

LAWPRO®

Toronto Lawyers ASSOCIATION TLA

Thursday Tips with LAWPRO and TLA: Family Law Tips

April 14, 2022

Program materials



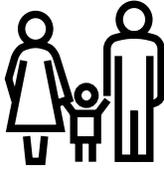
Family Law Claims Fact Sheet.....	1
What NOT To Do: Common Missteps and Oversteps to Avoid the Next Time You Are in Court.....	3
Communicating Like It’s 1867: The Continuing Importance of Telephone Skills for Lawyers.....	6
Ending Well Means Starting Right: The Family Law Intake Process.....	9
Questions and Resources.....	11
Additional Family Law Resources and CPD.....	12
Speaker bios.....	13

This resource is provided by Lawyers’ Professional Indemnity Company (LAWPRO®). The material presented does not establish, report, or create the standard of care for lawyers. The material is not a complete analysis of any of the topics covered, and readers should conduct their own appropriate legal research.

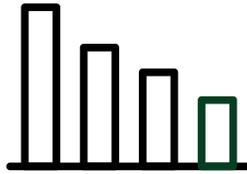


lawpro.ca
Tel: 416-598-5800 or 1-800-410-1013
Fax: 416-599-8341 or 1-800-286-7639
Email: practicepro@lawpro.ca

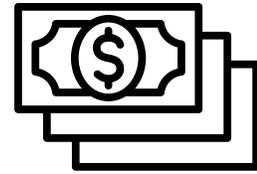
© 2022 Lawyers’ Professional Indemnity Company (LAWPRO). All rights reserved.
® Registered trademark of Lawyers’ Professional Indemnity Company

**# 5 claims area by cost**

- average total cost \$4.4 million per year

**# 4 claims area by count**

- average 210 claims per year

**\$20,700 average cost per claim****RISK MANAGEMENT TIPS****Proactively direct and control client expectations**

Family law clients can be emotional and difficult to manage. They may also have changing and unrealistic expectations. This makes it especially important that you manage their expectations from the very start of the retainer. Helping clients avoid disappointment and surprises will significantly lower your claims exposure.

**Carefully explain agreement terms to clients**

Carefully explain domestic contracts or settlement agreements so that clients cannot later allege that they did not understand the contents of these agreements.

**Be aware of the limitations of your legal knowledge**

Family law is one of the most complex practice areas, with federal and provincial statutes and voluminous case law. No lawyer can hope to be an expert in all aspects of this field, so it's important to know when to seek advice from more specialized counsel (e.g. for estate planning) or third party experts (e.g. tax advisors, accountants, appraisers or actuaries).

**Make better use of checklists and reporting letters**

LAWPRO's [Domestic Contract Matter Toolkit](#) has checklists and forms that contain issues lawyers should consider as they conduct the interview on a domestic contract matter and when they meet with the client to review and sign the document. A final reporting letter detailing what you did and what advice you gave can be a great help in the event of a claim, which may arise long after you've forgotten the details of a particular file.

**Don't lower your standards for limited scope matters**

A limited scope retainer does not mean less competent or lower quality legal services. Identify the discrete collection of tasks that can be undertaken on a competent basis and confirm the scope of the retainer in writing. Clearly document all work and communications. Recognize that unbundled legal services are not appropriate for all lawyers, all clients, or all legal problems. Sample retainers and checklists can be found on the Limited Scope Representation Resources page at practicepro.ca/limitedscope.

COMMON MALPRACTICE ERRORS

Communication - 39%

- Failing to ensure the client understands the potential consequences of excluding certain property from an equalization calculation in a marriage contract
- Failing to adequately explain the terms of a separation agreement, minutes of settlement, or that a settlement is final before the client is asked to sign
- In a limited-scope retainer, not communicating clearly what you are retained to do and what you are not going to do

Errors of law - 22%

- Errors as to entitlement, amount or duration of spousal support
- Not complying with Federal Child Support Guidelines when arrangements are made for child support
- Unanticipated and unintended tax obligations

Time management - 10%

- Claim for spousal support is not made for a lengthy period of time, and ultimately an amount of support is lost because the court will not make a retroactive order
- Missed deadline for an equalization claim

