



SDLA LEGAL BRIEFS NEWSLETTER

SUDBURY DISTRICT
LAW ASSOCIATION

Vol. 5 Issue #3

DECEMBER 2012

COLLOQUIUM 2012

ERIN CULLIN

The second annual Northeast Continuing Professional Development Conference was held in Sudbury on October 25th and 26th, 2012.

Dubbed “Colloquium” by the organizing committee, the Conference was once again a rousing success, attracting lawyers not only from Sudbury, but also from Timmins, North Bay Sault Ste. Marie, New Liskeard, Nobel, and Toronto.

Thanks to the diligent efforts of the organizing committee and the session leaders, Colloquium offered programs over a wide spectrum of disciplines, ranging from Family Law, Criminal Law and Civil Litigation to Administrative Law, Corporate Law and Estates Law. The roster of speakers was impressive, and included well-known speakers on the legal lecture circuit as well as several prominent members of the Bench. Rounding out the speakers’ list were several SDLA members and lawyers from surrounding communities.

Those in attendance at the Evidence Law session on Thursday were treated to a surprise guest appearance when the Conference’s keynote speaker, Justice Ian Binnie, joined in a lively discussion with the panel.

The spotlight shone on the judiciary during three illuminating speeches on Thursday and Friday. On Thursday afternoon, Sudbury native and former SDLA President, Justice Robert Maranger, delivered a fascinating speech about his involvement as the Judge hearing the infamous Shafia case in Kingston. On Thursday evening, keynote speaker retired Supreme Court Justice Ian Binnie, amused the large dinner crowd with his observations about the evolution of legal practice.

On Friday afternoon, the SDLA, in conjunction with the University of Sudbury and the University of Ottawa Faculty of Law, sponsored a one-on-one discussion with retired Supreme Court Justice Louise Charron.

Following the dinner on Thursday evening, the SDLA hosted a well-attended hospitality suite, giving the attendees an opportunity to mingle and to meet their colleagues from throughout Northeastern Ontario and beyond. Rumor had it that festivities continued into the wee hours of the morning.

Special thanks goes out to Lucille Shaw, Chair of the Organizing Committee, and Justice Patricia Hennessy, both of whom were key players in spearheading and organizing the conference. We also would be remiss if we didn’t acknowledge the behind-the-scenes work by Rannah Sopha and the staff at the Sudbury District Law Library; their support was essential to the success of the Conference.

Preparations are already underway for Colloquium 2013, which will be held on October 17th and 18th 2013. Mark your calendars—you won’t want to miss it!

Erin Cullin

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COLLOQUIUM 2012—CPD FOR THE NORTHEAST

We would like to thank the SDLA and all members of the Sudbury Bench & Bar for their confidence and support which made Colloquium 2012 such a great success.

A quick review of the Evaluations confirmed what we heard throughout the Conference. The programs were solid, The speakers were good. The venue worked and this was a great opportunity to spend time with colleagues. A particular highlight was the dinner talk by Hon. Ian Binnie—one of Canada's great jurists and a speaker par excellence. The young lawyers seemed particularly happy with the hospitality suite following dinner.

The chart below shows the breadth of the program and registration numbers.

This is a huge undertaking and we hope to fine-tune it as we go along to ensure that it is sustainable and continues to deliver responsive professional development to the Northeast Ontario Bar in a cost effective way. We also want to provide a place and a time for the Bar to come together professionally to share their wisdom and experience and socially to build the collegiality that makes our work life more enriching. We thank everyone who helped in any way and every single person who attended for their contribution to the conference.

We have booked the Holiday Inn for Colloquium 2013. **Please save the date October 17-18, 2013 for another conference that** will provide you with LSUC accredited CPD hours and great fun. Our planning has started. If you have any ideas for program or speakers, want to volunteer or sponsor, please drop one of us a note.

The Sudbury Bar can take great pride in this program and with your engagement we will continue to make this conference a premiere event.

