



SDLA NEWSLETTER

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SDLA Legal Briefs Newsletter

MESSAGE FROM THE BENCH

Question: How many judges does it take to change a light bulb?

Answer: What???? Change???? I don't think so.

I suppose I am a bit old school. I much prefer to read from a book than from a computer monitor, and when I sit down to write a decision I like to have the materials fanned out before me rather than organized in an electronic format. However, I am coming to realize that this is no longer the way of the world. Like it or not, change, if it is not already here, is fast approaching.

I am trying to embrace change, particularly in the conduct of trials, and hope I can encourage you to do the same. It does not have to be complicated. In fact, it can be rather simple, environmentally friendly and cost effective.

Not long ago I had occasion to listen to a lawyer speak on how a trial in which he was involved was simplified by the use of ipads. The trial involved many documents and it was determined that rather

than copy and bind them, counsel would index them, scan them onto ipads and provide a loaded ipad to the judge at the outset of the trial. Everyone participating in the trial had an ipad which contained the same information. That information could be accessed easily and quickly. There was no need to have copies of all documents and no need to file the originals. At the conclusion of the trial, the digital documents were stored on another device (such as a thumb drive) for preservation, and the ipads were returned to counsel for use in the next trial. The investment in technology was much less than what would have been incurred to make four copies of all the documents and left counsel with an asset that could be used again and again. The use of paper and creation of waste was largely averted. Court storage of exhibits was a non-issue. There was no down side. The process was perfect in its simplicity.

More and more law offices are becoming paperless. Our court filing system is headed in that direction, albeit slowly. In my view, it is time for paperless trials to become the norm rather than the exception. We need to change or get out of the way.

Robbie D. Gordon RSJ

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COLLOQUIUM 2014 UPDATE

Online registration for Colloquium 2014 is now open. We have now confirmed accreditation for each session. The details are set out on the registration form. You will be receiving an email which will contain the link to the registration form. You will also be able to access registration through the SDLA webpage www.sdla.ca. The full brochure containing details of the program will be circulated by the end of August as well.

We are very pleased that this year, the Sudbury District Law Association was approved as an accredited provider of professionalism content by the Law Society of Upper Canada. This will open the doors to future CPD program offerings in Sudbury hosted by the SDLA.

We have a number of local and “imported” speakers who once again will be sharing their skills and knowledge at the conference. Some of those speakers include Mr. Richard Shekter; Mr. Seth Weinstein, from Greenspan, Humphrey, Levine; Brad McLellan from Weir Foulds; Jennifer Babe from Miller Thomson; Paul Burstein from Burstein, Bryant Barristers; Justice Michael Code, SCJ; Lucy McSweeney Children’s Lawyer for Ontario, and, Laurie Pawlitza, former Treasurer of the LSUC.

This year we have a number of new sponsors. MNP is a new platinum sponsor and Oncorp is a new gold sponsor. There will be a number of new sponsor booths at the conference. We will be encouraging you to speak with our sponsors and honour them with your patronage as their support is key for this event.

The Thursday lunch will include a panel discussion to explore the question “Where has articling gone?”

Mr. Chris Bentley, who is chair of the new LLP Program at Ryerson, will be attending as will Professor Maclean from Lakehead University. We are also very pleased that our new Treasurer, Ms. Janet Minor will be participating in the discussion.

Chief Justice George Strathy, the new Chief Justice of Ontario accepted our invitation to attend and speak at the Friday lunch program. We are very honoured that Chief Justice Strathy accepted our invitation given the demands on his time.

The Honourable Bob Rae will be speaking at the dinner on Thursday evening. He has a close connection to the North given his involvement with the Ring of Fire development.

Dinner will be followed by the hospitality suite which will once again be hosted by the Sudbury District Law Association.

The organizing committee thanks the tireless efforts of the various session leaders who have spent a great deal of time organizing each session. Preparation for this program commences early in the new year and its success continues to rest on the quality of the programs that are offered.

