

ONTARIO



Superior Court of Justice
Southwest Region

MEMORANDUM TO THE PROFESSION

TO: The Practising Bar and Litigants of the Southwest Region

FROM: Regional Senior Justice Bruce G. Thomas

DATE: January 16, 2023

**RE: Special Southwest Region Civil Non-Jury Trial Sitting
Commencing November 14 and Ending December 8, 2023**

In his memorandum dated December 14, 2022, to the Ontario Bar Associations and Legal Organizations on the subject of “Virtual Trial Sitzings for Civil, Non-Jury Cases,” Chief Justice Morawetz announced a new initiative to address the backlog of civil trials that has developed as a result of the COVID-19 pandemic.

As the Chief Justice explained, the first sitting will target cases in the Southwest Region.

I am writing to provide you with the following details:

- This special regional sitting is scheduled to commence in the Southwest Region on Tuesday, November 14, 2023 (allowing for the observance of Remembrance Day on Monday, November 13, 2023), and will conclude on Friday, December 8, 2023.
- Only judge-alone proceedings within the Southwest Region will be heard.

- Jury trials are **not** eligible for consideration for hearing.
- All proceedings will be held by virtual hearing.
- The judges presiding over the proceedings heard during this special regional sitting are exclusively comprised of out-of-region (“OTR”) judges.
- The use of CaseLines is mandatory.
- Only non-jury trials that can be heard and concluded within a period of no more than 4-weeks are eligible for consideration for hearing. There will be no exceptions.
- All matters to be heard will be scheduled for a one-half day virtual pre-trial by an OTR judge during the period commencing Tuesday, October 10, 2023 and concluding Friday, November 3, 2023.
- The court will identify those proceedings that are potentially eligible to be heard during this special regional sitting. The court will notify counsel for the parties and any self-represented party to such proceedings. We are presently reviewing those actions already set for trial in the fall of 2023 in all centres.
- In order for such cases to be eligible to be added to the list for hearing during this special regional sitting, all lawyers for the parties and, where applicable, self-represented litigants must fully complete, execute and file an Acknowledgement and Certificate on a timely basis, in the form appended to this Memorandum.
- The purpose of the Acknowledgement and Certificate is to ensure that all counsel and all litigants understand and accept the conditions for the hearing of their proceeding.
- The Acknowledgement and Certificate is a crucial document that the court will rely upon. It should be signed and delivered only if its contents are carefully reviewed and its terms are agreed to. Lawyers should **not** delegate the task of reviewing and explaining the document to their clients.

[3]

- ***No proceeding will be added to the list for hearing at this special regional sitting unless and until the fully completed and signed Acknowledgement and Certificate has been filed with the court at scjsouthwestsjoffice@ontario.ca***

If you have any questions concerning the process outlined in this Memorandum, please direct your inquiry to: scjsouthwestsjoffice@ontario.ca. Please refrain from contacting your local Trial Coordination Office, as the local Trial Coordinators have no authority to determine what matters will or will not be heard at this special regional sitting.

*Regional Senior Justice Bruce G. Thomas
Southwest Region*