March Issue

Thank you to all the contributors and advertisers for supporting this month’s edition of the Snail.

Want to contribute to the next issue?

The deadline is March 25, 2020

Send submissions to Karen Hulan: khulan@beckettinjurylawyers.com

For advertising inquiries contact: admin@middlaw.on.ca

The appearance of an article or advertisement in the Snail is not a warranty, endorsement or approval by the Middlesex Law Association of the products, services or opinions therein.

What’s inside this issue

02 PRESIDENT’S REPORT by James Zegers
04 LIBRARY NEWS by Cynthia Simpson & Shabira Tamachi
06 WHAT IS WRONG WITH CHOOSING TO BE TRAINED AS AN INTERNATIONAL LAWYER? by Moyosore Balogun
08 REFLECTIONS ON FREEDOM by Sam Puchala
10 WILL THESE 11 PROPOSALS FIX WHAT’S BROKEN WITH CANADIAN PRIVACY LAW? by David Spence
12 INTERNATIONAL WOMEN’S DAY: “LADIES WITH AN ATTITUDE” by Ko Bhamra
14 REPORT ON PAST CPD PROGRAMS By Paula Puddy
18 FOLA’S LOBBY DAY 2020 RECAP
21 MARCH FOR MEALS by Sean Miller
24 LOVE ME, LOVE MY DOG by James Zegers
26 MEMBER UPDATES

www.middlaw.on.ca
On February 20, Karen Hulan and I attended Lobby Day at Queen’s Park in Toronto. This event was organized by the Federation of Ontario Law Associations. We had the opportunity to meet with the Attorney General Doug Downey and other functionaries in the Conservative government and Opposition to discuss issues of concern to the legal profession.

I left with the impression that the Government and Opposition are very interested in hearing from us and take our concerns seriously.

Well, this is it. My last report. As I write this less than 24 hours remain in my presidency. Thanks are due to everyone who made it a success.

First of all, thanks to Cynthia Simpson, our librarian. We have a library and resource centre second to none, and Cynthia deserves all the credit for that. She is a repository of knowledge and MLA lore and we are fortunate to have her on our team.

Thanks as well to Shabira Tamachi, who came on this year as our library technician.

It has been a pleasure working with the current board of trustees. This board has been particularly hardworking. We pulled together to revamp the Opening of the Courts ceremony. We have taken decisive steps to make sure the MLA remains financially viable. We introduced jazz trios to Christmas parties. From social events to websites, this board has successfully taken on all manner of tasks and challenges.

Under the outstanding editorship of Karen Hulan, the Snail continues to make the MLA proud. The Snail was originally the vision of Maciek Piekosz, who undertook the task of transforming the MLA newsletter into a journal that has attracted attention beyond the boundaries of Middlesex County.

The entertainment committee, under the direction of Carolynn Conron, stands out as well. The committee brought the Solo and Small Firm Social to the London Brewing Co-op, organized the Fall Social Bowl at Palasad’s, and on March 29, 2020, will host the first MLA Roller Skate Day!

And finally thanks to Christina Martin and the website committee for its dedication in dealing with the challenges of updating the MLA website.

Final words. We have a law association to be proud of. We are collegial and professional, accomplished and down to earth. I have been on the board now for five years and my greatest satisfaction arises from getting to know so many of you. Thanks for your support.

James Zegers
President
Interested in performing?
Contact James Zegers: james@zegers.ca

Interested in volunteering?
Contact Marshall Mayne: mmayne@cplaw.com

Interested in sponsoring?
Contact Casey Hayward: chayward@cplaw.com

RUM RUNNERS AT THE LONDON MUSIC HALL | APRIL 17, 2020
Cell Phones in the Library
Cell phones. We’ve all got them and rely upon them. However, their portability makes it easy to make a call anywhere, including in a place where people are trying to conduct research. We continue to have situations where members are carrying on loud conversations in the library and disrupting other members trying to concentrate in an increasingly noisy environment. We realize that our members depend upon their phones to stay in contact with their clients and staff members but ask that you take your call in our lounge area, locker rooms or to step right out of the library to talk if necessary. Sound travels very well in our space so even if there is no one else sitting at the same table as you, they may be right around the corner and hearing every single detail you are relaying.

To Gown or Not to Gown
Don’t worry – we have your answer! We recently re-designed our Middlesex County gowning requirements document and posted it in the News section of the MLA website. The News section is the black band at the bottom of every page and you can find all kinds of interesting links there, like to the Regional Calendar, recent practice directions, and even members who speak various languages and can provide legal services in them. Check out the gowning requirements from the comfort of your office before hauling your robes to the courthouse when you don’t actually need them.

Missing Books
Bourgeois, Donald J. Charities and not for-profit administration and governance handbook --2nd ed.
Goodis, David. 2012 annotated Ontario Freedom of Information & Protection Act
Lavender, Stephen. 2015 annotated Ontario Human Rights Code
MacDonald, James. 2015 annotated Divorce Act.
MacFarlane, Q.C., Bruce A. Cannabis law.
OBA. Business agreements: practice and precedents.
Oosterhoff, Albert H. Oosterhoff on wills --8th edition (2016)
n/a. The Annotated 2015 Tremeear’s Criminal Code.
Rintoul, Margaret. Practitioner’s guide to estate practice in Ontario -4th ed.
Shearer, Gillian. Law and practice of workplace investigations.

New Books
LSO. Annotated will 2020.
LSO. Six-minute criminal court judge 2020.
LSO. 24th Intellectual property law: the year in review.
Sarra, Janis P. Annual review of insolvency law 2019, Thomson Reuters
Susskind, Richard. The end of lawyers: rethinking the nature of legal services, Oxford University Press

Library News
Contributed by:
Cynthia Simpson and Shabira Tamachi
library@middlaw.on.ca

ANNOUNCEMENT:
Civil Bench and Bar Meeting
Thursday
March 26 at 4:45PM
Courtroom number will be posted at the elevator bank on the main floor.
If there are any issues you would like to include on the agenda then please contact your representatives,
Karen Hulan
khulan@beckettinjurylawyers.com
or
Anna Szczurko
anna@siskinds.com
no later than Thursday, March 19.
Referrals Available
Diversity and Different abilities welcome
Discretion Assured
Opportunities To Associate Or Share Fully accessible 2Nd Floor Office Space
Terms, Association and Services Optional

CONTACT: hamoody@hassanlaw.com
What is wrong with choosing to be trained as an International Lawyer?

