a [Trial Scheduling Endorsement Form](#) with their Settlement Conference briefs, so that if the matter does not settle at the Settlement Conference a trial date can be scheduled.

The last Judicial Conference made clear that trial management is important and counsel should be prepared to focus on trial issues if the matter does not settle.

If parties are very close to settling and believe that the assistance of a judge would likely result in a settlement, Justices Mossip and Lemon are willing to conduct settlement conferences or pretrials during the sittings if time is available. Applications and long motions may also be dealt with during the sittings if they are urgent and time is available. If lawyers believe that their case fits within these parameters, they should email Teresa. She will then review the matters with the sitting judge to determine availability.

7. **Civil E-filing Pilot project**

The pilot project was discussed (in Brampton, London, Newmarket, Ottawa and Sudbury parties could file a civil claim online in the Ontario Superior Court of Justice). It was advised that Guelph court staff have all been trained for this and the province-wide roll-out is to commence November 27, 2017.

8. **Small Claims Court**

Don advised that the Small Claim Court will begin dealing with construction lien matters in 2018.

9. **Update from WLA**

Cherolyn reported that the WLA is updating the library to make it more of a lounge to collaborate, get work done, etc. As a result they are removing many of the books to create a bigger space for meetings, sessions, etc. They are also investigating the possibility of installing a swipe access system to replace the current keypad system.

10. **Next Meeting: Tuesday, January 23, 2018** at 4:30 p.m. Wellington County Courthouse.

11. Meeting adjourned.