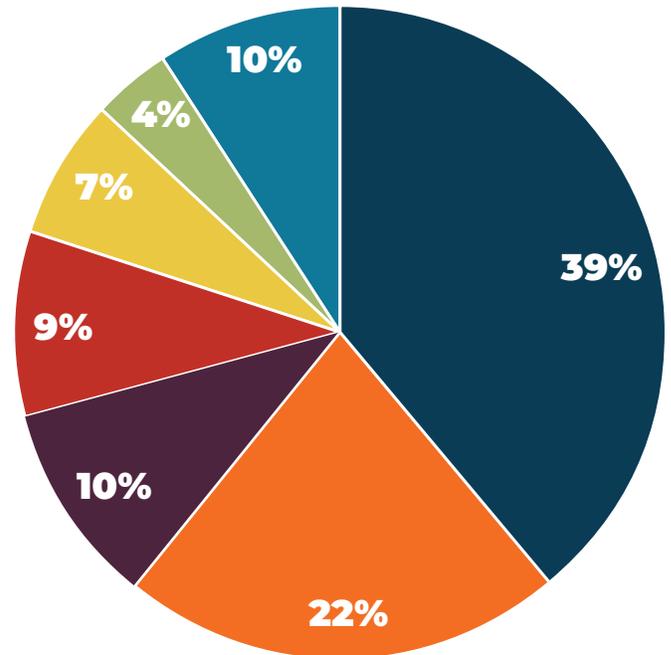
Inadequate investigation - 9%

- Failing to properly identify all assets and liabilities for the purposes of preparing financial statements and making net family property calculations
- Failing to explore full facts and circumstances of a client's marriage so as to appreciate issues that need to be dealt with in a separation agreement or litigation

Clerical and delegation - 7%

Conflict of interest - 4%

Other - 9%



Visit practicepro.ca for resources including the Domestic Contracts Toolkit, the Limited Scope Retainers Resources page, LAWPRO Magazine articles and other checklists, precedents, practice aids

We can provide knowledgeable speakers who can address claims prevention topics.

Email practicepro@lawpro.ca

*All claim figures from 2008-2018. All cost figures are incurred costs as of April 2019

©2020 Lawyers' Professional Indemnity Company. LAWPRO is a registered trademark of Lawyers' Professional Indemnity Company. All rights reserved. This publication includes techniques which are designed to minimize the likelihood of being sued for professional liability. The material presented does not establish, report, or create the standard of care for lawyers. The material is not a complete analysis of any of the topics covered, and readers should conduct their own appropriate legal research.

**“What NOT to Do”:
Common Missteps and Oversteps to Avoid the Next Time you are in Court
 Justice Andrea Himel (SCJ, Newmarket) & Justice Marvin Kurz (SCJ, Milton)
 February 2022**

Family Court is not a counter at McDonalds, where litigants can place their order and expect to receive whatever they please. There are very clear principles, rules, and practicalities that apply to each court attendance. Learning and practicing them will both make the job of your judge much easier and as a result, increase the chances of a successful court attendance. We have set out below a list of common missteps and oversteps to avoid when you are next in court:

1. Procedural Errors:

- Ignoring page Limits (and use of hyperlinks to get around them)
- Single spacing
- Attaching long documents when only excerpts are required
- Late service and late filing (even with consent)
- Notices of motion requesting too much relief for the time allotted
- Ignoring the *Family Law Rules* (“Rules”) and Practice Directions (Ontario-wide and Regional)
- Failure to place all required materials on Caselines
- Failure to file a confirmation
- “59 Minute” motions that are really long motions in disguise

2. Written Materials (content):

- Excessively rhetorical/accusatory/aggressive
- Meandering, off-point

3. Misstating the Law:

- Need to be aware of the law and reference it if necessary
- Your materials should align with the legal test that your client is required to meet
- Failing to state the law adequately or fairly can diminish your credibility with the bench

4. Misrepresenting the Facts and Providing Inaccurate Support Calculations:

- Do not take your client at their word
- Question the narrative if there are logical holes or allegations unsupported by evidence
- A lack of transparency and truthfulness many lead to both unreliable judicial opinions at various stages of your proceedings (which may change over time) and the loss of your credibility

5. Taking Unreasonable Positions at the Conference or Motion:

- Manage and temper your client’s expectations
- Offer your client a reality check at each step – with regard to the narrative, law, reasonable expectations and costs of the proceeding

