

St. Catharines Liaison and Community Resource Committee

Meeting Minutes

St. Catharines Liaison Committee for Family Court

St. Catharines Resource Committee for Family Court

Meeting Held: June 27, 2023 at 3:00 p.m. (via Zoom)

Chair: The Honourable Madam Justice MacPherson

Present: Andrea Debbané Piller
Chris Love
Daniel Ventresca
Jodi Springer
Keith Newell
Marion Wright
Mindy Wilson
Tamara Bodnaruk-Wide
Virginia Workman
Wayne Herter
Wendy Sturgeon

Regrets: Christine Stark
Elisabeth Cassavoy
Greg Sutter
Ryan Easson

Introduction:

Justice MacPherson began the meeting proposing a couple of items for members to contemplate during the meeting for further discussion at the end: Perhaps the start time

of the meeting should be adjusted to 3:30 p.m. to allow counsel who have matters to attend more easily; and, consideration should be given to whether meetings should resume taking place in person.

1. Pathstone Report – Marion Wright on behalf of Christine Stark

- a. Ms. Wright indicated on behalf of Ms. Stark that the kids one night workshop will be advertised soon and the program will be starting in September.
- b. Ms. Wright shared that the waitlist looks pretty good at this time, with families waiting since May 2023.

2. Legal Aid Report – Andrea Debbané Piller

- a. Ms. Debbané Piller indicated LAO is doing a consultation about changes to certificates, like tariffs and hours for private counsel. It is encouraged that the local bar participates in this consultation, which is open until July 9.
- b. Justice MacPherson inquired whether there is any list, resource or website available to parties that on a frequent (i.e., weekly) basis is updated to indicate which lawyers are accepting legal aid certificates. Justice MacPherson indicated parties on the CAS lists often share about their struggle to find counsel that will take a certificate. Her Honour indicated from a judicial perspective it can be difficult to find a balance when a parent is not represented in moving a matter along at a reasonable pace while still ensuring the parent is provided sufficient time and also being mindful of how long a child has been in care. Ms. Debbané Piller explained LAO does have a general roster of lawyers who take certificates but at any given time there can be some lawyers not *currently* taking certificates. There is a paper list available and there is a website where a party can

search under the "Find a Lawyer" tool based on their location and a list of lawyers in that area that are on the roster will be generated. There isn't anything more frequently updated, but emails are sent out to the panel asking who is currently accepting certificates so when parties call indicating they can't find someone names of counsel who have confirmed they are accepting certificates at that time can be provided.

3. Staff Duty Report – Andrea Debbané Piller

- a. Ms. Debbané Piller advised there are no changes to services right now.
- b. She further advised the team is considering changing their approach to how the CAS list/duty counsel's attendance for same is handled. She indicated it does not seem that many people are taking advantage of duty counsel remaining on the call for the entirety of the list, to the extent it is being discussed as to whether duty counsel should be on the call at all in future. There is some thought being put into how this could be tweaked to best serve clients.

Justice MacPherson acknowledged that there are some days when no litigants take advantage of duty counsel being part of the call but indicated on other days a good number of litigants do access this service. Justice MacPherson also noted it has been useful to have this available when parties are having difficulty connecting or cannot hear, and become upset, as the breakout room doesn't seem to have the same challenges. Using the breakout room, parties are able to speak to duty counsel, who can then attend court and indicate their position and duty counsel is able to debrief the party afterwards. There is a lot of information being taken in by parties, and they need the opportunity to understand what is going on, which seems to be made easier by these discussions with duty counsel. Justice MacPherson sympathized with looking at things from a resource

perspective and the need to look at how resources are being used but indicated that duty counsel's attendance is useful on most CAS lists.

Ms. Debbané Piller suggested it may be helpful to encourage the registrar or clerk hosting the call to actively ask parties if they would like the use of a lawyer, rather than waiting for a party to request same.

There was some discussion around what might create the difference in use of this resource on some lists versus others. The posed theory was that, in some instances, matters on the list may be further along versus at the preliminary stage where litigants are looking for duty counsel. Justice MacPherson noted that unless a parent is not involved at all, most parents show up to the appearance. This was confirmed by Mr. Herter. Justice MacPherson also indicated that virtual attendance for this list seems to be a better approach than in person, as more parents seem to be aware of what is going on in the matter.