On behalf of the organizing committee, I extend my gratitude and thanks to Tomm Orendorff, Claude Lacroix, Bob Yu, Jay Meunier, Lisa Barazzuti, Erin Cullin, Terry Waltenbury, Philip Zylberberg, Guy Desmarais, James Ross, Kathleen Stokes, Emily Graham, Ed Paquette, Geoffrey Larmer and Wayne Stickland.

Lastly, the bulk of the work in organizing this conference is done by Ms. Carrie Regenstreif of Green Acorn Consulting. She has taken on most of the tasks associated with the planning and execution of the conference. We are indebted to her tireless efforts.

We look forward to seeing you on October 16th and 17th at the newly renovated Holiday Inn.

M.J. Lucille Shaw

*Colloquium 2014 Organizing
Committee*

**THE ADVOCATES' SOCIETY
2015 CPD SUDBURY**

SYLO NIGHT AT THE "DOG HOUSE"

For the first time The Advocates' Society will be offering two separate CPD programs in Sudbury in 2015. The first skills based program will be offered on May 13th 2015 from 9:00 to 4:30 pm. This program will deal with motions advocacy. The morning program will be a live webcast of speakers from Toronto dealing with topics which include preparing for court, courtroom practice and procedure, working with court staff and court etiquette. The afternoon program will involve hands-on exercises in motions advocacy. Workshop materials will be distributed electronically prior to the program. Advanced preparation will be required for the afternoon program.

The program contains 2.75 professional hours and is eligible for up to 3.75 of substantive hours.

Registration forms will be circulated together with particulars with respect to the location of this course.

Please note that enrollment is limited in the afternoon program.

The popular Court House Series is back again in 2015. The dates will be February 12 and 25, 2015. Further information will be provided regarding the contents of the program. For now, we ask anyone who is interested, save these dates in their calendars. As in previous years, the programs will be scheduled for ½ day.

For further information about either program, please contact Ms. Lucille Shaw at shawl@millerlaki.com or (705) 675-7503.



The Sudbury Young Lawyer Organization (SYLO) recently held a summer party at the Doghouse Sports Bar on August 14th for all of the summer students, articling students, and lawyers under six years of call in Sudbury. Despite the heavy rain, the event was a huge success with 34 young lawyers and students attending throughout the night from firms and organizations in the city.

It was a great chance to meet the new faces in town and to be able to catch up with familiar friends. The turnout confirmed that the young lawyer contingent in Sudbury is strong, which bodes well for the future of the Sudbury bar.

The event would not have been possible without the funding of the SDLA, which provided funds for the delicious food and drinks.

The SYLO executive would like to thank them for their continued support of the young lawyer community. The executive would also like to thank all of those who attended the party and made it such a success.

To keep this ball rolling and to maintain a strong community, SYLO will be organizing numerous events in the upcoming months, including a pub crawl on September 26, 2014. More details regarding this event to follow closer to the date. We hope that the night will be as successful as the summer party. We would encourage all articling students and lawyers under six years of call to attend, and we would also encourage those of have not done so to join SYLO's new Facebook page, where details about this and other upcoming events can be found.

Adam Kosnick

Miller, Maki LLP

MILLER, MAKI'S EXCELLENT BASEBALL ADVENTURE

For its annual summer event, Miller, Maki decided this year to head out on a road trip, specifically, a bus trip to Toronto to take in a Blue Jay game.

Friday, July 18th was selected with Texas in town to play the Blue Jays, with their ace, Yu Darvish, on the mound for the Rangers. The Jays replied with their so-called knuckle ball ace, Allan Dickey. Unfortunately, the pitching matchup did not live up to its billing, at least from the Blue Jay perspective. Nevertheless, with the roof open at the Roger's Centre, the assembled crew enjoyed their peanuts, popcorn and cracker jacks, along with the odd beer under the Toronto sky, with the CN tower looming over.

