



SDLA Legal Briefs Newsletter

Produced by the Sudbury
District Law Association

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MESSAGE FROM THE PRESIDENT

I am honoured to have been appointed as the President of the Sudbury and District Law Association (SDLA) at this year's Annual General Meeting. Over the next year, I am committed to addressing the needs of our local bar.

I would like to welcome Edmond Paquette as treasurer and James Ross has come on board as secretary. I look forward to working with the entire executive.

Bench and Bar Committees have been established for the civil, criminal and family members of our association. There will be several bench and bar meetings in these areas over the next year. I encourage all of the members of our local bar to participate in those meetings. I look forward to hearing from these committees about the issues and concerns that are most important to our members.

As a member of the County and District Law Presidents Association (CDLPA), I will be participating in monthly teleconferences with the other law association presidents in the Northeast region and will also be attending CDLPA plenary sessions on behalf of the SDLA. I hope to learn about the issues and concerns affecting other associations in the province and will ensure that local issues are raised and canvassed in order to explore potential solutions.

The SDLA has established a Continuing Professional Development Committee that is hard at work for another CPD event which will be held on October 25th and

26th, 2012 in Sudbury.

Members of the executive will soon be planning the next Law Ball. We are working on improving the Law Ball based on feedback from our members and will do our best to ensure the long standing tradition of hosting a Law Ball, and the collegiality that it promotes, continues for years to come.

The SDLA, with much thanks to André Guillard, also continues to develop and improve our website which you can visit by going to www.sdla.ca. Members of our local bar can keep up to date on news and other events that are of interest to the legal profession in our area.

I look forward to fulfilling my role as president over the next year and can tell you that the executive as a whole will be hard at work in support of the local bar.

Trevor Kestle.

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MARY WEAVER Q. C.: A TRUE PIONEER

Mary Weaver—A True Pioneer

In 1962, Mary Weaver had only recently arrived in Sudbury and had resigned herself that she would not practice law in this city. She had sent numerous resumes to law firms, and only received a response from Hugh Doig, who hired her to “babysit” his practice, as she remembers it, while he ran for office in the 1962 federal election. When Mr. Doig lost in his bid to become Sudbury’s MP, Ms. Weaver was out of a job. It didn’t seem that the Sudbury bar was ready to welcome a woman within its ranks.

A short while later, upon leaving Silverman’s Department Store on Elm Street, Mary Weaver had no idea that her meeting Cecil Facer on the street would be so fateful. Mr. Facer offered her a chance to join his firm. It was again a temporary position to replace a colleague on a leave of absence. However, she would end up staying and began a career in Sudbury which spanned four decades.

A trailblazer from the start—

Born in 1927, Mary Weaver finished high school in 1945 and immediately began her studies at Victoria College of the University of Toronto. At the time, women represented 23% of total enrolment at the undergraduate level, and their proportion had been declining since 1940. Classes were crowded with returning young veterans. As it had happened after World War I, most men expected women to return to domestic duties and leave the positions they were occupying for the men to whom the full-time positions were intended.

She stayed and graduated with a Bachelor of Arts at age 20, after which she began her studies at Osgoode Hall.

The Law Society which operated the program required that Ms. Weaver’s father enroll for her. On her first day of law school, Dean Cecil Wright addressed the 300 first year students, telling them that two thirds of them would not reach the second year of the program. He was right and Mary Weaver was part of the successful ones.

The program included classes from 9am to 11am and afternoons in a downtown law office. Ms. Weaver was called to the bar in 1951.

Ms. Weaver, the lawyer—

After her call, Mary Weaver opened a small practice in Scarborough. The birth of her three children in the 1950s interrupted her professional life.

Her arrival in Northern Ontario and her return to practice in 1962 coincided with the marginal, yet growing presence of women in public life. Grace Hartman was the only woman. She became mayor in 1966. In provincial and federal politics, only a handful of women were

elected to the legislatures or named to the senate; there was one female MPP in Ontario, four MP’s in Ottawa and six senators. The Sudbury police only had two women working for the force as of 1963, and they were dedicated to the enforcement of parking bylaws.