- The judge should not be the first one to deliver bad news to your client
6. Failing to Focus on the Best Interests of the Child:
- Assuming that immediate equal shared parenting is either a presumption or automatically in the child's best interests, unless there is evidence to support same (see AFCC Ontario Parenting Guide for indicators where shared parenting is more or less likely to be successful)
 - Assuming, on the other hand, that limiting the other's parent's contact is in the child's best interests or that withholding the child is acceptable (in the absence of a Court order or a written direction/request from a Children's Aid Society)
 - Failing to explain that most children (from ages 3 or 4, to 12 or older) will spend "good" amounts of time in each parent's home, typically at least 5/6/7 overnights plus holidays, as is supported by the social science research and the caselaw
 - Disregarding outside resources that can help parents to co-parent and come to a resolution (mediation, counselling, parenting coordination, assessment)
 - Failing to engage in flexible consideration of how parents can work together and, where appropriate, coparent (to a greater or lesser degree)
 - Ignoring health issues of pandemic
 - Omitting to educate a client about the few areas that fall within major decision-making, i.e. : education, health, culture, religion (and sometimes major extracurricular activities) – these are not the areas where most conflict arises
 - Avoid overinvolvement with a parent's position, particularly when it does not align with the child's best interests
7. Strategic Timing:
- Avoid:
 - Manifesting deliberate/strategic delay – delay typically advantages one side and often disadvantages the child
 - Or attempting to force matters on, (for example on short or no notice), in order to gain a strategic advantage
 - Failing to request an urgent case conference before an urgent motion
 - Failing to recognize that motions without notice are rarely successful (the bar is very high), can lead to extreme conflict, and are often a poor use of a client's family law budget
8. Ignoring the Purposes of the Court Attendances, as Follows:
- On a case conference: to resolve procedural/disclosure/ most urgent issues and set out next steps
 - On a settlement conference: to resolve or narrow as many issues as possible
 - On a trial management conference: to explore whether there is a potential to settle, to jointly choreograph the trial and to ensure that all materials are served and filed on time so that the matter can be heard without further delay
 - On a motion: to succinctly present the evidence and law in your client's favour, without misrepresenting the facts or the law
 - Making common conference errors of:

- Failing to have meaningful conversations or four-way meetings in advance (now required by FLR's)
- Failing to ensure that adequate disclosure is offered (now required by automatic orders)
- Expecting the judge to just “go through the motions” and move you on to the motion/trial;
- Failing to properly prepare to deal with factual and legal issues (the judge is well aware when there is a lack of preparation – for example, when the lawyer is unable to answer basic questions or not aware of the applicable law)
- Making Common Motion Errors of:
 - Submitting materials that read as if your client has drafted them (or worse - allowing them to draft the materials)
 - Making excessive, overly rhetorical, unsupported, and manifestly unfair claims against the other party
 - Failing to admit the weaknesses of your client's case
 - Failing to raise all of the factors set out in the caselaw
 - Being unprepared for questions from the bench

9. Lack of Civility with Co-counsel, Self-rep Litigants and the Court:

- Failing to communicate with the other side in advance of a Court attendance
- Failing to resolve or narrow issues
- Failing to consider mediation or other family dispute resolution process
- Reacting negatively to the other lawyer
- Interrupting the other side or the judge
- Taking advantage of self-rep litigants

10. Unreasonable Costs Expectations:

- Failure to serve offer(s) to settle
- Failure to make offers severable
- Failure to accept reasonable costs
- Ignoring the principle that full indemnity costs is the exception rather than the rule (*Beaver v Hill*)
- Treating the Court as an “ATM machine”
- Failure to offer your own bill of costs if you are the “losing party”, in violation of the *RFL's*
- Forgetting to speak to your client at the beginning and at each stage of the proceeding about the cost of the current and future steps in the litigation (send frequent interim bills, even if only “drafts”)

11. The Eleventh Commandment” - Do Not Allow One Case to Ruin Your Reputation:

- Beware of overly personal investment in a case – it is not your case.
- It takes a career to build a reputation and one moment to ruin it.
- “You never get a second chance to make a first impression”

COMMUNICATING LIKE IT'S 1876:

THE CONTINUING IMPORTANCE OF TELEPHONE SKILLS FOR LAWYERS

When the Western Union Telegraph Co. famously declined to purchase the telephone patent from Alexander Graham Bell, it was allegedly because they wondered why anyone would want to use such a frivolous and impractical device when a clear and concise written message could just as easily be sent by telegraph.

This assessment seems less absurd today than it once did. For younger generations, communicating by telephone is quickly becoming an anachronism—the “phone” component of smartphones a vestigial relic.

One recent study found that 73 per cent of millennial employees primarily use email to communicate at work, while only 19 per cent still primarily use a telephone. With less telephone usage, our comfort with the device can fade and our skills can atrophy—leading to anxiety and lack of confidence. Another study found that 81 per cent of millennials sometimes feel like they have to summon the courage to make a phone call.