- c. Ms. Debbané Piller reiterated that a lack of access to CaseLines, soon to be Case Center, creates difficulties for duty counsel in assisting clients. She indicated duty counsel would like to have use of this service, as it puts them at a disadvantage not to use it and hampers their ability to service clients without it. As of now, duty counsel is not being sent a link/invite to CaseLines. In most instances, parties and lawyers are able to send an invitation, and it was assumed that a self-represented litigant would be able to provide this to duty counsel in order to provide access. It has since been discovered that this feature is disabled for self-represented parties. Duty counsel has inquired about this and received no response from Welland, but St. Catharines advised the party would have to request judicial permission to invite them, specifically by way of 14B motion. Ms. Debbané Piller stated this creates an issue when a party is speaking with duty counsel on the day of or shortly before their motion, conference, etc.

She asked whether on a local level there is something that could be done so that duty counsel may have access to CaseLines when assisting clients – such as an invitation from the Trial Coordinators or court staff – and who they would reach out to to request access.

Justice MacPherson inquired what types of events duty counsel was attending that would require this, and Ms. Debbané Piller confirmed that duty counsel does attend for motions and conferences in CLRA matters. She indicated that they attend case conferences when a client contacts them in advance and passes the financial eligibility test and will attend settlement conferences as well if there is an ongoing relationship.

Mr. Ventresca asked if, in terms of sending out invites, he was correct in understanding that more than one lawyer would need to be invited, meaning a number of invites needing to be sent out. He asked if duty counsel could provide advance notice as to who would need to be invited to the bundle. Ms. Debbané Piller confirmed that they almost always know in advance which counsel will be scheduled to attend an event. She queried whether the generic email for duty counsel could be used for access. Mr. Ventresca said he was not sure and would look into that. He would like to loop in his manager, Mr. Easson, before further discussions regarding how duty counsel would notify which bundles they need access to, when, etc.

4. Education – Virginia Workman

- a. Ms. Workman shared that the next series of the “DL on FL” desktop learning, “Drafting in Family Law” starts in September. She explained the focus for this series will be on drafting, with sessions on items like drafting pleadings in child protection matters, plain language and drafting tips for separation agreements, affidavits in the new reality, and drafting parenting

plans. There is a session that will be focused on drafting NFPs and financial statements for new calls. The intended speaker already runs a program for that topic. AXIS will remain hosting the sessions, which allows the sessions to continue to be offered free of charge and assists with more people being able to participate. Ms. Workman indicated the stats for previous sessions show the "low" for attendance as 22 participants and the "high" as 25 participants. When compared to past all-day programs with a "high" of 55 and average of 40 participants, the attendance for these one-hour sessions is good. Ms. Workman didn't have any stats to compare the in-person lunch n' learn, but that session did have an expense as there was a lunch included. Ms. Workman indicated the desktop program is available for more than just lawyers. She shared that a lot of the volunteers for these sessions are not local, but from across the province, and there might be an advantage to not just being Niagara based.

Justice MacPherson agreed that the topic of drafting is important. Her Honour suggested another topic that may be helpful to include would be how parties are preparing their draft orders and indicated some judges have grappled with that also – such as ensuring that the draft order contains only relief that *can* be ordered. Ms. Workman indicated there is a paper on FRO friendly orders, so maybe that piece as well as some information shared by Justice Scott in past CLEs as to what to do and not do in orders could fill an hour session. She said that topic could possibly be added to the series starting next February, which intermingles in different areas of law, or could possibly be added as another session to the current upcoming series. Ms. Workman indicated there is some suggested interest in drafting period, as there have been a number of instances where a matter gets to trial before it is noted a request being made has not been plead.

- b. Ms. Workman shared that the Joint Child Protection Committee intends to put on a full-day, in-person program on November 11 regarding child protection. There are already some topics and volunteer speakers arranged, and Ms. Workman will be reaching out to Ottawa solicitors to see if some of them would participate.