The trip started early that day at the Miller, Maki offices, when the Tisdale bus arrived on Hartman Street. We had been expecting a smaller sized bus commensurate with the 30 people making the trip, but because of apparent mechanical problems with that vehicle, bus driver, Steve, showed up with not only a full sized bus, but one emblazoned with the Canadore College team colours, so it appeared that the bus portion of the trip would be done in style.

Little did we know that the driver's ability and knowledge of the intended route was not commensurate with the quality of the vehicle in which we were travelling.

As each of the attendees entered onto the bus, they were presented with a loot bag organized and put together by Meaghan Boisvert, and of course, some of the travelers felt additional libations over and above those supplied in the loot bag would be required for this length of trip.

Once everyone was settled in, Steve, the bus driver, started us on the way, and the first indication that there might be a problem or two came when he attempted to make a left turn from Lorne Street on to Elm Street, only to be advised that such a turn was not permitted, and we would have to continue on Lorne Street, turning onto Regent at "killers crossing", and eventually making our way to Paris Street, at which point in time Steve started to get his bearings.

Next stop was approximately half way to our destination, a pit stop at Tim Horton's/Licks. This appeared to be an appropriate location for a team photo. Once back on the bus, next stop Yorkdale, where it was intended that the gang would break up into smaller parties, some to shop, others to do legally related business, grab lunch, liquid or otherwise, and head to the game.

Once again, however, Steve, the bus driver, intervened.

It should be noted, at this point, that prior to arriving in the GTA, there was a steady stream of certain passengers heading to the washroom on the bus, the frequency in direct relation to the consumption of alcoholic beverages. John Saftic and Alex Caza were in a dead heat for most of the trip, although near the end, John clearly pulled "a head" (pun intended).

As our bus reached the end of Highway 400 and turned left onto the 401, I was gathering up my belongings, anticipating arriving at Yorkdale shortly thereafter. Unfortunately, Steve, the bus driver, had other ideas, and instead of staying in the collector lanes, he moved into the express lanes, which of course, in that area, did not have an exit to Yorkdale. When this was pointed out to him, he really had no idea how he was going to correct the problem, so he was instructed to exit at Avenue Road, after which we wended our way back to the Yorkdale area along Wilson Avenue. Of course, once we reached Dufferin Street, the access to Yorkdale was a right turn to travel back under Dufferin, which led us to the south side of the bus station, but because of construction in the area, once again no way to actually access the entrance to the bus station.

Fortunately, because of the construction, there were actually two traffic cops manually controlling this particular intersection. The female officer approached the bus and once the predicament was explained, she and her partner stopped all of the traffic in the area, permitted Steve to drive the bus into the middle of the intersection where he tried to find the reverse gear, eventually doing so, backing up, and then turning into the bus station to off load the passengers.

That event was not without incident, when John Saftic stepped from the bus, missing the curb, his leg dropping to the pavement, and the rest of his body pitching forward to sprawl across the sidewalk. Fortunately, he did not break his leg so we didn't have to shoot him, but had we done so, that would have made for a quieter ride heading on the subway to downtown Toronto.

Before leaving Steve, the bus driver, detailed arrangements were made concerning the pickup after the game, although from what had transpired earlier, this process was undertaken in less than an air of confidence.

While some of the women on the trip took this opportunity to shop, others made better use of their time by attending at Osgoode Hall to obtain Law Society identification cards. Alex Caza also took the opportunity to upgrade his legal haberdashery by attending at Harcourts.

One segment of the crew ended up spending a good portion of the afternoon at the outdoor patio at Jack Astor's, warming up for the game, so to speak. Three of that crew, namely Shannon Goffin, Adam Koznick and Meaghan Boisvert, ended up performing at some sort of Kraft dinner display receiving prizes for their efforts, which were recorded, but apparently so far have not gone viral.

