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What is the Family Law Rights of Appearance Pilot Project?

- The Family Law Rights of Appearance Pilot Project allows eligible lawyer licensing candidates to appear in court on an increased number of matters related to family law cases without first needing advance permission of the court pursuant to Rule 4(1)(c) of the Family Law Rules.
- Rule 4 allows that a party may be represented in court by someone who is not a lawyer, but only if the court gives advance permission.
- In matters where advance permission is not required, candidates must have a lawyer with direct knowledge of the file on stand-by availability.

Why was the Family Law Rights of Appearance Pilot Project created?

- The pilot is a joint initiative of the Law Society of Ontario, the Superior Court of Justice and the Ontario Court of Justice.
- The pilot was launched in 2022 as an access to justice initiative to help increase access to family law services for Ontarians and provide additional learning opportunities for lawyer licensing candidates.

Who is eligible to participate in the pilot?

- Candidates who are eligible to participate in the pilot are referred to as Permitted Candidates. Permitted Candidates include:
 - lawyer licensing candidates
 - LPP/PPD students engaged in work placements and
 - Law students enrolled in an Integrated Practice Curriculum program at Lakehead University or Toronto Metropolitan University and who are engaged in a work placement.

How can candidates participate?

- Articling principals overseeing lawyer licensing placements and supervising lawyers who oversee LPP, PPD and IPC placements are responsible for determining which learning experiences are best suited to a candidate's learning goals and are encouraged to consider participating in the Family Law Rights of Appearance Pilot Project.
- Candidates are encouraged to speak to their articling principals and supervising lawyers to consider if they are eligible and what opportunities may be available.

Matters not requiring advance permission

These matters require candidates to have a lawyer with direct knowledge of the file on stand-by availability:

- First appearances.
- Preparing submissions and attendances to address costs.
- Appearances to settle disputed orders.
- Assignment court/audit court, to confirm a trial is ready to proceed.

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- Rule 14B motions for consent orders or other procedural, uncomplicated, or unopposed matters, including requests regarding service and extension of timelines.
 - Attending on refraining motions either for the Family Responsibility Office, Ontario Works, or the support payor.
 - Case conferences (including conferences before Dispute Resolution Officers) and “to be spoken to” lists.
 - Form 15D Consent Motions to Change Child Support.
 - Any step in a Motion to Change related solely to child support with a T4 employee support payor – (except for discretionary claims pursuant to sections 3(2), 4, 7, 8, 9, or 10 of the Child Support Guidelines).
 - Motions to appoint the Office of the Children’s Lawyer, except for appointments under the *Child, Youth and Family Services Act (CYFSA)*.
 - Motions relating to questioning and undertakings.
 - Attendances to speak to matters on consent, including consents to incorporate settlements reached through negotiation, mediation, and minutes of settlement.
 - Support enforcement proceedings including steps relating to final disposition.
 - Motions relating to financial disclosure.
 - Contested adjournments.

What is considered stand-by availability?

- When a candidate speaks to a matter not requiring advance permission, a lawyer with direct responsibility for the file must be available on stand-by to speak to the judge, if required.
- Stand-by means that the lawyer is available to appear in court at the scheduled time, either virtually, by telephone, or in person, if required by the court.

Matters requiring advance permission and candidates be accompanied by a lawyer with direct knowledge of the file

- Any matter involving the *CYFSA*, Hague Convention on the Civil Aspects of International Child Abduction, or other concerns related to child abduction or wrongful retention.
- A settlement conference, trial scheduling conference, or trial management conference.
- Any case where a party on either side is under disability.
- Anything that finally disposes of a matter, including motions for summary judgment, except as otherwise provided above.
- Any case that includes an allegation of family violence.
- Focused hearings or trials.



What additional responsibilities are required of articling principals or supervising lawyers when candidates participate in the pilot?

In addition to following the [General Guidelines for all Appearances](#), articling principals and supervising lawyers must ensure:

- candidates are adequately supervised, with ongoing training and monitoring with respect to their court representation and activities, in respect of both substantive and procedural family law.
- candidates are properly prepared and familiar with the client's file and
- the client has granted permission for the candidate to speak to the issues being addressed in the court appearance, including resolution of those issues on consent. If issues arise outside of those that were expected to be addressed by the court, the lawyer with direct responsibility for the file must be available to speak to the matter.

What additional responsibilities do candidates have when appearing in court under the pilot?

In addition to following the [General Guidelines for all Appearances](#), candidates must:

- indicate to the court that they are appearing under the Family Law Rights of Appearance Pilot Project and are within the rights of appearance and
- confirm to the judge at the start of the proceeding that a lawyer with direct responsibility for the file is available on stand-by in matters where the candidate is speaking to a matter not requiring advance permission.

If the presiding judge decides a matter should not proceed, what steps should be taken by a candidate?

- The presiding judge retains discretion to permit or refuse a candidate's attendance.
- If the presiding judge decides the candidate should not proceed with the matter without a lawyer with direct knowledge of the file present, the candidate should ask that the matter be stood down briefly to enable that lawyer to address the matter.
- A lawyer with direct knowledge of the file should be on stand-by and ready to attend court. Where requested, the candidate shall notify the judge if the lawyer with direct knowledge of the file is not immediately available to attend in person and, if so, of the approximate amount of time it will take for them to be available in person.

The Law Society regulates [lawyers and paralegals](#) in Ontario in the public interest. The Law Society has a mandate to protect the public interest, to maintain and to advance the cause of justice and the rule of law, to facilitate access to justice for the people of Ontario and to act in a timely, open and efficient manner.

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