In 1960, the population of Sudbury increased to over 80,000 due to amalgamation. The mining sector was the biggest employer, but the city was transforming itself into an important hub for advanced education—Laurentian University and Cambrian College were both created in the 1960s.

Ms Weaver began practicing real estate law, wills and estate law, and corporate law at Facer, Shea in 1962. She was amongst the rare three percent of lawyers in Canada who were women in the early 1960s. As Mary Weaver recalls, her first clients did not think much of the idea of a woman lawyer. But in her trademark fashion, she didn’t let that attitude bother her. A district judge even told her that her place was at home taking care of her children. Little did he know that Ms. Weaver was doing just that by practicing law.

And with the support of her colleagues at the firm, Ms. Weaver was not only able to provide for her children, but she also became a partner in 1965. She would continue to be the only woman practicing law in Sudbury until 1972. Until her retirement from practice in 1995, Mary Weaver became one of Sudbury’s leading solicitors, with a busy practice in estates and small business work.

The rest of the story—

The next thirty years saw Ms. Weaver’s career soar...kind of like the Cessna she would occasionally fly to Manitoulin Island or up North to close a transaction! She was awarded the honorary title of Queen’s Council in 1979, and was elected a Bencher three times, from 1983 to 1995. Numerous boards of directors benefitted from her strong community engagement, including the boards of the Sanatorium,

Thorneloe University, and Laurentian University.

Thankfully for Sudbury, Ms. Weaver’s community involvement only increased after her retirement in 1995. While sitting on the board of the Art Gallery of Sudbury, she negotiated the terms that ensured the Gallery would remain open. She even joined other community leaders to lobby for municipal restructuring. These municipal watch dogs called themselves the “Silver Seven”. In January 2001, their work led to the amalgamation of the City of Sudbury and surrounding communities into a new city called the City of Greater Sudbury. Mary Weaver is an active retiree, still working on boards and foundations.

Her leadership in the profession will be recognized by the Law Society of Upper Canada by awarding her in May 2012 the Laura Legge Award.

The women of the SDLA recently recognized her long career at a reception at Weaver Simmons. She has long been an inspiration to young women of the local bar and on that happy occasion, many expressed their gratitude to her for her leadership in the profession and the community.

Justice Patricia C. Hennessy, SCJ

Noémi Paquette,

Judicial Law Clerk



NEW LAWYERS

The Sudbury District Law Association (SDLA) is once again moving forward with a Continuing Professional Development (CPD) program designed to benefit members of the Bar in the Northeast Region. All members should diarize October 25th and 26th, 2012 for this event which is highlighted in more detail on page 5.

Firstly, I would like to take the opportunity to thank the presenters, moderators, organizers, and CPD committee for last year's sessions and their efforts to organize Northeast CPD programming.

I am honoured to have been asked to help design and moderate a session focusing on practice issues facing young lawyers, 5 years of call or less, in the Northeast Region at this year's CPD program.

I had the great pleasure of meeting Mr. John Olah at last year's CPD program and he expressed to me, and I have subsequently adopted, that the first five years of any lawyer's legal career are critical in defining their future as a legal practitioner and I believe a cornerstone to any young lawyer's success is a commitment to utilizing the best practices in everything he or she does.

The practice of law is a difficult one and the best practice in a particular situation is not always clear. The practice issues for the younger lawyers' session will be designed to aid young lawyers when they face difficulties in their practice. I invite all young lawyers to contact me in regard to the content for the session.

As a preface, the practice issues for younger lawyers' session is only an hour and a half in length and we will not be able to discuss every area of difficulty a young lawyer may face in his or her day to day practice. I stress that there simply is no substitute for experience and I encourage all young lawyers to seek out senior members of the Bar, if difficulties are encountered and trust that the nature of the Bar in the Northeast Region is such that these senior members will take the time out of their busy schedules to help.