The seats for the game were located in the 200 level in the left field corner. Trevor Kestle, always a font of enthusiasm, brought his glove in the hope of catching a ball during the game. Unfortunately, there were no balls that came close to our location, and the two closest ended up being home runs hit off Jay's pitcher, Allan Dickey, into the Jay's bullpen, some distance below our seats.

MILLER, MAKI'S EXCELLENT BASEBALL ADVENTURE



Needing a bit of a rest following the arduous trip to Toronto, John Saftic missed his wakeup call at the hotel where he was staying and after a flurry of cell phone calls and ticket exchanges, John finally got into his seat about the middle of the fifth inning, just after the “world’s fastest ground crew” had changed the bases, and swept and cleaned the infield.

Again, from a Blue Jay fan perspective, the game was a snooze, with the Jays losing 6-1. Darvish pitched well, Dickey sucked, giving up his usual quota of goffer balls, something he has become known for at the Roger’s Centre.

Nevertheless, the Miller, Maki crew enjoyed themselves at the game, although some of the individuals seemed to spend more time at the concession booths than in their seat.

As we left the stadium, the next question, of course, was “would we be able to find Steve, the bus driver” and our transportation home?

There had also been a flurry of cell phone calls and text messages with Steve indicating that he parked now in front of the Ripley’s Aquarium. That, of course, had not been the designated pickup spot when we had last discussed the matter at Yorkdale. Regardless, this was a

location we could easily access, and almost everyone found their way to the bus fairly quickly. However, there was once again a wait, as Meaghan and Shannon stopped to buy pizza for the trip home.

Because Steve, the bus driver, found his way to the area of the Roger’s Centre, I assumed he would know how to get back out on the road for the return trip to Sudbury. Once again, I was mistaken. As we exited down Rees Avenue, heading south to the Gardiner, Steve, the bus driver, turned onto Lakeshore, which was once again a mistake. The mistake was exacerbated by the fact that this was the Indy race weekend, and of course all of the area around Exhibition Stadium had been modified for the race, so it now took considerably longer travelling through back streets, once again over to Dufferin, down through the Dufferin gates through the CNE, eventually making an illegal turn onto Jamieson Avenue to get down to the Gardiner, and eventually on our way.

The trip back to Sudbury was, of course, less exciting, with many of the tired participants taking the opportunity to catch a nap

or two on the way home, with Lucille Shaw fully prepared for that part of the trip, dressed in sweats and bringing her own down filled pillow from home.

A quick pit stop once again at Tim Horton’s/Licks, and a few more directions to Steve, the bus driver, once we hit Sudbury, arriving back at Hartman Street at approximately 2:30 a.m. with the gang dragging their tired butts to head home to spend the rest of the night in more familiar surroundings.

Steven, the bus driver, still had to make it back to the Tisdale depot in the North Bay area, and to his home in Corbeil, and having not heard anything further from him or his employer, I have to assume he made it safely.

Another Miller, Maki party event in the books, and a good time had by one and all.

MPO

SDLA GOLF TOURNAMENT

The Association's annual golf tournament for 2014 was once again held at Cedar Green, on Friday, August 22nd. Although the weather predictions earlier in the week were ominous, and even though the day presented for the most part, cloudy and overcast, the rains managed to hold off except for a brief and inconsequential mist here and there, so that there was no disruption at all to the day's events.

Once again, participants were presented with the opportunity to engage in either medal play or a scramble format.

All of the women this year chose to participate as part of a scramble team, so that only on the men's side was there an individual champion crowned.

It will come as no surprise that Berk Keaney is once again the SDLA golf champion, shooting a 78 to edge out Justice Gordon by one stroke. Trevor Kestle finished third with an 82.

The scramble team winner was once again predominately made up of Weaver, Simmons golfers, and the team itself included three repeat winners from last year. Michel Carré, Jennifer Dowdall and J. M. Bray were all part of last year's team, with Sheena Alexander being the addition that managed to continue the team's success.

Rounding out the top five in the men's division were Bob Beckett with an 83, and Toronto interloper, Matt Madott, with an 84.

