

Some new year's thoughts on family law

By **Gary S. Joseph**

Law360 Canada (January 7, 2026, 2:17 PM EST) -- "The more things change, the more they stay the same." This famous saying attributed to the French writer Jean-Baptiste Alphonse Karr has been considered by many. Is it so simple? Does nothing really change or is it more thought-provoking: does superficial change often mask unchanging circumstances?

The new year is a time for reflection, even among those not prone to reflection. For those like me, unashamedly prone to reflection and self-reflection, it is an opportunity to publicly share some thoughts about the past and some for the future, all packaged around the practice of family law.



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Here's a short list of things that have changed, and those that (may have) stayed the same:

1. **Delay:** Back in the Stone Age, when I began practice, we complained of court delays. Nothing has changed. The unchanging circumstances? Governments refuse to properly fund our court system, neglecting an essential pillar of our democracy.
2. **Uncivil conduct:** Not sure that we called it that in the past, but it persists. The unchanging circumstances? Family lawyers who personalize the dispute, becoming cheerleaders for their clients. The absence of proper boundaries often leads to lawyers behaving like misbehaving clients.
3. **The demands of a family law practice (clients):** This has changed for the worse. Technology, rather than making our lives less stressful, has cast us into a world of chronically impatient clients and often unrealistic deadlines. The unchanging circumstances? Marital breakdown and separation still are often a soul-destroying process for parties and their children. The blowback regularly falls upon counsel.
4. **The demands of a family law practice (administrative):** This has changed but remains the same. Regulatory demands continue to add to the stress of private practice and are still a greater burden on the small firm or sole practitioner. Expect this to worsen as CPD demands increase, fees rise, the budget of the LSO swells and regulatory bodies move further out of their intended lane and increasingly regulate politically correct behaviour.

5. **Social media and artificial intelligence:** Yes, it appears to be radical change. The unchanging circumstances? This is just the continuation of new and ever advancing technology. Before the age of fax machines, we relied exclusively on snail mail, Canada Post. We thought we could never catch up to the speed of practice after losing the ability to blame slow post office delivery for our delay in replying to correspondence. We learned to keep up, as we did when email took over, as we will learn to deal with the introduction of artificial intelligence as a regular part of our practices.

Change is inevitable. Sometimes change is just repackaged experience. Whether real or repackaged, what must never change is our dedication to justice and the interests of our clients.

Happy new year to my colleagues at the family law bar.

Gary S. Joseph is counsel to the firm of MacDonald & Partners LLP. A certified specialist in family law, he has been reported in over 350 family law decisions at all court levels in Ontario and Alberta. He has also appeared as counsel in the Supreme Court of Canada. He is a past family law instructor for the Law Society Bar Admission Course and the winner of the 2021 OBA Award for Excellence in Family Law.

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