James Ross

james.ross@sudburylegal.com

LEGAL AID ONTARIO STAFF THANK YOU DINNER MAY 2011



**Seated with Richard, are from left to right:
Louise DeSimone, Chantal Cardinal, Sarah Kestle, André Guitard, Alain Prevost, Lyne St. Denis and Lyne Hince.**

On May 12, 2011, Richard Pharand met his former staff for dinner to celebrate their ongoing friendship. Richard was Area Director from April 1, 1989 until May 15, 2010.

He always referred to his staff as "Les Enfants" and considered them all to be very competent, efficient and extraordinary employees. He stated that it takes a special kind of person to work in a Legal Aid Office and that these employees are very special. They continue in their vocations and Legal Aid Ontario is very lucky to have them as employees.

R.A.P., Q.C.



POND HOCKEY 2012

After a one year hiatus due to the absence of crucial team members, the Miller, Maki corporate team once again took to the ice on Lake Ramsey in the shadow of Science North, to compete in the 2012 Pond Hockey Tournament.

Two years previous, this team had lost out in the corporate division finals, and were therefore determined to take that one additional step to the championship.

Miller, Maki did field a team in 2011, but that was in the women's division, where with Meagan and Stephanie O'Hara leading the way, that team also made it to the championship game, only to lose in that final match.

The 2012 edition included those same two O'Hara girls, joined by sister Katie, along with Trevor Kestle, ex Miller, Maki hotshot Matthew Madot, and three of Matt's hockey playing buddies from the Toronto area, Mike Dekoning, Drew Shrigley and Brain Uchikata.

Rounding out the nine skater compliment was Jay Morin, with yours truly once again attempting to flop in front of as many tennis balls as possible.

Because 7 of the Miller, Maki players were travelling from Southern Ontario, a late start time was requested for their schedule and this was granted, the first game not being played until 10 a.m. Saturday morning. This, though meant that in order to advance to play on Sunday, the Miller, Maki team would have to engage in 4 games on that Saturday.

Because of the wildly erratic weather leading up to the tournament, ice conditions were not the greatest, with large pressure cracks appearing throughout the various rink surfaces. Some of these were particularly treacherous in and around the goalie's crease. Nevertheless, the Miller, Maki team persevered, and recorded an 8-2 win in their opening game against a team so nondescript that I can't even remember who they were.

The second game would prove a much tougher match, with our crew facing a hardy group from the Kapuskasing area, Val Albert, who apparently made the trek down similar to the Dawson City team from the Yukon by dog sled.

They brought with them a stellar female goalie, who managed to repulse wave after wave of the Miller, Maki attack, stopping at times a second, third and even fourth shot as the Miller, Maki skaters buzzed around her net. Unfortunately, this led to a 6-2 loss, despite a valiant effort.

That loss set up a crucial third game in the round robin, this against a familiar cross town rival, none other than Weaver, Simmons. Over the years, these two offices had tangled on the ball diamond, on the unfrozen surface of Lake Ramsey, in the Dragon Boat races, mock trial efforts, etc.

On this occasion, it was no contest, with Miller, Maki waltzing off the ice with a 10-3 victory. It should be noted that Weaver, Simmons did not necessarily field its strongest team, since Mike Carré elected to play in the men's division and he dragged Damien Buntsma along with him. Nevertheless, this victory advanced Miller, Maki to the quarter finals, where they played the fourth game of the day at 8:00 pm that evening against one of the Dalron teams. This was a hard fought and at times chippy game, with one of the Dalron players actually being ejected. Miller, Maki jumped out to a 3-0 lead, and maintained that margin throughout the game, resulting in a 9-6 victory and propelling Miller, Maki into Sunday morning's semi final.