Contributed by: Moyosore Balogun, City Solicitor’s Office / City of London

Every day, I see what a lot of people who have attained milestones post on social media without any recourse to things that went on in the background.

People deliberately hide their failures, and only recount the better part of the story because we all want to appear perfect. I have read stories about lawyers who have gone through the lawyer licensing process; some claimed it was very easy for them and others said it was seamless. Of course, stories like these may receive praises, however, they are usually oblivious of several issues that an Internationally Trained Lawyer (ITL) faces while trying to get their license.

I earned my Bachelor of Laws degree from a University in Nigeria, and I was called to the Nigerian bar in 2016. Nigerians are very educated people and we always want to achieve more. For this reason, I eagerly left my country for Toronto to obtain my Master of Laws at the University of Toronto after being trained at the Nigerian Law School. Towards the end of my Master’s program, I was faced with the decision to either go back to Nigeria or stay in Ontario to start the Lawyer Licensing Process. I chose the latter, without having the slightest idea of the huge task I had before me. Several people advised me to go with the former including some of my professors, but I turned deaf ears to them.

The first time I noticed there was a difference between ITLs and local lawyers was when I attended my first Articling mixer. I articled with the City of London between 2018 and 2019 and had attended networking events in the past. I didn’t think this was going to be different. Alas! I was wrong. Ten minutes into the mixer, I quickly realized I stood out from the crowd. People formed little groups and everyone seemed to know one another. Most of the lawyers and articling students at the mixer either went to the same law school or worked at the same firm so they had an instant connection. I felt out of place and it was very hard for me to fit in as an ITL.

I finally summoned courage and walked up to some lawyers and articling students and started a conversation with them.

“Local lawyers are encouraged to be open minded and learn about the lawyer licensing process for ITLs”

and started a conversation with them. “Where are you from?” “What law school did you go to?” “Why did you decide to move to Canada?” “Are you going back to your country when you are done with the licensing process?” “How did you get an articling position with the City if you didn’t school here?” These were the type of questions I was asked.

For me, answering these questions was not that simple. I had to explain that I got my law degree from Nigeria, came to Canada for my Masters, wrote the National Committee on Accreditation (NCA) exams, applied for an articling position without going through On-Campus Interview (OCI), and wrote the bar exams while I was articling.

Sometimes I wished my answer was as straightforward as: “I went to Western Law School or I went to UofT.” It would have been easy to switch to other subjects. I quickly became aware that most of the local lawyers/articling students I interacted with, were not familiar with the route for becoming an ITL. Some of them didn’t know what the NCA is, and some had no idea how expensive it was to re-qualify as a lawyer without any financial aid. The licensing process was different for ITLs, ranging from writing the NCA exams, to finding an articling position (which is often the most difficult part of the process for ITLs), to studying and writing the bar exams, and having to constantly explain and defend why you chose this route.

ITLs have three major hurdles to cross. The first hurdle is completing the NCA exams. The NCA assesses the legal qualification of an individual who obtained their credentials from a civil or common law country. Thankfully, Nigeria is a common law jurisdiction so I only had to write three courses. These exams are self-study exams and they are also very expensive. Studying these courses from scratch without any help while doing menial jobs on the side to make ends meet is highly demanding. This is the reality for almost every ITL.

The next tough hurdle to cross is finding an articling position. I was lucky enough to article with the City of London, but this is not the case for many ITLs. ITLs are not privy to attending OCIs and are also not privy to the resources that Career Development Offices offer law students. After conversing with some of my friends, I found out that the average ITL puts
in more than 50 applications and the majority of these applications come with rejection. This is because most lawyers are not familiar with that route and they would rather the familiar route. ITLs who are lucky enough to get an interview always have to prove themselves, giving sound explanations of their backgrounds irrespective of whether they have a common law background or not.

The ripple effect of not finding an articling placement is that it becomes almost impossible to find a job once the licensing process is complete. Most employers are not willing to take a chance on an ITL who doesn’t have any work experience in Canada and this forces many ITLs to start their own practice, not because they want to, but because they must or they will have to leave the practice of law completely.

The last and most difficult hurdle to cross for me was the bar exam. The first few days of studying the bar materials were very overwhelming and I started to re-think my decision to re-qualify. Imagine being given almost 2000 pages of materials you have never seen in your life to study in six (6) weeks while articling at the same time! Seriously, it was really overwhelming. A lot of ITLs fail at their first attempt and I was no exception.

It is important to understand that the licensing journey is not a bed of roses for ITLs, and I hope this article sheds some light on some of the challenges ITLs face. This experience opened my eyes to the fact that an ITL has to work twice as hard to break through. ITLs are lawyers from different backgrounds, who bring a different flavour into the Canadian legal system. These are lawyers who are willing to take the risk of starting afresh. Local lawyers are encouraged to be open minded and learn about the lawyer licensing process for ITLs.
Imagine facing a significant penitentiary sentence one day, and then being completely free the next, as if nothing even happened.

A few weeks ago, a client with no criminal record came to my office. This person was facing very serious charges. One charge in particular was more serious than I was used to seeing, certainly this early in my career. I remember the client called me as soon as he was let out of custody, but at the time, I did not know the reason. I told him to schedule a consult with me by calling the office.

By the time the client arrived at my office, I realized he had seen several senior counsel, and with the charges he was facing, it was no wonder. I looked at his paperwork, surprised at the charge I was reading. I asked him who had referred him to me. It turns out it was a friend of his who is also a current client of ours. I took his friend on as a client when I was an articling student and have been working tirelessly on negotiating his file ever since, in part due to all the barriers that individual, also with no criminal record, is facing. “I never saw my friend smile after he was charged until he met with you.”

I put everything aside and just listened as the client detailed his story. He was almost kept in custody despite having no record. Once released from custody, strict and seemingly arbitrary and conflicting conditions were imposed. I explained my view on the matter, which was mostly that I was in disbelief over what was happening to him. He needed those charges gone. “I think I found my girl!”

Fast forward a few weeks after I got on record and the charges were withdrawn at the request of the Crown due to no reasonable prospect of conviction. Proper investigation, police work, and Crown discretion make all the difference—I will not take credit for those. I knew from the outset that this matter was either going to get withdrawn or entail a lengthy fight to the end, including a preliminary hearing (since the offence carried a maximum sentence of 14 years or more) and a trial in the Superior Court of Justice. This withdrawal, especially so early in the proceedings, was the best-case scenario and a HUGE weight off the client. “I have my life back!”

