



SDLA NEWSLETTER

Volume 7#2

May 2014

SDLA Legal Briefs Newsletter

AN EVENING WITH FRIENDS

Within hours of receiving it, Rose and William Fitzgerald had their new Charlie Rapsky original oil painting hanging in a place of prominence in their Sudbury home. The painting, showing the Northern Lights, was presented to Ontario Court Justice William Fitzgerald on the occasion of his retiring after 42 years on the bench in Sudbury. The presentation took place at a retirement party hosted by the Sudbury District Law Association May 5th, and attended by members of the bar, courthouse staff, fellow justices and friends.

Attendees to the event not only heard some of the significant milestones achieved throughout Justice Fitzgerald’s illustrious career, but also got a glimpse behind the scenes of some of the things that helped him sustain such longevity in what can be a very taxing position.

For example, Giselle Trahan, representing courthouse staff, told the gathered that one learned that when Justice Fitzgerald’s office door was closed, one dared not enter, as he was having his noon siesta.

The judge’s daughter Frances, herself a lawyer, told of her father’s fascination with weather.

In fact it was the weather in Sudbury, which first impressed the St. Francis Xavier University graduate when he arrived in the city.

“We were driving over the YMCA hill as it then was, and the temperature was 86 degrees,” said the judge. “And on the radio Judy Erola was playing an hour of classical music. I thought where can you find an hour of classical music on the radio?” And the temperature was 86 degrees, he emphasized during an address to the retirement party audience.

Fitzgerald was heading for the law firm of Miller, Maki, where he articulated and then worked for six years, before being appointed a judge.

His appointment to the Bench was significant for a number of reasons, not the least of which was his young age. But also because he was among the first Provincial Court Judges to be appointed as Ontario moved from having citizens serving as magistrates to lawyers being appointed Provincial Court Judges.

At the time of his appointment Justice Fitzgerald found himself sitting on the bench with Magistrate Anthony Falzetta the last person to hold such a position in Sudbury.

Several speakers honored the retiring judge during the evening, including Superior Court Justice Louise Gauthier, who also served for a period as a Provincial Court Judge.

Also speaking at the function was another fellow judge, Justice Malcolm McLeod who served for a time as an Ontario Court Justice in Sudbury, before moving on to sit in Toronto at Old City Hall. And while the evening was mainly one for praise and accolades, there were a few friendly barbs directed at the judge for such things as his practice of closing his eyes during a hearing, leaving the court room crowd with the impression that the judge had fallen asleep. However Justice Fitzgerald often told the courthouse staff, “one does not listen with the eyes, one listens with the ears,” said Trahan.

Speaking for the defence bar, lawyers Alex Tofoli and Robert Beckett praised the retiring judge for the fairness, compassion, and the respect he showed to those appearing before him.

Among the 200 who attended the retirement party were friends and acquaintances of the judge from years ago to lawyers who appeared before him in his court just last month. “I saw people I haven’t seen for years,” said the judge after the party.

*Kindly submitted by Bob Vaillancourt (also retired)*

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## WHAT AM I DOING HERE?

March 31, 2014

GAZETTE

Law Society of Upper Canada

Osgoode Hall

130 Queen Street West

Toronto, ON

M5H 2N6

Dear Ms. Hall:

### WHAT AM I DOING HERE?

It is not as if in eighty years, I have not had other occupations: deputy judge, adjunct professor, gardener, underground bonus miner, painter of tall hydro transmission towers; I even helped create from raw land, and operate a downhill ski resort. But, you want to know why, in 1954, I entered Osgoode (York) Law School.

In those days television had not picked up on legal dramas: I had no idea what a lawyer was, or did. My mother was pushing medicine, and my father, engineering.

I just wanted to fly Spitfires. A kindly guidance teacher pointed out I was too big, my eyesight too poor, and World War II was winding down. His suggested alternative was law: you only have to talk and you're always in trouble for talking.

Career day brought a local lawyer to address the students. He was so sloppily dressed and so inept as a public speaker I was convinced I could compete in the practice of law.

In my last days at Victoria College, I saw the Osgoode Hall Hockey Team as one I could make. I actually missed the cut.

So here, sixty years on, am I, unfulfilled fighter pilot, not a doctor nor an engineer, a retired hockey player working with words. I love it!

Yours very truly,

**CONROY, TREBB, SCOTT, HURTUBISE LLP**

**Per:**

**EDWARD J. CONROY**

*Mr. Conroy originally submitted this correspondence to the Law Society of Upper Canada publication "The Gazette." March 2014*



## LAWYER ON A HOT TIN ROOF

In 1994 a large high school group was being organized to travel to the inner cities of Kingston Jamaica to build shelters for needy families. I was asked, as a lawyer, to provide pro bono work by drafting a release for the parents to sign. Because of a scheduling issue, I was asked at the last minute to join the group as an adult super-



visor/carpenter. My knowledge of carpentry was “basic.” We built two small houses in two different ghettos, prepared and gave care packages to 75 families and even furnished a house for a single mom with a new born and a toddler who had been living in the bush.