But despite the changing ways we communicate with one another in the modern world, the legal profession is still a place where the ability to confidently and successfully communicate and negotiate by phone is a fundamental skill—one that was never covered in law school.

Communication breakdowns and misunderstandings cause close to 47 per cent of malpractice claims.

We spoke with Deborah Glatter, a management consultant for various Bay Street firms who previously led Cassels Brock’s professional development department and worked with the Law Society of Ontario designing and teaching the bar admission course for new lawyers, and Sandra Forbes, a partner at Davies Ward Phillips & Vineberg LLP with 27 years of experience as a commercial and civil litigator. They provided us with their thoughts on when phone calls should be preferred and the bad telephone habits they often see in the legal profession, including the advice they have for lawyers looking to improve their ability to advance their clients’ interests over the phone.

Five times it’s best to pick up the phone

1) When the client prefers phone calls

If a client or third-party usually reaches you by phone, you can assume it’s their preferred method of communication. Deborah says, “you should determine the form of communication in some part by virtue of how people are communicating with you. If I have a client who only communicates by email, I might not pick up the phone, and vice-versa.”

2) Delivering bad news

Bad news shouldn’t be delivered in an email. It’s difficult to convey empathy without a true conversation, and

it's important to communicate to the client that you care about their interests and share their disappointment, lest they question how hard you worked to avoid such a turn of events.

3) Scheduling and other non-substantive matters

Written communications can be easily misunderstood.

A quickly dashed-off email can leave the recipient confused or with the wrong impression. Any time more than one email is needed to confirm a non-substantive issue, such as scheduling a meeting or court date, or if there is any concern that the other person has misunderstood what was intended, it's best to pick up the phone.

Sandra advises that a phone call will often expedite scheduling issues: "I get lawyers who are frustrated because they sent an email asking for dates and they can't get a response. So I'll just say 'get on the phone and call them.' There comes a point where you find you're not getting anywhere with written communications and getting someone on the phone can be very effective."

Of course, if you come to an agreement, you should follow up with an email to confirm it in writing.

4) Asking for favours and addressing outstanding accounts

It's harder to ignore someone when they have you on the phone. Sandra suggests if you need a favour from opposing counsel, such as adjourning a court date, it's easier to get what you need if they put a voice to the request.

Similarly, Sandra says lawyers should follow-up with clients regarding unpaid fees by phone: "It's more effective to call the client and say 'the account that we sent three months ago remains unpaid, do you have any questions about it? We would really appreciate it if you would bring these accounts up to date.' This has more impact than writing another 'Further to my letter of such and such' message, which looks like a form letter and won't have much effect."

5) Putting the brakes on an escalating conflict

Sometimes you may want to have a discussion before putting anything in writing. Sandra suggests there are "circumstances where someone may write you an email or letter and it's clear that your only possible response to them would take everyone down an unhelpful path. It's a good idea to call the other person and say 'Is this really what you want to do? Maybe we should think about another option.'"

Similarly, a phone call can help unwind an escalating dispute. In Sandra's experience, "if somebody is being difficult or rude by email, I usually try to call them, because that will often deflate the situation. You humanize yourself that way and can often avoid the animosity and dispute that might otherwise arise."

Six bad telephone habits (and how to fix them)

1) Not listening

For Sandra, the biggest problem she sees is lawyers doing a lot of talking, but not a lot of listening: "People have a natural inclination when they get on the phone to feel like they have to make their point and convince the other side. Unfortunately, that means they're often not listening. They try to talk over others and act like the last word is going to win the day. That's really not the case though."

As Deborah explains, "in terms of your tone, you want to provide active listening cues. Silence may not be reassuring to the speaker, so things like a simple 'uh-huh' can be beneficial because you don't want to interrupt. Small vocal acknowledgments from time to time let the other person know that you're listening. If there's a pause, it's helpful to repeat a word or phrase back to the other person and acknowledge what was just said. Things like 'I realize how important this is to you' in a tense conversation can go a long way. When you're wrapping up, it's good to ask 'Is there anything else you would like to add?'"

2) Lack of preparation

Sandra says, "it's important to set the stage at the beginning of the call for what you want to accomplish. Not doing that can lead to a wide-ranging discussion that becomes very inefficient. Before an important call, I'm going to think about what I want to say, what I want to accomplish, and what I'm going to say in response to what the



other person will likely say. That may mean thinking about the call for 15 seconds, it may mean writing an outline for five minutes, or it might mean sleeping on a strategy for the conversation overnight. Everything is a form of advocacy and if you're calling somebody to achieve something, you need to put your best foot forward to be successful."