Unfortunately, last year's winner, Matthew Leef, was not able to duplicate last year's performance, the suggestion being that having to golf in the same foursome as Berk Keaney, and more importantly, Matti Mottonen, the pressure got to him.

The management at Cedar Green has been instructed that they will require better directional signage for future tournaments. Two consecutive foursomes, whose identities will be withheld for obvious reasons, finished up on the 7th hole, and they did not manage to negotiate the left turn leading them to the 8th tee box but rather continued straight on up the hill to hole number 15.

The first group was stopped before they actually teed off, however, the second group had not only teed off, but were hitting their second shots into the 15th green when they were informed that they were playing the wrong hole.

This industrious and quick thinking foursome attempted to turn this gaff into a moneymaking proposition when reaching the 9th green (now back on track), they wanted to bet the threesome teeing off on number 12 that they

would guarantee a par on hole number 15, having of course played and completed the hole and achieving an actual par.

The other occurrence of note was Jim Longstreet's attempt to make a pitch for the starting goaltender's job with lawyer's hockey team, actually blocking a shot with stomach, i.e. a golf ball in midflight, when both he and the golfer had taken the shot were located on the wrong fairway, blocked from each other's view by a significant mound, as the one golfer attempted to get his ball back in play in the correct fairway. Jim had the proof of this effort well after the event, with a nice round welt near his belly button, with the word Titleist appearing front and centre. Fortunately, Jim was no worse for wear, despite this unanticipated sidebar.

Turning back to Berk's round, it did not begin auspiciously. His score card revealed his first four holes as bogey, double bogey, double bogey, double bogey. Fortunately, the next five included a birdie, two pars, another birdie, followed by a par, to finish off the front 9 and get his game back on track.

Although those that attended this event certainly seemed to enjoy themselves, and there were prizes galore, everyone leaving with at least two, and oftentimes three prizes, nevertheless, the turnout to the tournament was once again disappointing. Weaver, Simmons and Miller, Maki were well represented and it was encouraging to see the number of young lawyers from all firms, articling students and even summer students in attendance. However, many, many other SDLA members, and particularly many senior individuals who either used to, or would normally attend this event, were missing in action, and I really don't have an explanation for that, in light of the fact that the first notice for this tournament was given a year in advance, and then a second notice in February, so that no-one could complain that they didn't know when the event would be held, and couldn't properly plan for it.

At this point, it is anticipated that next year's tournament will be held on the Friday of the same week, that being August 21st, and I would hope that many more individuals would "save the date" and plan to attend next year's event.

We would like to once again thank the various sponsors, including, as always, McKellar and Nor-Ont and the many business and establishments that donated prizes to the event. We would also like to thank the various individuals who spent the time and made the effort in gathering up those prizes.

See you next year. MPO

SUBMITTED BY YOU...

SDLA EXECUTIVE 2014

Foolscap

Noun: [foolz-kap] An anachronistic abomination perpetuated by a professional group prone to preserving ill-considered standards.

In North America the term refers to a size of writing paper, 8½ inches by 14 inches, also known by the name “legal size” paper. Frequently associated with a lower quality paper, yellow in colour, and supplied in pads of 50 or 100 sheets with a top edge glue.

Originally, the term foolscap referred to the lesser quality of the paper. The name derived from a common watermark with such papers, that was comprised of a court jester's cap. (For the uninitiated you'll have to google “watermark” on your own time.)

The variant we know as legal size would have originally been known as ‘foolscap folio’. Here's how the name came to be. Foolscap was traditionally twice the size (approximate) of our legal size paper. When folded in half (the ‘folio’ part), and cut, the half sheet was known as foolscap folio. BWT: fold it again, to get ‘foolscap quarto’, or roughly the size of a standard book page. The ‘traditional’ part is a reference to the British Imperial measurement system.

That system of paper sizes was abandoned by Great Britain some time prior to 1975 in favour of paper sizes based on International Standards Organization sizes (ISO). Those standards are used by just about all civilized societies, North America excepted.