I returned home overcome with emotion because of the abject poverty I had witnessed, yet I felt empowered by the experience and extremely grateful for the things many of us take for granted. I decided to organize my group the next year, but to add a cultural dimension, after all Jamaica has a very rich and deep culture. I however had to hone my carpentry skills not to mention organizational and tour guide skills.

With every new group, I was amazed how this experience brought a diverse group of Canadians together to explore a new world and maybe themselves and challenge their perceptions like only real-life can. The volunteers were always eager and I had to organize two groups per year until my niece Kristin reminded me I had to receive for the first time since 1994 a high school group. My adults were there late January, early February and I would for years return in March with high school students, three houses per year, students painting all of them. The student group was greatly influenced by the sights and sounds of Jamaica. They would complete their journey knowing that the Third World poverty that they witnessed would have a deep and resonating effect on their view of the world. They also took pride in their accomplishments, having completed projects that would generally be considered beyond the ability of a group of teenagers.

The volunteer’s days are filled with interactions with families and school children that marvel in the differences between the Canadians and the only world they know.

The CCDG (Canada Caribbean Development Group) often visit schools and libraries to see some of the amazing community grass roots programs that have been established in the inner-city communities. It is a unique opportunity to glimpse into another culture, to experience a different world.

Each Jamaican Experience also offers an opportunity for rest and relaxation for volunteers. Each group spends a day seeing the more popular tourist areas of Jamaica, such as Dunn’s River Falls, Lime Cay Beach or Port Antonio and the famous Frenchman’s Cove. These tours serve to give the volunteers a well-earned rest, but also to add to the Jamaican Experience, as members of the group gain a deeper appreciation of the not so subtle dichotomy that exists: Jamaicans are either very poor or very rich.

It has now been 20 years: 41 houses, a medical clinic, 2 artisan shops and with many groups, we contributed to the construction of a pre-school in Ferry (very poor). We have been involved in countless small projects repairing roofs, painting existing buildings and maintenance work.

Arriving well in advance of my groups, I deal with the selection for the recipient families, the logistics of delivering my materials and those for other groups to follow in the coming weeks.

My contact in Kingston is Sister Grace Yap, a Franciscan Sister, known affectionately as the “Reggae Nun.” She has worked in the inner-city communities and is developing an organic farm in Braes River in the hope of feeding the poor and making them self-sufficient. My group was the first to work at the farm on a foundation to construct a structure to provide shade.

Since that occasion, I assist her with finances for the farm. I have also subsidized a Christmas Party for the children of the inner-city community of Myrrh Villa, paid for medication for an elderly woman and I attend an annual fundraising event in November called the “Classical Concert” to show my commitment and support.

I also facilitated the donation of 3 laptop computers for a homework centre.

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**LAWYER ON A HOT TIN ROOF**  
**CONTINUED FROM PREVIOUS PAGE**

I never thought I would become a lawyer, let alone practice for 32 years and never imagined that I would be at the forefront of social tourism for 20 of those years. I must say that the volunteerism part of my life, be it locally or internationally, has certainly made things more interesting and really given me an international perspective by working abroad for part of the year.

Rarely have the two worlds met. However, on one occasion, building for Miss Ethel in the famous Trench Town area where Bob Marley lived when he wrote the music that made him famous, we were set to renovate her falling down building when a former common law spouse showed up to claim the building and dispute Miss Ethel's legal right to use the property. So, I reorganized, dipped deeper in my pocket and built a new house.

This is essentially the same work I do as a lawyer: solve problems. Although on a somewhat different scale, the principle is very similar. It almost always involves reacting to the given situation, like redesigning the building plans to accommodate a mother and a disabled daughter before the cement for the foundation dries, or redesigning a project so that a mother can return from the "country" to be closer to her children and grandchildren.

The personal satisfaction and joy I get from meeting people from all walks of life is enriching. Every project has presented a new set of challenges, an opportunity to broaden my perspective and the extreme satisfaction of exposing Canadians to a new world, while providing essential community development and basic needs to very needy families. Oh, washing clothes by hand in the bottom of a bathtub for 1½ months has also been of benefit!

I know my volunteers and I will not solve the poverty in Jamaica, but we can provide a home for a family and satisfy a basic need which allows them to live in dignity. One parent recently told me that we provide them with a start. They can build onto that gift with some luck and hard work. As for us, Homer was right, it is the journey.

*Gerry Guimond April 2014*



## COLLOQUIUM UPDATE OCTOBER 16TH AND 17TH 2014

Planning is well underway for Colloquium 2014. The two day conference is scheduled for October 16<sup>th</sup> and 17<sup>th</sup>, 2014 at the Holiday Inn in Sudbury.