Lucille Shaw, Patricia C. Hennessy

COLLOQUIUM 2012 PROGRAM

Name of Session	Session Leader	Registrations
Administrative Law	Kristen Newman	20
Advising Older Clients	Vani Santi	28
Civil Litigation	Erin Cullin & Tomm Orendorff	37
Construction Law	Jackie McGaughey-Ward	20
Corporate Law	Gord Acton & Orlando Rosa	36
Criminal Law	Michael Haraschuk	52
Estates Law and Litigation	Linda Laakso & Jackie McGaughey-Ward	45
Evidence	Susan Stothart	61
Family Law	Krista Fortier & Carol Hartman	41
Issues for lawyers Transitioning out of practice	Don Kuyek	24
Issues for Young Lawyers	James Ross	31
Real Estate Law	Murray Scott	53
Young Offenders	Stephanie Baker	33
Thursday Lunch	Justice R. Maranger	135
Thursday Dinner	Hon. Ian Binnie	135
Friday Lunch	Hon. Louise Charron	130



TRAVELS IN LAW EDWARD J. CONROY

I had the good fortune to be part of the World Bar Association Conference in Edinburgh. Ever since I have combined travel with law when I can.

The rule of conduct re gowns limits the wearing of gowns to "the courts and their environs." The rule pertains in England and though not widely used there are public through fares within the area encompassed by the Bailey, the said law courts and the Inns of the Court in London. At 75 feet of area Elm Street is the "environs."

If you are "doing" this area of London beneath your feet are the Silver Vaults, well worth while; down the narrow (4 feet) Devereaux Lane at the end you find Devereaux's Inn, one of the best for food.

In Paris, the Superior Courts are on the Isle de Paris, the ancient concierge, loosely translated "the kitchen." I fell in with some French barrister's about 11:45 a.m., they told me their courts ran from noon to six p.m. with a 15 minute break. So 5 hours and 45 minutes, not too different from our "day in court." They completed my education by wondering how anyone after a night on the town could get going much before noon.

Southampton is the English port which normally is the situs for all crimes of the high seas. Winchester is the county town. There is an interior wall of the Winchester Court House, a "round table" reminiscent of King Arthur. Quite charming.

In attending court one morning I was patted down, quite unusual in those days. The officer explained it was a "traffic matter." I expressed surprise at the Roads Traffic Act. He explained that this "traffic" was a shipload of machine guns destined for the I.R.A.

Also at Winchester Court I saw the tail end of a murder trial. About 10 counsel at the table. The totally circumstantial case proved the accused had taken tea with the deceased. There were no other suspects.

I watched painstaking pleadings, cross examination clearly proving the deceased was a "neat nick" not only washing up the minute one finished one's tea, but almost before one finished. In the sink there were three cups used. Quere who the third person was. The Crown withdrew the information.

Do Go and Enjoy!!!

MESSAGE FROM THE SDLA PRESIDENT

I would like to take this opportunity on behalf of the SDLA to wish all the members of the local bar and their families a very merry Christmas.

I had the pleasure of attending the semi-annual Plenary of the County and District Law Presidents Association (CDLPA) in November 2012. CDLPA's new mission statement is, "To protect and promote the interests of Ontario's practicing lawyers while serving the needs of our [local] associations. To further this goal, CDLPA has created the position of Director of Public Affairs, a position which has been filled by Scott Lovell. Mr. Lovell will assist CDLPA determine how it can be most effective when lobbying the Law Society of Upper Canada, lobbying government or advocating in general for practicing lawyers.

The CDLPA executive has been busy at work advocating on behalf of the practicing bar in response to many important issues affecting our profession, including, but not limited to preparing a response to the Law Society's Articling Task Force Consultation Report, Paralegal regulation and the financial sustainability of our local law libraries.

CDLPA has numerous standing committees that have prepared some excellent reports and responses. There are Plenary Sessions binders available in our local law library which include Minutes from past Plenaries, copies of the responses written by CDLPA, as well as written submissions and reports by CDLPA committees (i.e. Paralegals Committee, Legal Aid Committee, Library Committee). I encourage members of our Bar to obtain a copy of the plenary materials. Information can also be obtained at www.cdlpa.org (you will have to create an account).

I would like to congratulate Jackie McGaughey-Ward, who was elected for a second term as the CDLPA Northeastern Regional representative. Members of the local bar are strongly encouraged to provide feedback and insight into the issues affecting the profession in our area so that our SDLA executive and our CDLPA representative can ensure CDLPA is not only aware of these issues, but advocates effectively on our behalf.