“I never saw my friend smile after he was charged until he met with you.”

Had a different hand been dealt, however, the client could have been in jail for months or even years awaiting those proceedings. It is scary to think about. I have personally seen this before. Carolynn Conron, my partner in crime, ran a human trafficking trial where our client was acquitted after spending three years in custody awaiting her day in court. Changes of counsel, issues with disclosure, timing... Sometimes it comes down to the luck of the draw on the circumstances surrounding the case. Imagine something as important as your freedom being partially determined by something, or several things, that are completely out of your control.

What if the client had listened to the lawyer he spoke to at the time of arrest and kept silent instead of urging the detective to urgently look further into the evidence following the alleged events? What if the Justice of the Peace presiding over his bail had remanded him into custody, as he or she was originally going to do before the new evidence was disclosed in the nick of time by the detective? What if the Crown had not reviewed the file further after same? I shudder to think.

In some sense, nothing is different for this man now than it was a month ago—his freedom is no longer at risk of being taken away. He is free to go where he wants, when he wants, without worry. In other respects though, this man is now a different person, haunted by what could have been a very different ending.

Indeed, I just set another jury trial, where twelve individuals will decide the fate of another client with no record, based largely, if not entirely, on the oral testimony of different witnesses. When charges are too serious to resolve, but the Crown feels it needs to proceed, the matter has to be litigated.

I recently went to the Elgin-Middlesex Detention Centre (EMDC), a maximum-security jail in London notorious for overcrowding and a recent string of deaths. During this visit in particular, I saw that several inmates were playing “Telestrations” with a volunteer. This is the very same game I recently bought for my family after realizing how fun it was during a friend’s birthday party. Each player begins by sketching a depiction of a word dictated on a card by the roll of a die. All players then pass their sketch to...
the next player, who must guess what was
drawn. Players then simultaneously pass
their guess—which hopefully matches the
original word (or does it??)—to the next
player who must try to draw the word
they see—and so on. I watched them enjoy
every moment before it was time for the
volunteer to exit the locked and constantly
observed room within the unit.

Life on the other side. The same in some
ways—same game, same silly pictures,
same skewed answers, same laughing out
loud—but it’s different when you don’t
get to go home after to hug your loved
ones or sleep safely and soundly in a
comfortable bed.

I do what I do because I get to champion
freedom. I was crunching some
numbers and realized 95% of my clients
have no criminal records or any prior
involvement with the police, and the
very few that do have very dated records
(10+ years). A large majority of them
work good jobs and have strong support
systems in place that allow them to pay
the thousands of dollars it costs for me to
advocate for the best results possible.

This was my first Legal Aid case. My
portal was not even set up when the
client met with me. I took the case on
in principle, being paid a fraction of my
usual hourly rate, and I am glad I did.

It is perhaps lucky to have the type of
clients that I do—along with the drive,
dedication, passion, and resources to
deliver the results they seek in the
face of extremely high stakes—but
this is precisely why I recently became
empoyed with Legal Aid, because it
serves a greater purpose: to ensure
access to justice for all. Freedom should
not cost a thing, but you cannot put a
price on it once it is being taken away.

Life is not black and white, and there are
always two sides to every story. Judges
sometimes say the truth will usually
fall somewhere in the middle, but most
people who would have looked at this
client’s charges would have thought that
he should never see the light of day again.
Therein lies the difficulty of being charged
in the first place—accused persons are
presumed innocent, but their names
cannot actually be cleared in law until the
charges are dropped or they are acquitted.

Now that the client’s charges have been
formally withdrawn, he can resume his
normal life. He still has no criminal record,
and he is free to go about life the way he
chooses... But unlike many, he now knows
how easily that can and did change.

What separates me from most of my
clients?

Luck.
Will These 11 Proposals Fix What's Broken with Canadian Privacy Law?

Over the past year, we have examined many issues that have illustrated a need for updated legislation to keep pace with the changes in technology.

In particular, the need for legislation addressing issues in artificial intelligence has been overwhelmingly obvious. Enter: the Office of the Privacy Commissioner of Canada (the “OPC”).

Given the inhuman speed at which AI can process personal information and the deeply personal predictions AI can make when presented with a broad data set, the OPC is preparing recommendations to Parliament to enact changes to our Privacy Laws that address the use of AI data processing.

A link to the full report and proposals can be found here. Note some of these are repeats of previous OPC recommendations and some are new.

In summary, the OPC is proposing 11 changes to the Personal Information Protection and Electronic Documents Act (PIPEDA):

1. Incorporate a definition of AI within the law that would serve to clarify which legal rules would apply only to it, while other rules would apply to all processing, including AI.

2. Adopt a rights-based approach in the law, whereby data protection principles are implemented as a means to protect a broader right to privacy—recognized as a fundamental human right and as foundational to the exercise of other human rights.

3. Create a right in the law to object to automated decision-making and not to be subject to decisions based solely on automated processing, subject to certain exceptions.

4. Provide individuals with a right to explanation and increased transparency when they interact with, or are subject to, automated processing.

5. Require the application of Privacy by Design and Human Rights by Design in all phases of processing, including data collection.

6. Make compliance with purpose specification and data minimization principles in the AI context both realistic and effective.

7. Include in the law alternative grounds for processing and solutions to protect privacy when obtaining meaningful consent is not practicable.

8. Establish rules that allow for flexibility in using information that has been rendered non-identifiable, while ensuring there are enhanced measures to protect against re-identification.

9. Require organizations to ensure data and algorithmic traceability, including in relation to datasets, processes and decisions made during the AI system lifecycle.

10. Mandate demonstrable accountability for the development and implementation of AI processing.

11. Empower the OPC to issue binding orders and financial penalties to organizations for non-compliance with the law.

You may have noticed that some of these proposals go beyond AI. Perhaps the most controversial of the proposals will be the last. The OPC does not currently have order-making powers and cannot issue financial penalties. Decisions of the OPC can only be enforced by escalating them through the Divisional Court. Allowing the OPC to issue binding orders and financial penalties will make the Privacy Commissioner prosecutor and jury if significant checks and balances are not put in place.

The OPC will collect feedback on their proposals until March 13, 2020 via the methods found here. If you or your colleagues have expertise in this field then I encourage you to reach out with your feedback and have your say in the development of legislation that will shape how we do business in the future.

