

**COVID-19****Stepping up for Ontario's families | AJ Jakubowska**By **AJ Jakubowska**

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(March 24, 2020, 3:33 PM EDT) -- As we come to terms with the outbreak of COVID-19, it is important to be hopeful. Today, hope provides important balance to the openly apparent but also underlying sense of uncertainty, and even anxiety, so many Ontarians are facing. Yet hope must be accompanied by action.

We family law lawyers have a special responsibility right now: to approach the current outbreak, and its impact on our clients and their cases, both realistically and proactively. Many, perhaps most, of our existing cases cannot come to a halt, though it feels like with each day, our province is taking steps in that direction.

As they did before the outbreak, our clients are still yearning for finality to their family law issues — perhaps now more than ever. As challenges related to the outbreak continue, there will also be novel issues, related to access in the face of COVID-19 concerns, for example. Some such issues were already the subject matter of recent court rulings.

It is our responsibility, as members of our profession and representatives of the legal system, to step up and devote all possible resources to ensuring that no one falls through the cracks. More than that, we owe our clients our best efforts to continue to resolve their cases, as we did before the outbreak.

Now more than ever, we must call on our highest ideals and practise family law in a way that proactively responds to these challenging times. To achieve our current goal, we must be collegial, co-operative, creative, understanding to and of one another, as members of the bar. We must also take extra steps to reassure our clients, and the public in general, that we are available and prepared to assist where help is needed.

We must be vigilant when it comes to our clients' mental health and refer them to appropriate resources for support. Our voices can make a difference to the public's perception of our system's ability to handle the current challenge. We are obligated to deliver a message of reassurance and readiness to act.

Self-represented litigants are particularly vulnerable at the moment and I expect their numbers will grow as increasing numbers of Ontarians face financial pressure as a result of job loss.

Many have heard through mass media that family courts are closed. Many simply do not know that urgent matters continue to be heard and that victims of domestic violence, for example, can turn to family courts for assistance. It is our job, as family law lawyers, to disseminate information about this issue.

What can we do? Here are some suggestions:

**Pick up the phone**

Call your client. Provide reassurance by engaging in a dialogue, person to person. E-mails are a great way of communicating but particularly in these challenging times, they are no substitute for the human touch. Make the call.

Call the opposing lawyer. In fact, do not think of them or refer to them as a “the opposing lawyer” — change the lens — think of them as your professional colleague first and a partner in resolving your respective clients’ issues. Make the call a real opportunity to advance the issues in your case; if not to a final resolution, then at least forward.

### **Use videoconferencing**

Zoom and similar platforms are not as effective as personal meetings but in many instances, they can ease our clients’ tension and uncertainty because they have an added “visual” component — the participants in the dialogue can see one another. I believe this feature will become even more important over time, as we are increasingly expected to reduce person-to-person contact and we become increasingly reliant on electronic communications.

### **Say ‘yes’ to requests for accommodations — be flexible**

This is a learning curve for all of us — even for the courts. Every day brings new challenges; to tackle them successfully, we need to engage, more than ever, in thinking in open-minded, flexible and creative ways. I am talking about delivery of documents and ways to communicate, for example. Counsel asks to have a call with you after business hours because of childcare responsibilities — say “yes!” Counsel asks to try a four-way meeting by Zoom — say “yes!”

### **Remember those who are most vulnerable right now — give back**

We have a heightened responsibility to our profession, and to the legal system in general, in these challenging times. I predict that in the coming days, there will be more and more self-represented litigants asking our courts to assist with urgent matters.

Reach out to your local law associations and offer summary, pro bono legal services to people in need. Many of them simply cannot afford a lawyer right now and for some time to come and yet, many face increasingly difficult circumstances as families find themselves in close quarters in an effort to flatten the curve.

We must step up for Ontario’s families — *now*.

*AJ Jakubowska is a family law lawyer and mediator. She has practised exclusively in the area of family law for 24 years and has been in private family law practice in Ontario’s York Region for the last 10 years. Jakubowska’s experience with addressing family law disputes has included court work and various forms of alternative dispute resolution.*

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