Merry Christmas,

Trevor Kestle

EIGHT COUNTRIES IN FOUR DAYS

Imagine....cycling through eight countries in four days—interacting with the indigenous population; hearing their language; eating their food; and without once suffering the indignity of a security check or the malaise of jet lag. Well you can...I did... and it's called Toronto.

Toronto is one of the most cosmopolitan cities in the world. It is arguably *the most* cosmopolitan city in the world. In its 2006 census, Statistics Canada reported that 49.9% of Toronto's residents were born in foreign countries, making it more ethnically diverse than New York City. Toronto celebrates its ethnic diversity with such enclaves as China Town, Corso Italia, Little India, Greek Town, Korea Town, Little Jamaica, Little Portugal and Roncesvalles.

This multi-culturalism has proven to be a treasure trove for food blogger Sara Efron, a Toronto journalist committed to searching out authentic hole-in-the-wall restaurants and strip mall eateries serving food from all corners of the world. You will find her reviews at www.spicecitytoronto.com

Add to this the fact that the City of Toronto is relatively bike friendly and you have the makings of a cycling trip around the world, particularly if, like me, you have relatives living in diverse parts of our provincial capital.

So day one has me setting out from my mother-in-law's condo in Pickering with the home of my sister-in-law in Maple being

my ultimate destination. It is a distance of 50.7 kilometers, which allowing for side trips and getting lost, is about the distance between Tim Horton's on Lorne Street and Tim Horton's in McKerrow. On the way my first stop (for lunch) is Japan.

J-Town is located at 3160 Steeles Ave. East in Markham. It is in the largest Japanese mall in the Greater Toronto area. It contains Japanese shops and restaurants. The vendors are Japanese; the patrons are Japanese and the food is Japanese. The lingua franca is Japanese. For an hour and a half I was back in Tokyo. On offer is everything Japanese — from magazines and clothing to green tea and groceries—and of course the ubiquitous sushi. At the Café Green Tea, I choose breaded pork washed down with a can of coffee which one finds everywhere in Japan in vending machines.

With a side trip to pay a surprise visit to an aunt and uncle living in Thornhill, it is off to Trinidad. At Drupati's Doubles & Roti Shop, I have the largest serving of goat roti I have had in my life—so much so that I saved part of it for breakfast the next morning, after hunkering down at the home of sister-in-law Donna for the night. Going from Japan to Trinidad in one day can be quite a trip.

On day two, it is off to Plaza Latina for lunch. Plaza Latina is the equivalent of J-Town Mall except it has grocery stores and restaurants from Central and South America.

There are two Ecuadorian places, La Fuente Del Puro Saor which is a juice bar where they make fresh juice from papaya, melon, orange, sour sop and other fruits, and Comedor Popular & Ecuatorina which serves up fried beef empanada and sopas de gallina (hen soup). And they have Inca Cola on tap. The mall also has Chilean, Columbian and Cuban eateries. Apparently on Sunday afternoon it is impossible to get a

parking spot because the food court is crammed.

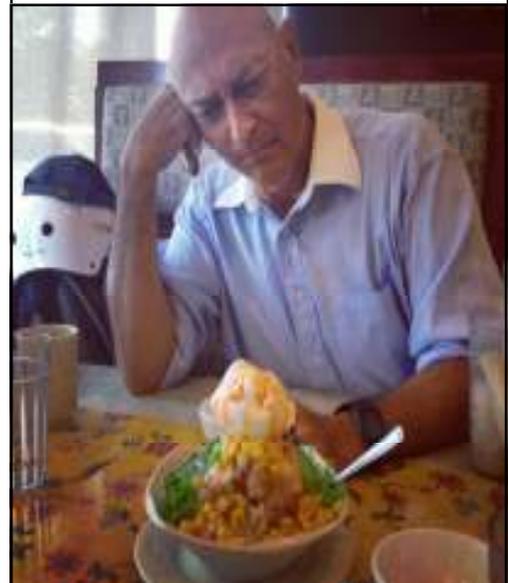
Supper tonight will be in Brazil. Getting to Brazil involves a bike ride along the Humber River. Who knew? At Segovia one may sample Brazil's national dish, which consists of black beans cooked with pork, smoked bacon and chorizo and is served with rice, collared greens, toast cassava flour, torolo salsa and orange slices. You can see a picture of it at www.spicecitytoronto.com

This night I will “bed and breakfast” with my daughter Jennifer and three granddaughters in Roncesvalles.