Deborah suggests that an outline can help keep a conversation on track: "While you don't need to write out the narrative in advance, it's important to write down a few key points before the call. That will give you some assurance that you will accomplish everything you need without having to call back later."

3) Yelling

Unfortunately, one downside to using the phone to discuss a contentious matter is the possibility that someone will let their passions inform their volume. This undermines the productivity of the conversation. "It's hard to manage your own emotional state when somebody is yelling at you," Deborah says, "but if you respond in the same way, it escalates the situation. It's okay to say 'do you realize you're yelling at me? I'd like you to stop.' If you're speaking with someone other than a client, and you're unable to bring the tension down, you just have to say 'the tone of the conversation isn't productive. I think we need to speak again when we can control the emotions here.'"

Some aggressive phone conversations can be avoided by establishing a positive tone at the start of the call. Sandra says, "you'll have the most success if you make the other side feel like things are their idea. So it's good to start with a positive comment on their interests in the matter at hand, such as saying 'I've been thinking about your suggestions from our last conversation.' You should try to make your points in a context where the other side's defences aren't immediately raised."

4) Leaving muddled voicemail messages

"One thing that maddens me," says Deborah, "is when I pick up a voicemail and it sounds like the speaker is in a race against time. I can't tell where the first name ends and the last name begins and I waste an inordinate amount of time replaying the message to just get the information down."

Sandra agrees that long and confusing voicemails are a widespread and frustrating problem. She says "if I call someone and they're not there, but I'm not ready to leave a voicemail message, I won't leave it. I'll hang up and compose what I want to say and phone them back so they have a crisp, clear voicemail that will facilitate a response. When people are not prepared, they tend to repeat themselves, go on forever, and end up contradicting themselves."

The voicemail should briefly state the purpose of your call and whether or when you intend to call back. You should end the message by

slowly stating your own phone number—preferably twice to ensure the listener has time to write it down—and repeat your name at the end if the other person doesn't already know you.

5) Indiscrete cell phone calls

Some lawyers are rarely in the office and practice from their cell phones. But lawyers should take care when taking or making a call outside the office. "Aside from the fact that it's annoying to hear someone speaking loudly on their cell phone in public," Sandra says, "there are confidentiality concerns. If you're in a public area, you really can't have a conversation that mentions names, and it may not even be safe to speak in generalities."

Sandra suggests taking the time to find some privacy before talking about a legal matter by cell phone: "If someone calls me on my cell phone and it's urgent, I'll say, 'I'm on my cell right now, so how urgent is this? Can I call you back later when I'm in my office?' If not, I'll try to find a place close by where there is as much privacy as possible."

6) Not memorializing the phone call

Always make a written record of a phone conversation with a client or opposing counsel, including any substantive issues discussed, instructions received, or agreements reached. Habitually doing so can prevent serious headaches and malpractice claims down the road.

The generational telephone gap

While strong telephone skills are important for every practice, cultural and technological changes will likely continue to minimize the volume of calls most lawyers make. Even so, both senior and junior lawyers should keep in mind the communication preferences of their clients and colleagues and adapt accordingly.

Deborah points out that senior lawyers can sometimes take offence if a junior associate often uses email to communicate, rather than a phone call or in-person conversation: "I think some younger associates don't understand that when they're dealing with older lawyers, they often didn't grow up with keyboarding skills and it's sometimes very time consuming and cumbersome to communicate by email."

At the same time, Deborah says senior lawyers need to understand that younger associates will sometimes consider it rude to use the phone: "It means the caller is prioritizing their schedule over the schedule of the person they're calling. It's assuming that they have time to set everything else aside and talk right now."

Of course, telephone communications being one-sided impositions on another person's time was a feature from the technology's inception. After all, the first spoken words transmitted by wire were Alexander Graham Bell summoning his assistant with the utterance, "Mr. Watson—come here—I want to see you." ■



Ending well means starting right: The family law intake process

The most critical step in any family law case is when clients meet with prospective counsel. That meeting establishes the nature of the relationship, a preliminary game-plan, and each party's expectations of the other.

Most clients approach that inaugural meeting with considerable anxiety. Most have never dealt with a lawyer, and certainly not with respect to a family law case. Most are apprehensive about sharing their story and

anxious to hear the lawyer's assessment of the case. Depending upon the client's knowledge, sophistication and expectations, he or she may be looking to the lawyer as a potential saviour, gladiator, therapist, best friend, or

adversary. At the same time, the lawyer is assessing the client for appropriateness of the case, potential conflicts of interest, financial resources and ability to develop an effective working relationship.