5. DRO – Justice MacPherson

- a. Justice MacPherson shared that there is a provincial re-empanelment taking place, and some members of the panel expressed interest in sitting for both Welland and St. Catharines. There will be province-wide training taking place on September 27 virtually from 4:30 p.m. to 6:30 p.m. This training will be mandatory for new panel members and optional for existing members. Justice MacPherson would like to have a DRO meeting when and if any new members come onto the panel, probably in fall due to limited summer availability.
- b. Ms. Workman asked if there are any stats with regard to St. Catharines DRO conferences and their usage. She shared that she has only been called on to act as a DRO called once this year, and there was a DRO date scheduled this past Monday, but nothing was scheduled for it. Her inquiry of the assistant trial coordinator resulted in information being provided that the dates are not being given out at First Attendance. Ms. Workman expressed concern that this resource is not being properly utilized/taken advantage of to clear the list. Justice MacPherson acknowledged the concern and indicated it isn't that the dates aren't being given out, but that there don't seem to be as many motions to change as anticipated.

Ms. Workman asked if there is anything else senior counsel could assist with, such as pre-trial conferences to assist with settlement. Justice

MacPherson explained that in other jurisdictions DROs have expanded to cover other types of motions to change, but this is being done because there are long delays with regard to the matter getting before a judge in those locations. In St. Catharines, timeouts to a DRO conference and to a judge conference are pretty similar, so in St. Catharines that delay isn't really an issue. Ms. Wilson confirmed that the timeouts at this location are much better than others, such as Kitchener, and reminded the committee that a matter going before a DRO has to be on consent of both sides.

Justice MacPherson said she would think about other ways DROs may be utilized and would follow up with other DRO lead judges. Her Honour expressed appreciation for the fact counsel is blocking off time and being told at the last minute their services are not needed.

6. CAS Report – Wayne Herter

- a. Mr. Herter indicated that the Society case numbers were increasing, as it was a very busy spring, but numbers have slowed down more recently.
- b. Mr. Herter believes that things are going well with respect to list appearances.
- c. Mr. Herter voiced that the Society continues to press for a child specific CaseLines option so they can streamline the process.
- d. Mr. Herter provided a reminder that the office is switching to summer hours, which means the office will close at 4:00 p.m. and the after-hours service will kick in at 4:00 p.m., and to be mindful of this if trying to get in contact with someone at the agency.

- e. Mr. Herter shared that the annual general meeting was held this month and after a successful lemonade campaign significant funds were raised which will be used towards the 65 educational grants the Society provides to various individuals, the Society will be sending approximately 400 kids to camp this summer, and they continue to host the home for holidays series. There will be a barbecue for kids in care or formerly in care where they can meet up with staff and individuals they came across while in care.
- f. Justice MacPherson confirmed that things seem to be going smoothly on Society matters, that judges are receiving materials in advance of the list and the summary is getting more filled in than left blank, which is helpful for the judges.

7. Niagara Chapter – Native Women – Wendy Sturgeon

- a. Ms. Sturgeon indicated there is not much to update at this time. She shared the CYFSA and ongoing engagement consultation is up for a five-year review and was sent out to a number of individuals through the indigenous community. She is hopeful that will get some uptake.

8. Court Administration Report – Daniel Ventresca

- a. Mr. Ventresca touched on the internet issues still being experienced at the courthouse. He indicated that management is actively in consultation with IT, and the “where and why” of spotty locations have been identified. Mr. Ventresca shared they were presented with a number of options and will be going with the most viable option to get the best results with regard to fixing this issue. There isn’t a timeline for resolution, but there is progress and hope it will be resolved quickly, as the work is not overly complicated (adding more pods) and should not take long to complete.

- b. Mr. Ventresca indicated there isn't an update with regard to extending counter hours. Currently, the counters are open from 9:00 a.m. to 11:00 a.m. and from 2:00 p.m. to 4:00 p.m. He said that despite reduced counter hours, staff is still able to assist clients if they need to attend outside of counter hours. Mr. Ventresca said that clients can call or email him or staff and staff will open the shutters in order to assist.

- c. Mr. Ventresca shared a reminder that the generic email address (SCJStCatharinesCourthouse@ontario.ca) should be used to contact court staff, not personal addresses. He said that in the past stakeholders often emailed staff members' personal addresses and moving away from that as much as possible is being encouraged. Mr. Ventresca indicated that use of the generic address assists in preventing communications from being missed; When emailing staff directly, that staff member may be off, ill or unavailable, whereas the generic is monitored by many staff members. He indicated if a response is not received to loop him in by email (daniel.ventresca2@ontario.ca) and he will make sure it is addressed.

