

# **SUPERIOR COURT OF JUSTICE - COMMERCIAL LIST**

## **DUTY COUNSEL PROGRAM**

### **INFORMATION FOR LAWYERS AND SELF-REPRESENTED PARTIES**

Commercial List File Number:
Short Title of Proceeding:
Date of Chambers Appointment:

**You are receiving this notice because a 9:30am Chambers Appointment with a Judge has been scheduled and one or more parties in this legal proceeding is self-represented. A self-represented party represents themselves without a lawyer.**

**\*\*\*please note that during the COVID-19 pandemic, different procedures are in place—please read to the end of this pamphlet for a discussion of the relevant changes\*\*\***

#### **Lawyers: Make Materials Available Electronically for Duty Counsel**

In order to facilitate the Duty Counsel Program, parties represented by lawyers must provide electronic copies of their materials for Duty Counsel. A copy should be uploaded to a file sharing service such as Sharefile, along with copies of the pleadings or notice(s) of application. In a multi-party proceeding, one lawyer should collect copies of materials filed by all other parties represented by lawyers and upload them to one file sharing site. The Sharefile link should be emailed to **clprobono@gmail.com**. The subject of the email should include the Court File #, the date of the Chambers Appointment and the short style of cause (i.e. one party name for each side, like *Smith v. Jones*). The body of the email should include contact information for the self-represented party. **Materials must be shared and the email sent no later than two business days before the Chambers Appointment.**

#### **Self-Represented Parties: Information about the Duty Counsel Program**

##### **What is a Chambers Appointment?**

A 9:30am Chambers Appointment is a short, informal Court attendance where parties meet with a Judge. The Appointment is typically for scheduling motions, trials and other steps in a proceeding, obtaining consent Court Orders (where all parties agree) or addressing urgent matters. The Appointment takes place in a Judge's Chambers and are usually heard between 9:30am and 10:30am or later in the morning if a significant number of Appointments are scheduled that day. Sometimes negotiations among the parties on matters at issue can take place before or after the Appointment. It should take no more than 10 minutes.

##### **What is the Duty Counsel Program?**

The Duty Counsel Program is a roster of volunteer lawyers called Duty Counsel who are available to the Court with the submissions and communications of self-represented parties with 9:30am Chambers Appointments.

### What is the Role of Duty Counsel?

Duty Counsel are lawyers, but they are not the self-represented party's lawyer in the proceeding. They are a volunteer resource available to work with the self-represented party at one step in a proceeding to help the Court in understand their position. They assist the Court with respect to the self-represented party only at this single step. If the parties return for a further chambers conference, a different Duty Counsel may be available.

Duty Counsel are available (with the self-represented party's consent) to:

- (i) meet with a self-represented party on the day of a Chambers Appointment to briefly explain the nature of the matters that may be addressed at the Appointment;
- (ii) attend the Chambers Appointment and work with the self-represented party to communicate their positions to the Judge and other lawyers, including by making submissions on their behalf; and
- (iii) facilitate negotiations between the self-represented party with other represented parties on matters at issue that may take place at the courthouse before, during or after the Chambers Appointment.

### Do I have to Use a Duty Counsel?

Duty Counsel are an optional resource. A self-represented party is entitled to refuse to consent to work with duty counsel assistance.

### How/Where do I Meet with Duty Counsel?

On the day of your Chambers Appointment, arrive early (before 9am) at the Courthouse to meet with Duty Counsel.

The Courthouse is located in the Canada Life Building at 330 University Avenue, 8<sup>th</sup> Floor. The building is at the northwest corner of University Ave. and Richmond Street, just north of Osgoode Subway Station.

Duty Counsel may contact you in advance of the hearing to coordinate a specific meeting time and place. Otherwise, duty Counsel can be found in the hallway just past security or in one of the interview rooms.

### What if I cannot Find Duty Counsel?

Ask Court staff to assist you to locate the Duty Counsel.

As more than one matter in a day may require Duty Counsel, the volunteer lawyer acting as Duty Counsel in any particular day may be occupied when you arrive working with another self-represented party.

*Different Procedures During COVID-19 Pandemic*

Due to the COVID-19 pandemic, the Court is not operating its facilities normally. Some or all of the above steps (your initial contact with Duty Counsel, the Chambers Appointment and any negotiations before or after the Appointment) may take place virtually, either by conference call and/or videoconferencing. The Court has been utilizing Zoom videoconferencing platform. Zoom can be downloaded for free at [www.zoom.us](http://www.zoom.us). Versions are available for PCs, Macs, iPhones, Android phones and tablets. If you do not have a PC, smart phone or tablet, Zoom also provides conference call-in numbers.

Please check the email address that you provide to the Court frequently for information. Duty Counsel and/or Court staff may contact you in advance of the Appointment if any parts of the process will be held virtually.

**Please note that Court staff are unable to provide any legal advice.**