©2018 Lawyers' Professional Indemnity Company.
This article originally appeared in LAWPRO Magazine (Vol. 17 no. 1).
It is available at www.lawpro.ca/lawpromag
The practicePRO and TitlePLUS programs are provided by LAWPRO

The lawyer's objectives for the initial meeting should include:

- Determining the names of all parties and related or interested third parties that will be required for a conflict search;
- Determining how the client was referred to you and whether the client is prepared to retain counsel or is "just shopping";
- If the client is changing counsel, assessing the reasons for the change;
- Understanding the circumstances of the separation, including whether the client was the "leavor" or the "leavee";
- Understanding what formal and informal procedures (negotiations, litigation, interim agreement, etc.) have taken place to date, with what success, and why;
- Obtaining a preliminary history that allows you to identify in a general sense what the factual and legal issues are likely to be;
- Determining what the issues or problems are that require immediate attention;
- Determining if the client's level of understanding, emotionality, expectations and financial resources make the client suitable for representation;
- Asking about the client's objectives and motivations and how they might compare to those of the spouse;
- Determining who is opposing counsel and what, if any, communications with counsel have taken place; and
- Developing a rapport that allows the client to feel understood, confident, and in good hands.

Wise counsel will exercise caution in promising a favourable result in the case. While it is tempting to tell the client what the client wants to hear, the initial meeting usually does not provide the lawyer with enough information to allow a useful assessment. It may be appropriate to explain general legal principles and how they may apply in this case, depending on what facts are ultimately determined. Sometimes the most that can be done is to identify factual or legal issues that will require further investigation. The lawyer should assure the client that a thorough

analysis and recommendation will be provided once the initial investigation stage is completed.

The initial meeting is an appropriate time to discuss the methods of dispute resolution that may be appropriate for this case. The lawyer should explain the steps in a typical family law case and when and how such cases are usually resolved. Clients should understand that there is a range of options (negotiation, mediation, litigation, and so on) that can be utilized, depending on the requirements of the case, and be given a summary of the advantages and disadvantages of each.

Clients need to understand that there are at least four key players in a family law case (the two parties and their counsel) and that no one player controls the pace and direction in which that particular case moves.

The two questions that are on the mind of any client are: "How long will it take?" and "What will it cost?" If the client doesn't raise these issues, the lawyer should. The answer, of course, is that no one knows, although the lawyer can often identify certain factors or developments that may add to or reduce the time and cost it will take to get a resolution. The lawyer should explain how legal fees are determined, hourly rates for the lawyer and the members of his staff, and the lawyer's retainer requirements. A written retainer

agreement should be reviewed and either signed at the meeting or sent home with the client for review, execution, and return.

The lawyer should identify and explain the role of each member of staff and who the client will deal with for different aspects of the case.

The client should be given a blank financial statement to complete and return, together with a list of the documentation that will be required. Where appropriate, the client should be directed to prepare a history of the marriage as well as a written response to the opposing party's financial statement, pleadings, or other documentation. A preliminary discussion may take place regarding expert reports (valuations, income analyses, medical reports, etc.) that will likely be required. By the end of the initial meeting (which typically will last 60 to 90 minutes), both the lawyer and the client should be in a position to indicate to the other whether or not he or she is comfortable formalizing their relationship and planning for the important next steps. ■

Lorne Wolfson is a Toronto family lawyer, mediator and arbitrator with **Torkin Manes LLP**.

*This article was previously published in the November 14, 2014 edition of **The Lawyers' Weekly**.*

practicePRO Resources for Family Practitioners

Visit practicepro.ca for these helpful resources

- The **Domestic Contract Matter Toolkit** includes an intake form, matter intake checklist, post-meeting client assignment sheet and Children of the Marriage form.
- The **Limited Scope Retainer Resources page** includes sample retainers, checklists and client information brochure.
- A **Family law matter retainer precedent** includes all the terms a retainer should have.
- The **Client Billing and Administrative Information letter precedents** advise clients on communication protocols, retainer and billing expectations and how they should conduct themselves.

Questions and Resources

Michael Zalev



Three Questions To Always Consider:

1. How does the court have jurisdiction to grant the relief I'm seeking.
2. What is the legal test for obtaining the relief I'm seeking?
3. What facts do I need to prove to meet the legal test?

Where Can You Find The Answer To These Questions?