This article was originally posted on the HP Privacy and Tech Law Blog.

To receive weekly updates on the latest technology and privacy law issues, subscribe to Harrison Pensa’s Top Ten in Tech Law newsletter.
Save the Date!

The Annual MLA Golf Tournament
August 17th, 2020
Highland Country Club

Want to contribute to the next issue?
The deadline is March 25, 2020

The Snail welcomes articles from MLA members. in Word format, along with photos, headshot and headline. For clarity and readability, we encourage submissions in the range of 200-500 words, with a maximum limit of 1000 words for news and opinions, and a limit of 2000 words for articles on law and legal issues. At the request of the contributor, any submissions shortened in this way can also be published with a link to the full article to be obtained directly from the author.

Potential topics for submissions include:
- News, the promotion of an upcoming event, a review of a past event
- Practice tips
- Recognition of someone in the legal community
- Opinion and letters to the editor
- Discussion of a legal issue & case reviews

Send your submissions to Karen Hulan: khulan@beckettinjurylawyers.com
International Women’s Day: “Ladies with an Attitude”¹

Contributed by: Ko Bhamra

January 2020. Winter. The fourth season of the year. We were meeting at The River Room Café, a restaurant at Museum London, which is situated at the fork of the Thames River.

It was the first quarterly meeting of the Women’s Mentorship Group in Criminal Law. The group’s membership included ambitious, youthful, female, criminal defence advocates. Look out: they are fierce. They are fierce in their determination, their presentations, their dedication and their aspirations. I admire them all. It is not an easy undertaking being a female criminal law practitioner. I know this because I am one of them.

Some of the issues female criminal law practitioners face are things such as: imposter syndrome; getting different results; not being taken as seriously; having to leave the profession because adequate supports do not exist to sustain them and sadly but truly, still today, various forms of harassment which include jokes. Although we have now been accepted into what traditionally was, and colloquially still is, known as the old boys club we are not yet equal in our inclusion. But dear colleagues – do not mistake this as a rhetorical stab at the long-standing membership of the club. Consider it rather as an issue of awareness and mindfulness because dear colleagues – all of you – including members of the club - we revere you for your mentorship, friendship, insight and steadfast guidance.

“The group’s membership included ambitious, youthful, female, criminal defence advocates. Look out: they are fierce.”

March 8, 2020 is International Women’s Day, a day designated as such by The United Nations.² The Government of Canada’s Status of Women³ website describes International Women’s Day as “A day to recognize women’s achievements and acknowledge the challenges they continue to face in the quest for gender equality.”⁴ The Right Honourable Beverley McLachlin describes equality as “an elusive concept, slippery and multi-layered”⁵ in her latest book which is about her extraordinary journey through life and the law. She also queries: “Why is it harder for women than men to make their way in the world?”⁶ Although we’ve come a long way, clearly, we are not quite there yet. Inequality still lurks – and it too, can be complex.

The campaign theme this year for International Women’s Day is #EachforEqual.⁷

An equal world is an enabled world. Individually, we’re all responsible for our own thoughts and actions – all day, everyday. We can actively choose to challenge stereotypes, fight bias, broaden perceptions, improve situations and celebrate women’s achievements. Collectively, each one of us can help create a gender equal world.⁸

When I reflect upon things such as the Equality, Diversity and Inclusion movement generally, I think of broadening perceptions and perspectives. These concepts are essentially about expanding our perceptions and perspectives thereby increasing our awareness and mindfulness of each other by increasing our understandings. Equality: Each for Equal - feels closer.

---

¹ Madonna Ciccone sings this lyric in her song titled Vogue from her soundtrack album I’m Breathless released in 1990.

² The first International Women’s Day (IWD) was celebrated on March 19, 1911. The United Nations recognized 1975 as International Women’s Year and began celebrating IWD on March 8, later adopting a resolution designating March 8 as International Women’s Day. See https://fcf-swc.gc.ca/commemoration/iwd-jif/about-apropos-en.html.

³ See https://fcf-swc.gc.ca/index-en.html. On December 13, 2018 Status of Women Canada became a federal department named Women and Gender Equality Canada (W.A.G.E.). They are currently working on building a new website for the Department.

⁴ See https://fcf-swc.gc.ca/index-en.html


⁶ Ibid at page 271. Bold emphasis is mine.

⁷ See https://www.internationalwomensday.com/2020Theme

⁸ Supra note 1. Bold emphasis is mine.
This increase or expansion also fosters cultural competence.9 Cultural competence increases our ability to connect with people who are different from us and is defined as "the ability to relate to others comfortably, respectfully and productively."10 We are, after all, "rich in difference"11 as The Right Honourable Beverley McLachlin describes when discussing the topic of diversity. The concept of diversity includes the concepts of equality and inclusion. The three concepts are interrelated. International Women’s Day is one example of recognizing, raising awareness of and celebrating these very concepts.

For me, International Women’s Day raises awareness of women who have blazed trails before me; opportunities that exist for those who want to blaze next; and, of course, I think of all of the girls and women in the world who do not yet have access to these opportunities. They are out there so we have a continuing obligation to pave the way because we can. And by trailblazing I am referring to the many simultaneous roles women occupy and make important contributions from to the world including motherhood, friendships, relationships, careers, leadership roles and mentorships to name but a few.

After the January meeting I received an electronic mail from one of the women at the luncheon. She wanted to share a feminist piece written by Brigid Schulte, a Pulitzer prize-winning journalist for The Washington Post and The Washington Post Magazine: "A woman’s greatest enemy? A lack of time to herself"12 I enthusiastically read the piece twice; enjoying it more the second time with a cup of earl grey tea, hot. Perfect. This was the beginning of the agenda for our next meeting which would commemorate International Women’s Day.

The Honourable Justice Jeanine E. LeRoy founded the original version of the Women’s Mentorship Group for women in criminal law. It was significant then and remains so today. So yes, we get together. We talk. We discuss. We disclose. We laugh. We celebrate. We mentor. We learn. We teach - each other. And yes, sometimes we roar.

International Men’s Day is celebrated on November 19th of every year.

10 Ibid at page 9.
11 Supra Note 5. I find this phraseology striking.
The Semi-Annual Women's Innovation & Networking Event

The latest Women’s Innovation & Networking Event was held on February 21, 2019. It was another fun event with 65 lawyers in attendance!