Interestingly, the legal profession in Great Britain hung onto foolscap as its go-to paper size until well into the 1980s. Nowadays in the British Isles one has to order foolscap as a custom paper from the manufacturers.

Here in Ontario, we ought not be concerned about modest investments in equipment and infrastructure based on the antiquated overseas measurement units. The foolscap size, or close approximations are here for the foreseeable future. Their long run future was ensured when the Ontario government overhauled the land registration system with the guidance of Teranet a couple of decades back, and decided to retain extra long paper sheets.

This was, of course, to the delight of those suppliers of electronic printer paper trays, and photocopiers, and filing cabinets, and binding equipment and file folders, and...well you get the drift.

Gotta love the irony of the fools cap.

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Can Computers be considered authors?

Excerpt from an online article authored by a person....

As more content is generated by software programs, it's changing the way books and articles are written and raising questions about what it means to be an author.

Who wrote your favourite book? Though the definition of author is changing, novels are a creative haven where humans prevail.

This story was written by a human, but it's possible that other articles you've read today—from Wikipedia entries to news briefs—were written by computers.

Computer software programs known as "bots" are creating an increasing amount of content, raising questions about authorship and how much value such content has.

As algorithms improve, more and more content will be produced by computers, and at least one man believes a computer could even win a "Pulitzer" within the next 20 years?

Writing v. Compiling

Two of the most "prolific" authors in the world today are Phil Parker and Sverker Johansson .

Parker has published 200,000 books with such riveting titles as "The 2007-2012 Outlook for Tufted Washable Scatter Rugs, Bathmats and Sets That Measure 6-Foot by 9-Foot or Smaller in India."

Using computer algorithms that collect public information, Parker is able to "write" an entire book in under an hour.

Johansson, on the other hand, is responsible for 2.7 million [Wikipedia](#) articles, or about 8.5 percent of the collaborative Internet encyclopaedia.

In addition to writing numerous articles on Filipino cities, the 53-year old Swede— who has degrees in linguistics, civil engineering, economics, and particle physics— has created

entries for every known bird and fungus species.

However, Wikipedia purists criticize Johansson's methods because the majority of his entries were compiled by a "bot" named Lsjbot.

Lsjbot collects information from databases and other digital sources and can recreate up to 10,000 new entries a day.

Many of these articles are "stubs", meaning they contain only basic information, such as a city entry that simply lists the city's coordinates and population.

Johansson admits that Lsjbot's entries can be bare boned and boring, but he says creating such stub articles is useful because writers who know more about a topic can fill in additional information later.

His critics argue that such stub articles contain so little information that they're hardly doing a service to readers, and even Lsjbot's longer entries appear subpar because they lack the creativity a human author would bring.

But Johansson says "Lsjbot created" articles combat a problem that's inherent in a collaborative encyclopaedia: People tend to write about topics that interest them, so there's a wealth of information on some topics and very little on others.

As an example, he points out that on the Swedish Wikipedia there are more than 150 articles on "Lord of the Rings" characters and fewer than 10 on important figures in the Vietnam War.

"I have nothing against Tolkien plus I am also more familiar with the battle against Sauron than the Tet Offensive, but is this a really well-balanced encyclopedia?" he tells the [Wall Street Journal](#).

Bots get bylines

Bots aren't new to Wikipedia. In fact, they've been part of the encyclopedia's development almost since its beginning.

Within a year of its 2001 founding, a bot known as "Rambot" created 30,000 Wikipedia articles on U.S. towns and cities.

Using U.S. census data, the bot created short entries for each town that contained little more than demographic statistics. Once created, human editors stepped in to flesh out these entries.

In 2008, another bot created thousands of stub articles on androids, using data from a NASA database.

Wikipedia also uses hundreds of bots to monitor and edit entries, such as ClueBot NG, which can detect and delete vandalism in seconds.