1. Bar Admission Course Materials
2. [Ontario Family Law Practice](#) by LexisNexis
3. [McLeod's Ontario Family Law Rules Annotated](#) - Thomson Reuters (also available electronically on Westlaw)
4. [McLeod and Mamo Annual Review of Family Law](#) - Thomson Reuters (also available electronically on Westlaw)
5. [The 2022 Annotated Ontario Family Law Act](#) - Thomson Reuters (also available electronically on Westlaw)
6. [The 2021 Annotated Divorce Act](#) - Thomson Reuters (also available electronically on Westlaw)
7. [Evidence in Family Law](#) - Thomson Reuters (also available electronically on Westlaw)
8. [Ontario Courtroom Procedure](#) – Lexis Nexis

Resources For Staying Up To Date On Recent Developments In The Law

9. Franks & Zalev - This Week in Family Law by Thomson Reuters (national family law newsletter that is posted on Westlaw every Monday)
10. [Corollary Relief](#) twitter feed by Shmuel Stern (daily twitter posts about notable family law cases from Ontario)
11. Ontario Family Law Reporter by LexisNexis

Additional Family Law Resources and CPD

Toolkits and Precedents	
Domestic Contract Matter Toolkit	Includes draft intake form, intake checklist, post-meeting client assignment sheet, and execution meeting checklist
Family Law Retainer Precedent	Part of practicePRO's retainer and non-engagement precedent offerings
Limited Scope Representation Resources	Information and resources intended to explain the risks inherent in providing limited scope legal services and how to reduce exposure to claims when working for clients on an unbundled basis.
LAWPRO's Practice Tips Sheets	Helpful tip sheets organized by type of practice error which provide ways to avoid common mistakes. Includes tips on delegation, managing deadlines, conflicts of interest, and other categories.
Divorce Settlement Fraud Warnings and Info	Avoidclaim.com's information on common fraudulent schemes directed at Family Law lawyers
Table of Ontario Mentoring Programs	A helpful table of various mentoring programs offered by legal groups and associations for Ontario lawyers
Technology Products for Lawyers and Law Firms	A helpful table of software solutions for lawyers including resources targeted to Family Law practitioners.
Rules and Principles for Lawyers	
The Advocates' Society Principles on Civility and Professionalism for Advocates	Principles intended to complement the Rules of Professional Conduct and guide Family Law Lawyers in their practice
Law Society of Ontario's Rules of Professional Conduct	Rules governing lawyers' behaviour and conduct in Ontario.
Additional Family Law CPD	
Law Society of Ontario Family Law Summit - Recast June 27-28, 2022	Two-day online summit dealing with topics such as custody and access, child and spousal support, domestic contracts, division of property and alternate dispute resolution, procedural matters and practice management from experienced lawyers, judges and experts.
Osgoode PD: Family Law Skills and Practice	Online learning with intimate class sizes. Lessons are structured as 9 modules spread out over 3 months.
Family Law Association CPD	Includes the 311 Jarvis "Open Bar" Program and other educational offerings

SPEAKER BIOS

Yvonne Bernstein



Yvonne Bernstein is a graduate of McGill University. She practised family law and civil litigation prior to joining LAWPRO.

Yvonne has continued her specialty in family law both in the area of claims as well as in the development of risk management tools for family law lawyers. In affiliation with DIVORCEmate Software, Yvonne worked on the development of Precedents+, a document creation program that utilizes a checklist format to create a customized and comprehensive domestic contract.

Yvonne is a frequent speaker at programs on family law, risk management and professional responsibility. She was an instructor in both the Family Law Section and the Professional Responsibility Section of the Bar Admission Course for more than 10 years. She has authored numerous articles on family law and risk management issues.

Jennifer Gold



Jennifer Gold is a partner of Wood Gold LLP and practices Family Law, Mediation and Wills. She was called to the bar in 2002. She graduated from York University with a Bachelor of Arts (Hons.) in English and Psychology and holds an LL.B. from Osgoode Hall Law School. She serves as President of the Board of Directors of the Women’s Law Association of Ontario. She was also appointed by the Government of Ontario to serve on the Board of Directors of Legal Aid Ontario. She is a former Board Member of North York Women’s Shelter. Jennifer serves as a mentor to other lawyers.

Jennifer is a mediator who has completed the Certificate in Family Mediation at York University. She practices mediation with a view to help parties improve their relationship and understanding of each other.

Jennifer offers a settlement focused approach to Family Law cases. She is highly experienced in negotiating separation agreements, providing advice in complex Family Law matters, and representing clients in mediation and/or arbitration.