During this event, we learned more about equality, diversity and inclusion from three excellent speakers: Nusaiba Al-Azem, Alexa Duggan and Victoria Yang of McKenzie Lake Lawyers LLP.

Nusaiba Al-Azem covered the topic of Recruitment & Reinforcement. Specifically, she provided concrete tips and tricks to make your workplace more accessible and inclusive. For example, firm events should cater to halal/vegan/kosher/GF needs, and firm members should know what those diets entail.

Alexa Duggan geared her remarks towards Retention & Retaliation. Specifically, she addressed “firm fit”, mentorship and creating a culture of diversity. She discussed the "affirmative action" myth and other stereotypes or issues holding back minorities.

Victoria Yang addressed Responsibility which includes harassment policies and conflict resolution methods (holding the firm accountable) for better equality, diversity and inclusion in the workplace.

Thank you to Louise Mimnagh for chairing this event. Finally, thank you to all participants who attended this event!

This program contained 45 minutes of EDI Professionalism hours.

The Thirteenth Annual Mentoring Dinner

The Thirteenth Annual Mentoring Dinner, held on February 24, 2020, was a fun evening with fifty mentees and mentors in attendance. This year’s theme was “What you didn’t learn at law school about managing difficult clients!”

As always, we invited senior lawyers to share their insights as mentors to the junior lawyers in attendance. We were delighted to welcome so many mentors:

- Joni Dobson of Legate Personal Injury Lawyers LLP
- Steve Atkinson of Harrison Pensa LLP
- Dara Lambe of Lerners LLP

Report on Past CPD Programs

Contributed by: Paula Puddy, MLA CPD Director
Continuing Professional Development
Programs & Events 2020

**The MLA’s Semi-Annual Real Estate Luncheon**
Thursday, April 2, 2020
Noon to 2:00pm

**The MLA & FOLA’s Court of Appeal Advocacy Program**
April 8, 2020
9am to 1:00pm

**The MLA’s 15th Annual Straight from the Bench Conference**
Monday, May 4, 2020
9:00am to 4:00pm

**The MLA’s Quick & Dirty Personal Injury Luncheon**
Wednesday, June 3, 2020
1:00pm to 3:00pm

- **Doug Bryce** of Siskinds LLP
- **Ryan Steiner** of Beckett Personal Injury Lawyers LLP
- **Bill Woodward** of Dyer Brown LLP
- **Gord Cudmore** of Cudmore Law
- **Jeff Van Bakel** of Advocates LLP
- **Mavis Butkus** of McKenzie Lake Lawyers LLP

We appreciate the mentors taking time to attend this dinner, and the 9 firm sponsors who help keep the prices reasonable so that more junior lawyers can attend.

After dinner, the **Honourable Madam Justice Kelly Tranquilli** treated us to a thoughtful presentation on how to manage difficult “clients” aka “judges”! Her presentation included tips on being better oral and written advocates, and learnings from her first year on the bench.

We were delighted to have her join us at our mentoring dinner!

Thank you to **Jacob Aitcheson and Jennifer Butkus** for co-chairing the event this year.

We are pleased to make a donation to **London Lawyers Feed the Hungry** on behalf of all of the volunteers for their behalf for their participation.

This program contains 1.5 Professionalism Hours and is eligible for up to 1.5 Substantive Hours.

**Shout-Out to CPD Online**
If you missed this program, you can watch portions of it via [CPDonline.ca](http://www.cpdonline.ca)

**Middlesex Law Association Videos**
Available on [CPDonline.ca](http://www.cpdonline.ca)

Weren’t able to attend a live MLA conference or seminar? Do you need a few more CPD hours? Select MLA programs are available as on-demand video replays through CPDonline. A list of this year’s past programs is available on the website at this link: [https://www.cpdonline.ca/law?source=405](https://www.cpdonline.ca/law?source=405)

CPDonline is giving the MLA $100 for every MLA association member who signs up for an individual subscription for $399.00. This offer is for each new subscriber.

**How to Sign Up**
1. Go to [www.cpdonline.ca](http://www.cpdonline.ca)
2. Get Started... Individual Subscription
3. Mention your Middlesex Law Association on the registration page
1. There will be lots of JUDGES!
This conference is truly a “Straight from the Bench experience” with four members of the bench participating! We are delighted to welcome the Honourable Mr. Justice Grant Huscroft of the Court of Appeal for Ontario to our conference. In addition, we will hear from the Honourable Madam Justice Kelly Tranquilli, the Honourable Mr. Justice Grace, and Regional Senior Justice Thomas.

2. We already have 12 PRESENTERS!
- View from the Court of Appeal by The Honourable Mr. Justice Grant Huscroft of the Court of Appeal for Ontario
- 2SLGBTQ+ Positive Space by Deirdre Park of Social Planning & Research of Hamilton
- Catching up with the Bench featuring The Honourable Madam Justice Kelly Tranquilli moderated by Dara Lambe
- Southwest Regional Update 2020 by Regional Senior Justice Bruce Thomas
- Running an Efficient Trial: A panel discussion with The Honourable Mr. Justice Duncan Grace, Brian Foster and Scott Maidment moderated by Evelyn ten Cate
- Ismail v. Fleming: A case comment by Catherine McIntosh of Foster Townsend LLP
- Misfeasance in a Public Office by Erika Chamberlain of Western Law
- Defamation in the Internet Age by Michel Castillo of Castillo Law Chambers
- Transnational Tort Claims: A case comment by Nicholas Baker of Siskinds LLP
- A Criminal Law update by James Zegers of Zegers Law PC

3. Get a head start on your EDI HOURS!
Thanks to Deirdre Park, you will learn a lot more about Equality, Diversity and Inclusion (EDI) and earn 45 minutes towards your accreditation at our conference!

4. Our conference chairs ROCK!
Anne Marie Frauts, Dara Lambe and Dagmara Wozniak, and two newly added chairs, Evelyn ten Cate and Elizabeth Funduk, have been busy putting together a fantastic agenda, soliciting speakers and co-ordinating the panels and demonstrations. Our judicial chair, The Honourable Madam Justice Lynne Leitch, is a strong force behind the scenes, soliciting judges for our conference!