But bots aren't simply generating and moderating thousands of Wikipedia articles—they're also writing news stories that appear in publications like the Los Angeles Times.

Times reporter Ken Schwencke created Quakebot, an algorithm that automatically writes and publishes a story on the newspaper's website every time an earthquake is detected in California.

Within three minutes of the July 8 2014 tremor, Quakebot had published a short story detailing the event.

But could bots write the journalist right out of journalism?

Continued on next page...

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Could bots Write the Journalists Right Out of Journalism?

Yes, and no.

Kristian Hammond, co-founder of Narrative Science— a company that designs computers to write news stories— believes more than 90% of news will be written by computers by the year 2027.

But instead of computers and algorithms replacing human reporters, Hammond thinks news writing will simply expand.

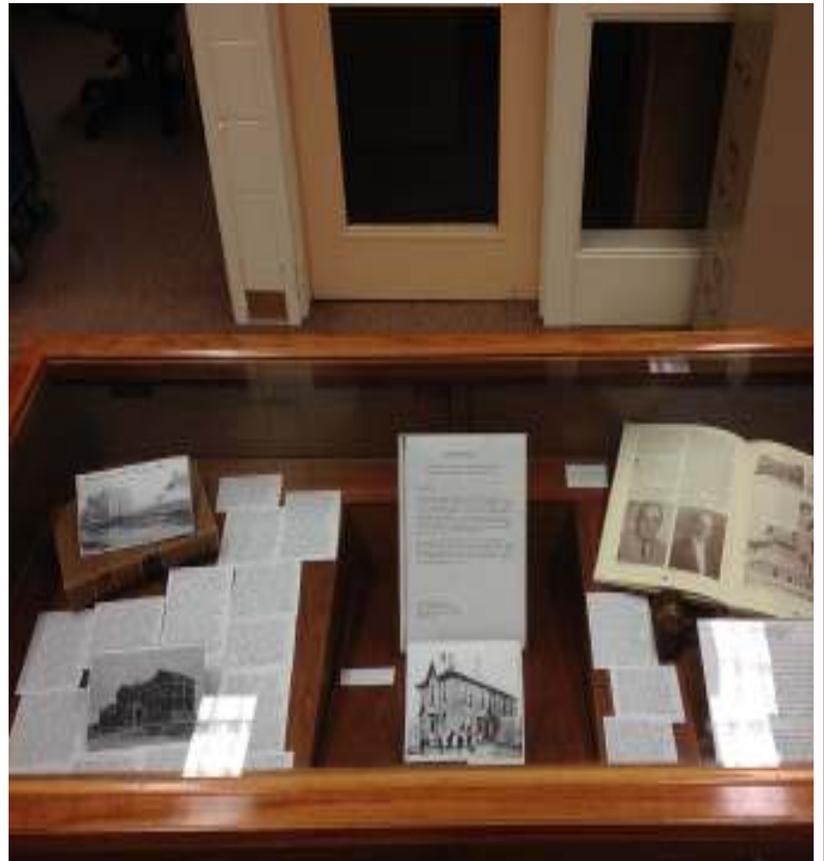
While bots mine data and churn out stories on events that reporters aren't covering, journalists will still write with greater depth and more creativity.

As Will Oremus writes in [Slate](http://www.slate.com/), <http://www.slate.com/> there are some things humans can do that bots cannot.

“We're good at telling stories. We're good at picking out interesting anecdotes and drawing analogies and connections. And we have an intuitive sense of what our fellow humans will find relevant and interesting. None of these qualities come naturally to machines.”

From Mother Nature Network written by a real person!

<http://www.mnn.com/green-tech/computers/stories/can-computers-be-considered-authors>



Archival materials related to historical Sudbury lawyers.
Housed in the J.N. Desmarais Library Archives, Laurentian University.

Lise and Jim's son, Adam is employed as an Archival Assistant at the
J.N. Desmarais Library, Laurentian University.

Photo supplied by Lise Poratto-Mason.

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