Of note, on that opening day Meagan and Stephanie O'Hara, in order to maintain both their fine-tuned conditioning and razor sharp reflexes, spent the afternoon between games 2 and 3 at the Beef 'N Bird playing porketta bingo, while Katie manned the home front baking chocolate chip cookies. The time at the beef developed into ominous foreshadowing as the tournament progressed.

On Sunday morning at 11:00 am, Miller, Maki lined up against DST Engineering for the semi-final. This was probably the best game that Miller, Maki played in combination with its opponent throughout the tournament.

The play went back and forth, up and down the ice, dogged fore-checking, and at the end of the first period there was no score.

DST opened the scoring in the second period and added a second goal before the end of that period so Miller, Maki was staring defeat and the end of the tournament as it headed into the third.

Right off the bat, however, Miller, Maki scored its first goal and continued to apply the pressure. A second goal tied the game, and as time wore down, Miller, Maki scored their third and winning goal, with little time left in the match, and thereby moved on to the finals against all of teams, the Beef

'N Bird.

The Beef had advanced through their semi-final by beating the Kapuskasing/Val Albert team in a shootout.

This game had an auspicious start for the Miller, Maki side, with Meagan O'Hara scoring 15 seconds into the match from a bad angle. However, the Beef tied the game up shortly thereafter, and the match see-sawed back and forth as this period progressed, with the Beef ahead 4 to 3 at the end of one.

The teams traded goals in the second period, although the Beef moved up by as much as 3 before Miller, Maki closed the gap, and the margin was 2 at the end of 2.

Miller, Maki scored to close that gap to 1 at the start of the third, but it seemed that every time the blue and white would score, the Beef would answer. As time was running out and Miller, Maki was down by two, the goalie was pulled for an extra attacker, since the penalty situation meant that Miller, Maki might be able to force the game into a shootout. Alas, an errant pass and an unlucky bounce (one of many) caused the fickle, frozen tennis ball to careen into the Miller, Maki net sealing the fate of our squad, and resulting in another year as bridesmaid.

Nevertheless, it was another spirited display of skill and sportsmanship, and the team has vowed to return to take that next step to the champion's podium.

A huge thank you to all Miller, Maki participants, both players and sideline supporters, with special thanks to the out-of-Towner's all of who jumped into their vehicles shortly after the final game to head back to the Toronto area, not all of them as lucky as Katie O'Hara, who the following morning headed off for a week in Montego Bay.

After playing 6 games in a little more than 24 hours, it was all this writer could do to peel off his goalie equipment, plunk himself in the hot tub and wait for the start of the Super Bowl, where thankfully

Brady and Belichick got bounced once again.



CPD CONFERENCE UPDATE OCTOBER 25TH, AND 26TH 2012

MARK YOUR CALENDARS

The CPD organizing committee

has been meeting regularly since January 2012 for the purposes of preparing the Second Annual Northeastern Ontario CPD Conference. The Conference is scheduled for October 25th and 26th, 2012 at the Holiday Inn in Sudbury.

The Organizing committee this year consists of Madam Justice Hennessy, Lucille Shaw, Geoff Jeffery, Ian Sinclair, Gerry Brouillette, Erin Cullin, JM Bray and Bridget Jokitalo. Michael Hennessy has also been assisting in a subcommittee we formed to deal with technology issues. Rannah Sopha has also continued to work tirelessly in the planning and preparation process.

The format of the conference is similar to the format last year, but we have added a few more specialized programs. There are still three hour substantive law sessions in the areas of Family Law, Criminal Law, Civil Litigation, Real Estate and Corporate Law. We also have more specialized programs of 1.5 hour duration in Administrative Law, Evidence, Representing Young Offenders, Representing Older Clients, Practice Issues for Younger Lawyers, Transitions for Lawyers, and Construction Law. The session leaders for the programs are as follows:

Erin Cullin & Tomm Orendorff—Civil Litigation

Gord Action & Orlando Rosa—Corporate Law

Krista Fortier & Liisa Parisé—Family Law

Murray Scott—Real Estate Law

Michael Haraschuk, Kara Vakiparta, and Justice Michael Code, SCJ — Criminal Law

Estates—Linda Laakso

Administrative Law—Kristen Newman

Young Offenders—Stephanie Baker

Evidence—Susan Stothart

Construction Law—Jackie McGaughey-Ward

Younger Lawyers—James Ross

Transitions for lawyers—Don Kuyek.