- d. Mr. Ventresca shared that clients attending at the counter have been asking staff questions that amount to legal advice. He has been directing staff to provide the 1-800 number for legal aid and to suggest the client seek legal advice when this occurs. Mr. Ventresca queried if this was the correct number to provide, or if there was another local number that could be shared. Ms. Debbané Piller confirmed a local (905) number is available, but asked that it only be given to persons already involved in court matters or about to start a court matter. She confirmed that court staff do have that number. Ms. Debbané Piller indicated that one thing to keep in mind is that duty counsel and the 1-800 number can only give legal advice if people qualify financially; a number of people call but can't be put through to a lawyer because of that. They are directed to CLEO resources. Mr. Ventresca said the court staff also direct clients to CLEO resources.

Mr. Love confirmed that the main reason people still come into the FLIC office is they need help with paperwork; they don't understand it or don't know what to do. He explained that they do not screen for legal aid, but they do explain the screening process to clients and provide CLEO and Steps to Justice information. Mr. Love said that when people are directed to the FLIC, it also provides the opportunity to bring up the option of consultations or limited scope services that might be available to clients.

Ms. Bodnaruk-Wide provided the reminder that the purpose of the FLIC is to take pressure off the counter staff, as they can direct clients looking for legal advice to the FLIC. She said the FLIC can then provide referrals or resources.

- e. Mr. Ventresca indicated he is having weekly meetings with colleagues to discuss operational needs. He said that the family office is caught up on orders (both lawyers and self-rep), divorces are getting done, voicemails are being answered, emails are being answered, and the portal is up to speed and there are good turnaround times for filings. Mr. Newell said emails to generic are not always returned, and this is not just his experience but a couple others have mentioned it also. Mr. Ventresca indicated if delays or issues are experienced, an email should be sent to him. Mr. Herter confirmed that CAS orders seem to be on track also. Ms. Workman said the turnaround on the portal seems to be well within five days, so whatever changes have been made seem to be working. Daniel explained that there have been changes to the portal itself and those changes have made things easier with things such as colour-coding, next dates being shown, etcetera.
- f. Ms. Workman shared that she attended Caselines training in York, and it was indicated that the province intends to roll out child protection matters

on CaseLines. She questioned when we may see that in St. Catharines. Justice MacPherson indicated she hasn't heard anything about that and would expect that it would be shared with the judiciary in advance. Mr. Ventresca indicated he would look into this. Ms. Workman also shared that it has been helpful that CaseLines bundles can be opened in advance if the trial coordinators are contacted and this assists in ensuring materials are uploaded in advance.

9. Trial Coordinator's Report – Jodi Spring/Leigh Foster

- a. Ms. Springer advised that as of July 5, 2023, the CAS lists will now be booked into ten-minute slots at the time a date is scheduled or when materials are issued by the family office. Matters will no longer be put over to 10:00 a.m. with the docket being revamped the day before. Ms. Springer indicated there will be a bit of trial and error, as this is a new process for this location, but going forward this will be the practice. Justice MacPherson indicated ours was the last site to implement this practice and we are happy to get up to speed.
- b. Regarding timeouts, Ms. Springer advised that the first available DRO conference date is 3 weeks out. She referenced earlier conversation and indicated that DROs are fully booked, with no availability until August 21. Ms. Springer shared that the first available case conference date is in six weeks, the next available settlement conference date is five weeks out (August 2), and the next available uncontested hearing date is six weeks out (August 11).
- c. Ms. Springer said the next trial sittings are 15 weeks out, in October. There is only one trial set outside of the sittings, which is a family file that didn't

get reached on the May sittings. It is set to commence on September 25. This was the only trial not reached on the May sittings. There were numerous judicial conflicts and it required six weeks of trial time, so arrangements needed to be made for switches and an out-of-town judge in order to accommodate the trial.

On the October sittings, there are 38 trials on the docket – 10 family, 27 civil (13 of them being jury trials), and one five-day criminal matter.