5. Enjoy the SWAG!
We already have 14 sponsors showcasing their services and supporting our conference:
- CPDonline.ca www.CPDonline.ca
- Davis Martindale LLP www.davismartindale.com
- DMA Rehability Inc. dmarehability.com
- Henderson Structured Settlements LP www.henderson.ca
- Hoare Dalton | Marcus & Associates www.marcus.on.ca
- McKellar Structured Settlements Inc. www.mckellar.com
- MDD Forensic Accountants www.mdd.com
- Rehab First Inc. www.rehabfirst.ca
- The Advocates’ Society www.advocates.ca
- TVA | The Legal Outsourcing Network www.virtualassociates.ca
- Xpera Risk Mitigation & Investigation xpera.ca
We have three new sponsors this year:
- KPMG Forensics www.kmpg.ca
- Spencer Experts Inc. spencerexperts.com
- The Judge Global thejudgeglobal.com
Visit their booths for excellent conversation, networking, SWAG and a chance to win a door prize!

6. Conference Prices
The conference prices remained the SAME for 2020! Everything is more expensive, except for the registration fee for this amazing conference!

7. Conference Prices
- Fill out a registration form
Go to www.middlaw.on.ca (and click on CPD & Events). Thank you and see you on May 4! (May the Fourth be with you!)

Thank you and see you on May 4th!
Debt problems? We can help.

Debt Consolidation in London, Ontario.

McLennan & Company Ltd. is a Licensed Insolvency Trustee (formerly Trustee in Bankruptcy) providing financial restructuring services that focus on consumer debt problems. If you are an individual experiencing financial difficulty, we are here to help you find a solution.

Consumer Proposals | Debt Restructuring
Credit & Debt Counselling | Bankruptcy Services

519.433.4728 | bmclennan@MandC.ca | www.MandC.ca

Your career should pay off properly in retirement.

We are interested in acquiring your established practice.

Our collaborative succession plan is unique, preserves legacy and provides significant ongoing revenue for your retirement planning.

Email in confidence to find out more:
rfecio@rrlaw.ca

REFCIO & ASSOCIATES
The Business of Law

London – Toronto – Burlington
1-833-858-1800 www.rrlaw.ca
On February 20th, 2020, approximately 60 lawyers from Law Associations across Ontario descended upon Queen’s Park for a full day of meetings and events as part of FOLA’s Inaugural Lobby Day.

Following some networking over breakfast, Law Association members received a recap of key issues and listened to a session on Lobbying/Advocacy 101 with former Premier Wynne staffer and current Fasken lawyer Lindsay Aagaard before heading in to watch Question Period. Special thanks to Lindsay Park, MPP (Durham) and Parliamentary Assistant to the Attorney General for recognizing FOLA’s attendance in the gallery from the floor of the Legislative Assembly!

Following Question Period (and a brief stop for a group photo on Grand Staircase in the Main Legislative Building) members attended a packed FOLA Lobby Day luncheon reception for all MPPs and staff where both the Honorable Doug Downey, MPP (Barrie—Springwater—Oro-Medonte) and Ontario’s Attorney General, and Gurratan Singh, MPP (Brampton East) and the NDP critic for the Attorney General said a few words.

At 1:30, individual members began breaking out into groups and headed off to meetings with individual MPPs, Cabinet Ministers, and Ministers’ staff followed by a round table style debrief session. In all, 26 separate meetings were held regarding issues of concern and interest to members. Here’s a quick recap of some of the key meetings:

**LEGAL AID**

FOLA’s Legal Aid Committee Chair, Terry Brandon, led a meeting in the Attorney General’s office where members discussed the affects of the recent cuts to legal aid funding, proposed changes to the Legal Aid Services Act, the importance of the role of the private bar in legal aid services, and the impacts unique to student and community clinics.

**FAMILY LAW**

Sam Misheal, FOLA’s Family Law Committee Chair, led a meeting in the AG’s office to discuss, among other issues, proposed changes to the Divorce Act.
REAL ESTATE LAW
Real Estate Co-Chairs Merredith MacLennan and Eldon Horner led a meeting, also in the AG’s office, to discuss a host of issues affecting the real estate bar including proposed changes to the Commissioners for Taking Affidavits Act as proposed in Bill 161 (the Smarter and Stronger Justice Act 2019).

They also took time to stress the important role many real estate lawyers play as the “go-to” lawyer in communities as many people refer to these lawyers as “their lawyer” who is called on to direct their clients to government or other resources and/or to experts in a particular field.

Eldon and Merredith also headed up a meeting with Minister’s staff in Municipal Affairs and Housing to reiterate their support of the changes proposed to the Planning Act through the former Private Member’s bill of the same name.

COURTHOUSE ISSUES
FOLA’s fourth meeting in the AG’s office was led by FOLA Board Member Kirstin Muszynski to discuss issues such as staffing and modernization in Ontario’s courthouses – issues affecting each and every member of the practicing bar!

Also around courthouse issues was a meeting with the local MPP for Brantford-Brant. Attended by our large delegation from the Brant Law Association, this meeting was arranged specifically to discuss plans for a new courthouse. Through some follow up, FOLA has learned that the MPP (Will Bouma, also the Parliamentary Assistant to the Premier) has discussed the process for moving forward with this with both the AG and the President of the Treasury Board about how to move forward with an RFP process!

CRIMINAL LAW
FOLA organized two meetings for our criminal lawyers, both of which were led by FOLA Board Member Nathan Baker. The first was a meeting with policy staff in the Minister of Transportation’s office for a discussion on ignition interlock and remedial measures programs to encourage more resolution of impaired driving matters without the need for a trial.

The second meeting was with the Chief of Staff for Ontario’s Solicitor General to discuss the implementation of bail provisions with police vis-à-vis Bill C-75; the use of video tech to avoid/ reduce transportation of prisoners; ongoing issues around overcrowding in Ontario jails; and other facility issues.

AUTO INSURANCE
As with every government in Ontario’s recent history, this government is proposing amendments to auto insurance through the “Putting Drivers First:” blueprint. Led by Michael Winward, FOLA’s Chair and Co-Chair of our Auto Insurance Committee, FOLA had a meeting with staff in the Minister of Finance’s office as well as with the NDP Auto Insurance Critic to discuss concerns with the “Care, Not Cash default” proposal and offer support for raising the catastrophic impairment default benefit limit.