The session leaders are currently planning their programs with respect to content and speakers. If you have any comments or suggestions, you can contact the session leader directly. We have recently confirmed that Mr. Philip Epstein will be speaking at the Family Law Session. Gerry Brouillette will be dealing with the Law Society of Upper Canada to ensure that the program, once again is accredited.

We were thrilled when Mr. Justice Ian Binnie accepted our invitation to be the dinner speaker for Thursday evening. If any of you have been fortunate enough to hear Mr. Binnie speak, you will know that he is extremely entertaining.

Mr. Justice Maranger has graciously agreed to speak during the lunch program on Thursday afternoon. Many of you will remember Mr. Justice Maranger when he practiced law in Sudbury. Since he has been appointed to the Ontario Superior Court of Justice, he has conducted many high profile murder cases the most recent being the Shafia trial in Kingston. Mr. Justice Maranger has also agreed to participate in the

criminal law session.

Geoff Jeffery and Ian Sinclair are in the process of contacting sponsors for the conference. If anyone has any ideas or suggestions, please contact either of them.

Our goal this year is to network with all lawyers in Northeast Ontario so that this conference is attended by lawyers not just from Sudbury but from throughout the Northeast Region. You will note that Ms. Erin Cullin from Timmins is not only on the committee but is also a co-chair of the civil law section. Mr. Orlando Rosa and Gord Action practice at the Wishart Law Firm in Sault St. Marie and they are coordinating the corporate law session.

We are also developing our technology capacity and plan to have in place a software program that will enable us to have online registration available for all lawyers in the region. We expect that you will receive email information by June 1st 2012 with respect to the program, including the brochure and registration forms. You will then be able to register and pay for the program online. This will improve our effectiveness and efficiency of delivering a high quality education program.

If you have any comments or suggestions, please do not hesitate to contact me.

M.J. Lucille Shaw

shawl@millerlaki.com

Sudbury District Law Association
155 Elm Street
Sudbury, ON
P3C 1T9
Phone: 705-674-3838
Fax: 705-674-9891
E-mail: sdlaw@vianet.on.ca

Executive of the SDLA

Trevor Kestle, President

(705) 675-7503

John Michael Bray, 1st VP

(705) 673-1200

Alex Kurke, 2nd VP

(705) 564-7698

Edmond Paquette, Treasurer

(705) 897-7272

James Ross, Secretary

(705) 674-6441

Dawn Dubois, Past President

(705) 566-3113 ext. 2461

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Law Library News

Library statistics indicate that members are borrowing and utilizing our book collection. In the month of February alone we had 194 items borrowed (thank you to a certain young lawyer) and 300 plus items used in the library. This would indicate that you are using the library collection to assist in your practice.

If an item is not on the shelf and you feel that the library would benefit from having the title, please suggest that we either borrow the item from another library or suggest that the item be purchased for this library.

The year of 2012 will be a learning experience for both Nina and myself, since we have ceased subscribing to many of the loose-leaf inserts. Our plan is to track actual usage of these costly subscriptions and from there formulate a plan to go forward, either with a comparable electronic database or purchases of comparable annual publications.

The library has boxes of the outdated, withdrawn 3rd ed of the Canadian Abridgment should anyone desire parts or many parts just let us know. The withdrawn volumes of the CED were given away to a good home, without charge to this library. The requestor paid their own shipping charges.

Rannah

LEFT TO RIGHT: Trevor Kestle, Mike Dekoning, Matt Madott, Brian Uchikata, Mike O'Hara, Drew Shrigley, Katie O'Hara, Jason Morin, Megan O'Hara, Stephanie O'Hara