It is day three and I am off to the home of another daughter Allison located in Greek Town. My route takes me along the glorious 56 kms. Martin Goodman Trail which hugs the north shore of Lake Ontario. Lunch is in China at the all day Dim Sum King eatery on Dundas Street West. Supper takes me to Afghanistan and the Banmian Kabob with Allison, her husband Costin, and the “gingerboy.”

The lamb kabob is truly amazing with lettuce salad and the place is packed with Muslim families in traditional dress, with wide smiles brought on by good food.

Continued on page 5...



SDLA LEGAL BRIEFS NEWSLETTER



Day four and it is to the Philippines we go for breakfast. To stop at the Ritz Diner is to step back into the 1950's. There are table-side juke boxes and a clientele of Filipinos along with others enjoying the Filipino breakfast in which you get to choose between Tapisilog (pieces of marinated beef); Dangsilog (marinated fish) and Longanisa (a type of sweetened sausage) to go with your poached eggs and garlic sticky rice. Of course we order all three.

Lunch this day will be in Malaysia where I am joined by son Adam and his lovely and talented girlfriend Aisling Rose Forde. Gourmet Malaysia serves up Malaysian, Singaporian and Indonesian food. I had been blown off course by heavy down winds and Adam and Aisling were good enough to pre-order.

The food was delicious and we topped it off with "ais kacang" which is a desert made of crushed ice sweetened with syrup along with strings of jelly, salted peanuts, creamed corn (!) red beans and sweet basil seeds which taste like tapioca.

Arriving back in Pickering, I find that I have cycled 222.7 kilometers which at the same time gives you the appetite to eat and drink as much as you want.

Eight countries in four days!

Richard Keith Guy

October 2012

VOLUNTEERING WITH BBBF

Danielle, Kristen, Nardine & Jenni



YOUNG / NEW LAWYERS COLUMN

Submitted by Danielle Vincent

Starting a career in law can be stressful at the best of times. Most of us do get fantastic mentoring and the more senior members of the SDLA bar are always willing to lend an ear when one of us needs some advice. Sometimes though, we just need to get together with other new lawyers who are going through the same thing. The support and commiseration we get from one another is priceless.

Thankfully, the Sudbury Young Lawyers Association (SYLA) has been quite active this year. The newest members of the Sudbury bar have had plenty of opportunities to meet up with one another. First up was the Fall Welcome Event, held at the Laughing Buddha on October 3rd 2012. The event consisted of food, drinks, mingling. Thanks to the SDLA along with organizers Jenni Campbell and James Ross, it was a big hit!

But, the SYLA's activities are not limited to social events. On December 1st 2012, four of the SYLA's members, (myself, Kristen Newman, Nardine Roufaiel and Jenni Campbell) volunteered to cook dinner for some less fortunate members of our community at Better Beginnings, Better Futures. Despite almost having to call the Sudbury Fire Department, the dinner was a huge success and those who attended the dinner were anxious to have us return to cook for them again.

To keep the momentum going, there is a Christmas party planned for December 20th at Hard Rock 42 at 7:00 p.m. There will be a Kris Kringle, so anyone attending is invited to bring a \$20.00 gift and participate in the fun.

We don't plan to stop there either. We have some other social events planned for the new year, like Porketta Bingo and skating. We are also going back to try our hands at cooking another dinner at Better Beginnings, Better Futures. If you are interested in participating in any of these events and haven't been receiving our emails, feel free to contact me at

danielle.j.vincent@gmail.com

See you there!

Danielle J. Vincent

(Photo supplied by Jenni Campbell)



SAVE THE DATES!

2013 Court House Series: Getting to the Point

REGIONAL CHAIRS:

Barbara J. Murchie, *Bennett Jones LLP* • Alf Kwinter, *Singer, Kwinter LLP*

The Advocates' Society, in conjunction with local law associations, is pleased to present its popular Court House Series. Delivered across the province, this year's series, **Getting to the Point**, will feature an outstanding cast of experienced advocates and judges sharing practical strategies for clear and concise written and oral advocacy. Dynamic live and video demonstrations will showcase a variety of advocacy styles on this year's topics:

- **Pointed Evidence:** *Less is Often More*
- **Pointed Argument:** *Effective Advocacy is Focused Advocacy*
- **Pointed Appeal:** *Distilling it Down to the Key Issues*

Whether you are just starting out or have been litigating for years, you won't want to miss this informative and entertaining annual celebration of advocacy. You won't see affordable, local programming like this anywhere else!