ACCESS TO JUSTICE
Access to justice was also a key aspect of meetings and, as such, meetings with other Minister’s staff included a meeting with staff in Minister Todd Smith’s office (Minister of Children, Community and Social Services) to discuss the severe lack of mental health resources and with staff in Minister Lisa Thompson’s office (Minister of Government and Consumer Services) to discuss a proposed ID fee waiver for low income (or no income) clients.
FOLA is told that Minister Smith’s office will be following up on this issue with Minister Michael Tibollo’s office (Associate Minister of Mental Health and Addictions) and special kudos to Minister Thompson’s office for already following up with our delegation! Conversations around the ID fee waivers continues!

NORTHERN ISSUES
Because our northern members often raise issues unique to Ontario’s north, we arranged for meetings with both the Associate Minister for Northern Affairs and the Director of Policy for the Minister of Northern Affairs as well as the NDP Critic for Northern Affairs. Issues discussed included a request for legislation that would ensure a permanent judicial appointment in currently underserviced areas; the effects legal aid funding cuts have had on northern legal aid clinics; ID fee waivers (especially for those in Ontario’s Indigenous communities); and lack of reliable internet.

Thanks to Associate Minister Walker for offering to continue these conversations in his constituency office in Owen Sound!

SPECIAL FOLA TOWN HALL WITH THE NDP’S ATTORNEY GENERAL CRITIC
Because so many meetings were held with staff in the AG’s office, we decided to host a large town hall style meeting with Gurratan Singh, the NDP’s AG Critic. A very well attended meeting, Mr. Singh shared his concerns with this government and heard from our members on a host of issues including elder care, legal aid, the role of duty counsel, access to mental health beds, and judicial appointments. He was also encouraged to support Planning Act amendments when (or if) they are brought forward again. Mr. Singh was extremely engaged and offered to continue discussions with FOLA through future (and hopefully regular) meetings.

In addition to the above meetings, many lobby day attendees had meetings with their own MPP to discuss justice issues unique to their city, town, county and/or region.

MEDIA
There were calls and visits from Queen’s Park Briefing (QP Briefing), CBC-Radio Canada (French), and the Huffington Post. Vicky Ringuette from Haldimand Law Association saved the day and did a live interview with Radio-Canada at around 5pm. Terry Brandon, Mike Winward, and Merredith MacLennan spoke with QP Briefing. And Terry and Bill Woodward spoke with the Huffington Post.

See more photos here.
There’s no doubt the practice of law, including the many client needs to be met and the ever-looming deadline, can be stressful. The work of a lawyer can, if we let it, become all-consuming. The goal we all strive to achieve is to balance the responsibilities of work and home, while simultaneously obtaining that zen-like feeling of contentment (not necessarily happiness). Historically, one of the ways lawyers have chosen to achieve that balance is through volunteerism. For myself personally, I’ve always found that even when it seems there’s never enough time, an hour or two each month volunteering improves my mood and recharges me for another day. It helps me balance out my competing responsibilities and reminds me of what is important in life.

The United Nations estimates 1 billion people volunteer globally. Volunteerism is a basic expression of human relationships; it is about people’s need to participate in their societies and to feel that they matter to others. The social relationships intrinsic to volunteer work help support individual and community well-being. This is why I’ve chosen to volunteer with Meals on Wheels London (MOWL). In 2018, MOWL delivered 120,000 meals to the 70,000 Londoners living in poverty. In a wealthy country like Canada, it’s disheartening to know that 1 in 8 London families struggle to put a healthy meal on the table.

On Friday March 27, 2020 MOWL is hosting an indoor walk fundraiser, March for Meals. I’ll be there with the support of Wallace Smith LLP. Please consider donating. To do so, visit: March-for-Meals-2020

Be a Mentor

The MLA Mentorship Committee is working to make 2020 a banner year for matches! We are looking for potential mentors, especially those practicing criminal and family law. If you are interested, please apply! Details are in the links below:

Mentor Program
Mentor Application
Love Me, Love My Dog
Cornelia and Spartan

Contributed by:
James Zegers, Zegers Law Professional Corporation

This month Love Me, Love My Dog™ travels to North York to bring you...Spartan.

Spartan is a two year old Australian Shepherd and his human, Cornelia Mazgarean, have what Cornelia describes as a "velcro" relationship. Spartan is a nature boy, and loves swimming, chasing small mammals, and carrying about preposterously large sticks. Logs really.

The Aussie is a medium-sized worker with a keen, penetrating gaze. Aussies exhibit an irresistible impulse to herd anything: birds, dogs, lawyers. Aussies are remarkably intelligent, and are quite capable of hoodwinking even the most experienced solicitors. If you’re looking for a brainy, tireless, and trainable partner for your law practice then your search will end here.

Cornelia is more than a match for Spartan. She obtained her first law degree from Romania and her second from Osgoode Hall, where she also earned her Master of Laws. Motivated by social justice, Cornelia worked at the Community and Legal Aid Services Programme, a student legal clinic at Osgoode Hall Law School, as review counsel.

Cornelia also maintains a diverse private practice. As a lawyer for Lifeline Syria, Cornelia assists sponsors passionate about helping refugees fleeing violence and war. Cornelia has also created a practice in the little heard of area of veterinarian law. She is also heavily involved in community advocacy, as an active member of Jane and Finch Action Against Poverty and the Rights of Non-status Women’s Network.

London connection: Cornelia also works for Sykes Assistance Services responding to the toll-free Duty Counsel telephone service under the direction of Riyad Bacchus, the London-based Director of the Legal Assistance Division. Small world!

In her spare time, Cornelia enjoys volunteering at the Black Creek Community Farm (where she makes jam), and, of course, playing with her dog Spartan.

Do you have a dog (or cat) that you would like to introduce to the London legal community? Contact James Zegers, Snail photographer, at james@zegers.ca.
Paul Trudell brings more than 30 years of litigation experience to the mediation table.

- Personal Injury
- Disability Claims
- Insurance Litigation
- Commercial Disputes
- Estate Conflicts
- Employment Law

To mediate with Paul, please call 416-964-7497 or email ptrudell@globalresolutions.com

© 2019 Stewart. All rights reserved. See policies for full terms and conditions.

Our record shows that while we are a front runner, we choose to be part of a team, partnering with legal professionals in a winning combination.

We do not support programs that reduce or eliminate your role in real estate transactions. Instead, we focus on providing you with industry-leading title insurance coverage backed by underwriting expertise and financial strength.