By entering into partnership, Jennifer Gold and Frances Wood, sought to create an alternative to the traditional law firm and thereby achieve work-life balance and a diverse workplace. Their efforts were noted by Carol Goar in her article for the Toronto Star entitled, “Women Create Family-Friendly Law Practice”. Jennifer is also an advocate for diversity and inclusion in the legal profession and was quoted in the Toronto Star article, “The biggest law firms employ plenty of women – but there aren’t many at senior levels”.

Jennifer is a 2017 recipient of the Lexpert Zenith Awards celebrating the advancement of women in the legal profession.

When Jennifer is not practicing law, managing a law firm, and engaging in service to her profession and community, she enjoys spending time with her family including her dog and two cats!

Kelly D. Jordan



Kelly D. Jordan has practised in Toronto in the areas of family law, wills and estate planning, and assisted reproductive technologies for over two decades. She is the former Chair of the Canadian Bar Association and the Ontario Bar Association Family Law Sections.

Kelly Jordan leads by example. Her vast family law experience, her creative approach to legal strategy and her compassion towards the families she represents have all made her a renowned and dependable name in the field of family law in Ontario and across Canada. Kelly is a recognized specialist in all areas of family law. These areas include cohabitation and marriage agreements, adoption, fertility and assisted reproduction, separation and divorce.

Kelly is a member of [The American Academy of Assisted Reproductive Technology Attorneys \(AAARTA\)](#), is certified by the Law Society as a specialist in Family Law, and is ranked as a leading Canadian lawyer by [Lexpert](#) and Best Lawyers.

Kelly is a founding member of The Minerva Group, an association of senior family law lawyers in Toronto who provide timely access to family law mediation, arbitration and litigation management services. Kelly brings an empathetic and innovative approach to conducting mediations, using foundational best practices for both mediation and arbitration, as developed by The Minerva Group.

Juda Strawczynski



Juda manages and promotes practicePRO, LAWPRO's innovative claims and risk management initiative, including identifying emerging claims and risk, resource creation, and outreach to the profession.

Prior to joining LAWPRO, he served as a Policy Counsel at the Law Society of Ontario, where he provided strategic counsel with respect to key issues facing the legal profession, including access to justice, professional regulation, governance and legislative issues. Prior to that, Juda practised litigation, and served as a Fellow at Physicians for Human Rights in Cambridge, MA, as President of Canadian Lawyers for International Human Rights (CLAHR) from 2013 to 2018, and as a Director of the Canada Millennium Scholarship Foundation. Juda has a Bachelor of Arts from McGill University in Humanistic Studies and International Development Studies, and a Juris Doctor from the University of Toronto.

Michael Zalev



Michael Zalev is a skilled and strategic litigator, negotiator, and problem solver who provides tactical, sensible, and proactive advice to his clients. He meticulously prepares clients for mediations, hearings, arbitrations, and trials, taking the necessary time to explain the finer details of each case. He is experienced in dealing with cases at all levels of court, including the Divisional Court, the Ontario Court of Appeal, and the Supreme Court of Canada.

As a partner at Epstein Cole, Michael's practice focuses on family law and the defence of professional negligence claims against family law lawyers as Preferred Counsel for the lawyer's insurer, LAWPRO. He regularly deals with complex family law parenting and financial issues involving appeals, contested facts, inter-jurisdictional matters, abduction, parent-child contact problems, stock options, private businesses, pensions, bankruptcy, and more. Michael works to minimize conflict, focusing on problem solving, loss prevention, and repairs, often working on behalf of LawPRO, lawyers, and other professionals.

Michael is an Associate Editor of the Reports of Family Law, and the co-author of "Franks & Zalev, This Week in Family Law", a weekly family law newsletter published in FamilySource by WestlawNext Canada. He has been appointed as a Dispute Resolution Officer for the Superior Court of Justice in Toronto. He is also the co-chair of the annual Walsh Family Law Negotiation Competition that is run by the Ontario Chapter of the Association of Family and Conciliation Courts, and he regularly presents at continuing legal education programs about family law and professional negligence issues.

Michael's previous work as a clerk for the Judges of the Ontario Superior Court of Justice has given him unique insight into how contentious decisions are made in court and this experience has positively shaped how he approaches all legal matters. For Michael, the first step is determining how best to set up the case, build a factual record, and synthesize it all without sacrificing quality. He is quick to assess the state of any legal matter, effectively evaluating how to achieve the most desirable outcome for his clients.