Hamilton

February 28, 2013 – Pointed Evidence • Pointed Argument • Pointed Appeal

John Sopinka Court House - 45 Main Street East • 1:00 – 5:00 pm (Reception to follow)

CHAIRS: Helen M. Pelton, *Pelton Law* • Andrew J. Spurgeon, *Ross & McBride LLP*

TAS Members Fee: \$60 (+ HST) **Non-members Fee:** \$75 (+ HST)

Kingston

February 28, 2013 – Pointed Evidence • Pointed Argument • Pointed Appeal

Donald Gordon Conference Centre – 421 Union Street • 1:00 – 4:00 pm (Reception to follow)

CHAIRS: The Hon. Justice Brian Abrams, *Superior Court of Justice* • Christopher J. Edwards, *Templeman Menninga LLP*

TAS Members Fee: \$55 (+ HST) **Non-members Fee:** \$70 (+ HST)

Kitchener

May 6, 2013 – Pointed Evidence & May 13, 2013 – Pointed Argument

New Kitchener Court House • 5:00 – 7:00 pm (Reception to follow)

CHAIRS: Jennifer J. Breithaupt, *Barrister & Solicitor* • Frank D.P. Carere, *Madorin, Snyder LLP*

TAS Members Fee (per session): \$40 (+ HST) **Two-session Package:** \$70 (+ HST)

Non-members Fee: (per session) \$50 (+ HST) **Two-session Package:** \$80 (+ HST)

London

February 21, 2013 – Pointed Evidence • Pointed Argument • Pointed Appeal

County Building (Old Court House) - 399 Rideout St. N • 1:00 – 5:00 pm (Reception to follow)

CHAIRS: Maia L. Bent, *Lerners LLP* • Jill S. McCartney, *Siskinds LLP*

TAS Members Fee: \$60 (+ HST) **Non-members Fee:** \$75 (+ HST)

Ottawa

February 14, 2013 – Pointed Evidence • February 21, 2013 – Pointed Argument

February 28, 2013 – Pointed Appeal

RCAF Officers' Mess - 158 Gloucester Street • 12:00 – 2:00 pm (Lunch provided)

CHAIRS: Nadia Effendi, *Borden Ladner Gervais LLP* • Robert Sheahan, *Gowling Lafleur Henderson LLP*

TAS Members Fee: (per session): \$40 (+ HST) **Three-session Package:** \$110 (+ HST)

Non-members Fee: (per session): \$55 (+ HST) **Three-session Package:** \$150 (+ HST)

Sudbury

February 21, 2013 – Pointed Evidence

February 28, 2013 – Pointed Argument & Pointed Appeal

Sudbury Court House - 155 Elm Street • 3:00 – 5:00 pm (Reception to follow)

CHAIRS: Marc A. J. Huneault, *Weaver Simmons LLP* • Jackie E. McGaughey-Ward, *Miller Maki LLP*

TAS Members Fee (per session): \$40 (+ HST) Two-session Package: \$70 (+ HST)

Non-members Fee (per session): \$50 (+ HST) Two-session Package: \$80 (+ HST)

Thunder Bay

February 20, 2013 – Pointed Evidence • Pointed Argument • Pointed Appeal

Superior Court of Justice - 277 Camelot Street • 1:00 – 4:30 pm (Reception to follow)

CHAIRS: Brian Babcock, *Weiler, Maloney, Nelson* • W. Danial Newton, *CARREL + Partners LLP*

TAS Members Fee: \$60 (+ HST) Non-members Fee: \$75 (+ HST)

Toronto

February 14, 2013 – Pointed Evidence • February 21, 2013 – Pointed Argument

February 28, 2013 – Pointed Appeal

The Advocates' Society Education Centre, 480 University Avenue, 17th Floor • 12:00 – 1:30 pm (Lunch provided)

CHAIRS: Eric R. Hoaken, *Bennett Jones LLP* • Jane A. Langford, *TD Bank Group*

TAS Members Fee: (per session): \$40 (+ HST) Three-session Package: \$110 (+ HST)

Non-members Fee: (per session): \$55 (+ HST) Three-session Package: \$150 (+ HST)

Windsor

February 14, 2013 – Pointed Evidence • Pointed Argument • Pointed Appeal

Windsor Court House - 245 Windsor Avenue • 2:00 – 5:30 pm (Refreshments provided)

CHAIRS: James Branoff, *Law Office of James Branoff* • Peter K. Hrastovec, *Peter Hrastovec Professional Corporation*

TAS Members Fee: \$50 (+ HST) Non-members Fee: \$65 (+ HST)

CPD INFORMATION: Accreditation for Professionalism Hours is pending.