10. FLIC Report and Mediator's Report – Tamara Bodnaruk-Wide/Chris Love

- a. Ms. Bodnaruk-Wide said there was not much to report different from the last meeting in terms of general service provisions. She shared that MIPs remain online, IRCs are still working in person four days a week (Mon.-Thurs), and offsite mediation referrals are still at an all-time high.
- b. Ms. Bodnaruk-Wide was excited to share that onsite mediation services are very close to being rolled out. She said right now there are two pilots running which are slightly different from each other (one in Hamilton, one in Kitchener). She is hoping in the next month that the two pilots will be compared and the best parts of each determined so that the service can be offered to remaining courts to see if it can be adopted (St. Catharines being one of those courts). There were a number of "bumps in the road" figuring out how to make things work in those pilots. Ms. Bodnaruk-Wide sympathized with duty counsel in that mediators also had difficulty accessing court files. She is hopeful that the program will be ready to roll out by the end of the summer but there is no firm timeline.
- c. Mr. Love indicated it is business as usual in the FLIC office. It is still busy in person. He said the local staff continues to grow, especially in preparation

for onsite mediation, and in addition to himself there is also Vanessa and Kim, and Matt will be joining shortly.

- d. Ms. Bodnaruk-Wide also shared that, in Hamilton, there are motion to change seminars being offered virtually, currently on a monthly basis, for two hours that explain how to do a motion to change. As this is virtual, it is open to all courts served, not just Hamilton.

11. Family Court Support Worker Program – Marion Wright

- a. Ms. Wright shared that there is a new domestic violence sergeant, Matthew Catherwood. He was previously a detective in the sexual assault unit and has now been promoted to sergeant and is with the domestic violence unit.
- b. Ms. Wright shared that there has been another domestic homicide in Niagara. It is a reminder of what is dealt with in Niagara and that the people around the victim can also be harmed (another person was murdered at the time as well). Ms. Wright said it is important to keep this in mind in terms of safety planning.
- c. Ms. Wright said there has been a slight (but positive) change to the plans for the expansion; A barrier to leaving is often not being able to take a pet, and currently only emotional support or service animals are allowed at the shelter. Ms. Wright indicated that now instead of a separate space for pets, clients would be able to have their pets with them in their room as part of the shelter, but to do that those rooms would need to be on a separate HVAC system. They must be cognizant of other residents with significant

allergies. Ms. Wright said the hope is that by next year this would be able to be in place.

- d. Ms. Wright indicated the housing crisis in the province is continuing to put pressure on shelters across the province. Generally, the shelter is always full, there are a number of “turn aways” and staff are having to try to find other places for people to go. The frequency of this is extraordinarily high and disturbing. Ms. Wright explained the cost of rent is making things extremely difficult. For example, in West Niagara someone could have what could be considered a decent income in the range of \$60,000-70,000 per year and more than half their net income would go towards rent (hard to find anything less than \$2,000 plus per month), which makes it difficult to leave and that results in increased violence in this situation. Ms. Wright indicated a range of 650-700 clients served.

- e. Ms. Wright shared there is now a waitlist for counselling services, which previously did not exist. There are in-shelter counsellors available if someone attends at the shelter and a 24/7 crisis line still available that have no wait. Unfortunately, this strain on services means there might be a limit on how often people are able to access service, which could mean they may not be able to use the service as often as they should. The hope is that numbers are increasing because victims are finding out about the services offered, but Ms. Wright indicated there is a challenge in the services continuing to meet the need if numbers continue increasing. Ms. Wright shared there is also a wait for the Design for New Tomorrow program. Justice MacPherson agreed it would be disheartening if when

someone finally is able to reach out they may be on a waitlist, there may be no bed available, etc.

12. Police Issues

- a. No issues discussed.

13. Other business:

- a. Justice MacPherson revisited the questions posed to the committee at the start of the meeting.

The committee seemed content to change the meeting start time to 3:30 p.m. Ms. Debbané Piller indicated 3:30 p.m. would work well for her as it would be more likely her court obligations would be finished. Justice MacPherson indicated it might be of assistance to Mr. Sutter, Mr. Newell and Ms. Workman as well, and wouldn't make too much of a difference as the meeting is usually over in about an hour or so.

No one suggested the meetings return to in person. Ms. Workman indicated it is easier to attend the meeting with it being held virtually, especially if she is wrapping something up and it means simply getting on the call. Justice MacPherson indicated it might be nice to get together one time in person, and the idea would be revisited.

Next Meeting Date: September 26, 2023 at 3:30 p.m.