For your reference, the schedule is posted on the SDLA website @

<http://www.sdla.ca>

As a result of last year's success, we will be starting the conference with a 3 hour advocacy program. There will also be programs in a number of areas of substantive law including Civil, Family, Corporate, Criminal, Estates and Real Estate. We also have programs in Written Advocacy and Practice Management which are scheduled for Friday afternoon.

Due to popular demand, we are again hosting a young lawyers mentoring session Friday afternoon which will be sponsored by the Advocates' Society. Any senior counsel interested in being involved with the program should contact Lucille Shaw at [shawl@millermaki.com](mailto:shawl@millermaki.com) or at 705-675-7503.

We are very pleased to announce that Mr. Bob Rae has accepted our invitation to be a guest speaker at the dinner on Thursday evening. The dinner will be followed by a hospitality suite.

We are in the process of making final arrangements for the lunch time speakers on Thursday. We will let you know when those speakers are confirmed.

We will confirm the hours for accreditation purpose once that is finalized. We will also be providing details of the contents of each program prior to registration. Registration will be available online. A notice will be circulated again once online registration is open.

*Lucille Shaw May 2014*

## SDLA GOLF TOURNAMENT AUGUST 22ND 2014

This is the first notice we are providing concerning this year's annual SDLA golf tournament. **It will once again be held at Cedar Green this year on Friday, August 22<sup>nd</sup>, 2014 with the start time scheduled for 12:00 noon.**

Once further details are sorted out another notice will be provided with the registration fee and any additional particulars that are necessary. Please note this date on your calendar and I can indicate that because of last year's success with the "scramble" format, it is anticipated that again this year there will be trophies for low gross male and female and low gross team scramble.

We look forward to hearing from as many participants as possible and should there be any questions please feel free to contact me at your convenience.

MPO

*THURSDAY, OCTOBER 16th*

8:45am - 10:00	<b>ADVOCACY</b> 3 hours		
10:00 - noon	<b>ADVOCACY</b> (continued)	<b>REAL ESTATE</b> 2 hours	
12:15 - 1:30	Lunch (speaker To Be Announced)		
1:30 - 4:45pm	<b>CIVIL</b> 3 hours	<b>FAMILY</b> 3 hours	<b>CORPORATE</b> 3 hours
5 p.m. <b>COCKTAILS</b> 6 p.m. <b>DINNER</b>  8 P.M.  7:30 - 9:00 a.m.	Dinner with Hon. Bob Rae, Senior Partner, Olthuis Kleer Townshend LLP  Hospitality Suite  FRIDAY, OCTOBER 17 <sup>th</sup> Petit Déjeuner		
9:00 - 12:15	<b>CRIMINAL</b> 3 hours	<b>ESTATES</b> 3 hours	
12:15 - 1:30	Lunch		
1:30 - 3:30	<b>WRITTEN ADVOCACY</b> 2 hours	<b>PRACTICE MANAGEMENT</b> 2 hours	
3:30-5:30	<b>YOUNG LAWYER'S</b>	<b>MENTORING SESSION</b> <b>BY THE ADVOCATES'</b>	<b>SPONSORED</b> <b>SOCIETY</b>



## 2014 SDLA EXECUTIVE

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**SECRETARY** Grace Alcaide Janicas  
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Clinic  
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Sudbury, ON

**PAST PRESIDENT** John Michael Bray  
Orendorff & Associates  
1533 Bellevue Ave.,  
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## MOCK TRIALS 2014

“The bar should start doing their hiring here.” Madam Justice P. C. Hennessy, SCJ, stated in her closing remarks during this year’s Mock Trial. This year marked the 13th annual Sudbury Mock trial in which twelve teams participated from the Sudbury Catholic and Rainbow District School Boards. Regina v. Brogue, was the case being decided upon.

This year’s scenario presented itself as a murder trial, the victim falling from a high-rise balcony, with only one witness to the incident that held a potential motive. The students had the difficult task of addressing the motives, self-defence and intoxication during a 1-hour trial. Presumably with enough evidence in the case present for a conviction it was up to the teams acting as defence counsel to argue a full defence of their client. Confederation Secondary School team number 1 received first place, while the runner-up was Lockerby Composite Secondary School Team Number 1. The Mock Trial gives students the opportunity to develop their public speaking and even acting chops.

This event offers the opportunity for youth in the community to learn about the justice system and take away practical experience of the role of Crown and Defence, which is usually portrayed in an exaggerated manner through today’s media. It’s a good thing Saul Goodman from “Breaking Bad” is a fictional character in our community.

It is activities such as the annual Mock Trial that influence young students to pursue a career in a related field. It is a beneficial experience to be a part of as a participant and volunteer.

*Submitted by Alicia Chiesa. Alicia has completed her third year of the Law and Justice degree program at Laurentian University. Alicia is employed with the Beckett Law Firm in Sudbury.*

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