Please check our website at <http://www.advocates.ca/cpd> for the most updated information.

2013 Court House Series Registration

Hamilton:	Feb 28	<input type="checkbox"/>	TAS Member: \$67.80 / Non-Member: \$84.75
Kingston:	Feb 28	<input type="checkbox"/>	TAS Member: \$62.15 / Non-Member: \$79.10
Kitchener:	May 6	<input type="checkbox"/>	May 13 <input type="checkbox"/> TAS Member: \$45.20 (one session), \$79.10 (two-session package) Non-Member: \$56.50 (one session), \$90.40 (two-session package)
London:	Feb 21	<input type="checkbox"/>	TAS Member: \$67.80 / Non-Member: \$84.75
Ottawa:	Feb 14	<input type="checkbox"/>	Feb 21 <input type="checkbox"/> Feb 28 <input type="checkbox"/> TAS Member: \$45.20 (one session), \$124.30 (three-session package) Non-Member: \$62.15 (one session), \$169.50 (three-session package)
Sudbury:	Feb 21	<input type="checkbox"/>	Feb 28 <input type="checkbox"/> TAS Member: \$45.20 (one session), \$79.10 (two-session package) Non-Member: \$56.50 (one session), \$90.40 (two-session package)
Thunder Bay:	Feb 20	<input type="checkbox"/>	TAS Member: \$67.80 / Non-Member: \$84.75
Toronto:	Feb 14	<input type="checkbox"/>	Feb 21 <input type="checkbox"/> Feb 28 <input type="checkbox"/> TAS Member: \$45.20 (one session), \$124.30 (three-session package) Non-Member: \$62.15 (one session), \$169.50 (three-session package)
Windsor:	Feb 14	<input type="checkbox"/>	TAS Member: \$56.50 / Non-Member: \$73.45

Name: _____ Firm: _____

Address: _____ Postal Code: _____ Tel: _____ Fax: _____

Email: _____ Call Year: _____

Cheque for \$ _____ payable to: The Advocates' Society (end) or Debit my Visa / MC (circle one) for \$ _____

Signature: _____ Visa / MasterCard #: _____ Exp: _____

TO REGISTER: Return this form with payment to Simona Ramkisson, Program Coordinator, The Advocates' Society, 1700 - 480 University Ave., Toronto, ON M5G 1V2. Fax: 416-597-1588. Email: simona@advocates.ca. Last minute registration by Visa or MasterCard only. No refunds or credits. Substitutions are permitted. Program content and speakers may change without notice. HST #10807 0707 RT0001



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ANNUAL GENERAL MEETING 2013 CARUSO CLUB FEB. 21 @NOON

February 2013						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	AGM	22	23
24	25	26	27	28		



LAWPRO CREDIT COLLOQUIUM 2012

[LawPro](#)

Northeast CPD (Sudbury Law Assoc)
Oct 25, 2012, Sudbury



Rannah's Library Column

Excerpt from the Canadian Association of Law Libraries Dec. 2012...

"At the 2012 CBA Conference the Canadian Association of Law Librarians (CALL) had an information booth in the exhibit hall. The primary purpose of the booth was to promote the strategic value of legal information specialists to lawyers, judges, law school professors and others attending the conference."

In addition to giving out information, the volunteers received feedback from those dropping by the CALL booth—they were asked to answer the question "What value have law librarians brought to your career?" Overall the respondents valued law librarians and library staff for:

- * Skill in finding information, whether by using online tools, searching in a library collection, or reaching out to other library professional contacts
- * Training and support provided to lawyers early in their careers
- * In depth knowledge of the resources
- * A positive attitude and good customer service

At your local law library we look forward to bringing these skills and values to you our library patrons.

May the joy of this festive season be with you and yours.