To learn more, call (888) 667-5151 or visit stewart.ca.
Member Updates

Send your updates to library@middlaw.on.ca

Yang Bai – is now practicing at 205-219 Oxford St W., London N6H 1S5, ph: 226-980-7763, fax: 226-526-4860, email remains yangbai56@gmail.com

Brenna Homeniuk – has rejoined the MLA and can be reached at 519-474-6077, email: brenna.homeniuk@gmail.com

Brendan Farrer – is now practicing at Economical Insurance, 1200-148 Fullarton St., PO Box 817, London ON N6A 5P3, ph: 519-673-5990 x57200, fax: 519-693-2013, email: brendan.farrer@economical.com

William Chapman – new member practicing at Downs Law and his email is wchapman@downslaw.ca

Courtney Campbell – is now practicing at General Dynamics Land Systems – Canada, direct ph: 519-964-5223, email: campbeca@gdls.com

Marcia Ivanic – has rejoined and is practicing at the Corporation of the County of Middlesex – Solicitor’s office and her email is mivanic@middlesex.ca

David Samuels – new member practicing at the Corporation of the County of Middlesex – Solicitor’s office and his email is dsamuels@middlesex.ca

Alison Mason – new call practicing at Kirwin Fryday Medcalf and her email is amason@lawhouse.ca

Sarah Wege – new call practicing at MacDonald Evenden and her email is swege@macdonaldevenden.ca

Ila Mada – her email has changed to ila.mada@mail.utoronto.ca

Yulia Rodionova – new member practicing at 211-747 Hyde Park Rd., London N6H 3S3, ph: 226-70-0393, email: yulia@rylaw.ca

Sara Nirta – has opened up her own law office at 239 Parkhill Main St., Parkhill, ON N0M 2K0, ph: 519-294-8888, fax: 519-294-8686, email: saranirta@gmail.com

Julia Zanetti – new call practicing at Miller Thomson LLP and her email is jzanetti@millerrthomson.com

Enje Daniels – new call practicing at Advocates LLP and her email is e.daniels@advocatesllp.com

Gavin LeBer – new call practicing at Advocates LLP and his email is g.leber@advocatesllp.com

Lyndsay Reuvers Hone – is now just Lyndsay Hone and her email has changed to lhone@millerthomson.com

Isha Wadhwa – has opened Isha Wadhwa Law but all her contact information remains the same.
Resolutions Simplified.
Experienced Mediators and Arbitrators.

- Business
- Finance
- Real Estate
- Construction
- Employment
- Municipal, Police and Government Liability
- Health Care
- Professional Negligence
- Estates
- Sexual Assault
- Insurance and Personal Injury

McGARRY JONES RESOLUTIONS
mcgarryjonesresolutions.com
Let’s Talk: 519-434-1221

The Hon. John F. McGarry QC
Mediator/Arbitrator
Glenn Jones HBA, LLB
Mediator/Arbitrator

LONDON • TORONTO • SOUTHWESTERN ONTARIO

March 2020
Middlesex Law Association Newsletter

Publisher
Karen Hulan
519-673-4944
khulan@beckettinjurylawyers.com

Editors
Cynthia Simpson
519.679.7046
cynthia@middlaw.on.ca
Shabira Tamachi
519.679.7046
shabira@middlaw.on.ca

Design
Carve / Jason Recker
519.777.7196
jason@carvedesign.ca
Will Notices

Martha Kirtley Baskett Scully
Anyone having knowledge of a Will of the late Martha Kirtley Baskett Scully of London, Ontario who died on January 28, 2020 is requested to contact Will Scully at ph: 514-458-1587.

Rhonda Lynn Lo Monaco
Anyone having knowledge of a Will of the late Rhonda Lynn Lo Monaco of London, Ontario who died on August 11, 2019 is requested to contact Sue Noorloos, McKenzie Lake Lawyers LLP, ph: 519-672-5666 ex 7356, email: noorloos@mckenzielake.com.

Elizabeth J. Detering
Anyone having knowledge of a Will of the late Elizabeth Joh. Detering, from London Ontario, born April 21, 1937, who passed away on February 21, 2020 is asked to please contact her son Robert Detering at ph: 519-719-7752, email: rdetering@bell.net.

Brian Donald John Bowering
Anyone having the knowledge of a Will for Brian Donald John Bowering, late of the City of London, please contact Janet Gibbons at janetmgibbons@on.aibn.com or phone 519 245 0110.

Joseph Antony Augustine
Anyone having knowledge of a Will of the late Joseph Antony Augustine who passed away on December 1, 2019 is requested to contact Frederick A. Mueller at ph: 519-673-1300 or fred_mueller@rogers.com.

Looking for Space Steps from the Courthouse?

Offices available for sublease.

Office rental includes:

One support staff station,
Access to boardroom,
Kitchenette and washrooms.
Parking may be negotiated.

Some furniture and lockable filing cabinets may be available for use. Lease does not include any shared staff, equipment, phone or computer lines. Tenants are asked to arrange for their own private phone and computer lines. Offices are lockable. Full compliance with Law Society requirements respecting sharing of office space is required.

Subject to landlord approval. Per office rent is: $900.00.

If you are interested please call or email:
Kelly Dahms, McCall Dawson LLP, 114 Dundas Street, Suite 401, at 519-672-2108 Ext. 241, k dahms@mccalldawson.ca.
We've been here for 46 years! Over those years, we have provided memories to hundreds of thousands of people, and all of it at no price to the visitors. You’ve probably visited Home County yourself over the years.

We remain committed to an accessible music and art festival for all but we need your help!

We have been able to carry this tradition on with the help of volunteers, donors, advertisers and sponsors. As we prepare for the 47th Festival at Victoria Park and the approximately 50,000.00 visitors, we ask you to partner with us to help su to continue to showcase outstanding Canadian music and arts talent

For sponsorship inquiries write to sponsorship@homecounty.ca or call 548 888 HOME (4663)
Congratulations to our New Board Members for 2020

The following individuals were elected as trustees to serve two-year terms on the MLA Board:

Jacob Aitcheson
Joel Belisle
Rasha El-Tawil
Jacqueline Fortner
Christina Martin
Sue Noorloos
Alex Sharpe

They join the rest of the trustees who are continuing their two-year terms:

Ayren Brown
Karen Hulan (Treasurer)
Robert Ledgley (Vice-President)
Marshall Mayne
Erin Rankin Nash (President)
Anna Szczurko
Jennifer Wall
Kevin Wilbee
James Zegers (Past-President)

Thank you to all our departing trustees who served on the 2019 Board.