



SDLA NEWSLETTER

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SDLA Legal Briefs Newsletter

SDLA UPDATE

As it is already mid September and Colloquium 2015 is now one month away, I would like to take this opportunity to invite all members to take a look at the 2015 Colloquium agenda and consider taking in one or more sessions and meals. This Northeast Ontario continuing legal education event which began here five years ago has become well known for it's accredited programs, great speakers and the Hospitality Suite. Again, this year we have arranged to have a shuttle service for your convenience. We look forward to seeing you at the venue.

Your executive is currently working with Ian Sinclair on the much needed revision of the SLDA by-laws. We hope to have the revision ready to circulate to all members before the sixty day time frame in order to have you vote on acceptance at the Annual General Meeting in February 2016.

I have met with the Court House Manager and a representative from the Ontario Realty Corporation regarding the much required refurbish of the Barrister's lounge. I intend to keep the lines of communication open and would hope to make some progress or at least have a tentative commitment for some improvements in the forth coming months.

The Executive wishes to express our thanks to Michael O'Hara for his work and

commitment to ensuring the annual SDLA Golf Tournament is a success. This year we would like to express thanks to Mike for his success in raising a substantial amount for "Hope Air" the charity that was selected by the Arseneau family in memory of Leo and Mary Lou Arseneau.

The Young Lawyers Chapter of the SDLA pulled off a great Trivia Challenge on July 15, 2015. The leg work for this event was carried out by James Ross and Sophie Mageau in conjunction with the Advocates' Society. Thank you James and Sophie. Also, a thank you to McKellar Structured Settlements for a donation to this fun evening.

The 71st Annual Law Ball will be held on November 21, at Verdicchio Ristorante. The 35 year honorees this year are Carolyn Dawe, Joe Marcuccio and Jean Jacques Paquette. You will have already received your first notice. Look for more information to follow.

Lastly I wish to invite all members, Bench and Bar, to a gathering early evening, December 10th. This event will be in the tradition of last December's held at Oscar's. The event was attended by many and appreciated by all. We will keep you posted as to the time and location. Mark your agenda for December 10, Bench and Bar Social.

I hope you enjoy our latest issue of the SDLA Legal Briefs. Remember we are always looking for submissions.

Edmond J. Paquette

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COLLOQUIUM 2015 UPDATE

COLLOQUIUM 2015

Registration opens this month for Colloquium 2015, which is being held at the Holiday Inn in Sudbury on October 22nd – 23rd, 2015.

This year's conference offers programs for lawyers in many different areas of practice, including Real Estate, Estates, Family Law, Criminal Law and Civil Litigation. Sessions on Trial Advocacy and Appellate Advocacy will offer practice tips and live demonstrations to participants. A Practice Management session will instruct lawyers about creating a more efficient practice.

One of this year's conference highlights is the Aboriginal Law program, which will offer insights into commercial law, employment law and criminal law practice as it relates to aboriginal clients. The Family Law program will also be offering a session on property law issues for aboriginal clients.

Another conference highlight will be programming for French Language practitioners. This year's conference will kick off on Wednesday, October 21st, 2015 with Vins et Fromages, a cocktail party for French Language practitioners at La Fromagerie. The Droit de la Famille program promises to be an exciting new addition to the conference.

The Organizing Committee is pleased to host Former Chief Justice Patrick Lesage as the keynote speaker for dinner on Thursday evening at The Cavern at Science North. Martha McCarthy, President of the Advocates' Society, will be attending the Conference as a lunch speaker. The Conference will close on Friday afternoon with the popular Mentoring Session, which is sponsored by the Advocates' Society.

A full list of sessions is available on the Colloquium portal, which can be accessed through the SDLA website at <http://www.sdla.ca/>

Kathleen Erin Cullin

Organizing Committee

LEO IN MEMORIAM

I knew Joseph Leo Paul Arseneau for the better part of 36 years...more than half of my life; more than half of his. I admired Leo, or more to the point, I was jealous of him. Leo (and there was only one Leo) was good looking; he had hair. He spoke both official languages, he was a naturally gifted athlete, he knew his Family law, and Leo could fly a plane.

In Court Leo and I were adversaries, but outside of Court we were friends. That is not to say that we socialized, except for one occasion in the early 80's when we had a beer at the Hotel Coulson. My wife and I flew with Leo and Mary Lou on Air Arseneau, once to Minneapolis and once to Chicago.

But what I admired most about Leo was his ability to forgive and forget. And I should know, because I am the guy who defended the guy who Leo sued for breaking his wrist (ironically) with a golf club when Leo misguidedly decided to serve him personally with civil process. Leo never mentioned it – that's the way Leo was. I don't think I would have been as generous.

Our last Court case was heard by Justice Gauthier on August 14th and 15th, 2014. By then Leo (with typical Arseneau bravado) was given to telling anyone who would listen, and even some who would not, that every time he had a Court case with me he kicked my a** so bad that he had to go out and buy a new pair of shoes afterwards. At the trial I acted for an ex-husband who after a lengthy marriage and what seemed to him to be a lengthy time paying spousal support, got tired of paying. For the most part it had been a traditional marriage. I thought I had the harder case. But as I read through the reserved Reasons for Judgment of Justice Gauthier I realized that my client was going to be relieved of his spousal support obligation.

I wrote the following email to Leo:

Leo, as I was reading the Reasons for Judgment of Justice Gauthier I noticed that I would be needing new shoes. I was just wondering where you used to buy yours.

Leo did what he always did when his client lost. He appealed. Now there were some that felt that the Appeal was well taken, but I thought that the Decision was correct and I don't care what Philip Michael Epstein had to say.

So goodbye Leo, my good friend, and I want you to know that I have not bought those new shoes yet.

RICHARD GUY

WHAT TO READ BEFORE STARTING LAW SCHOOL

.by Adam Dodek

Posted on the slaw blog (Special Libraries)

Printed here with permission of Mr. Dodek.

This fall an estimated 2800 students will begin their three-year journey for a J.D. degree at one of Canada's 18 Common Law Schools (there are 23 law schools in total in Canada). If they are anything like I was some 23 years ago, these students are excited but apprehensive. The vast majority of new law students have had no contact with the legal system and have not taken any law-related courses. Their knowledge of law comes from popular culture. For me this was L.A. Law, Inherit the Wind, Perry Mason and To Kill a Mockingbird. For today's law students, it is likely The Good Wife, Damages, Suits and perhaps still, To Kill a Mockingbird.

So how to prepare for law school? In my law school acceptance package, I received a "Recommended Reading List" of 8-10 pages (!) of books to read prior to arriving to collect my first casebooks. The list was heavy on legal biographies. I went to my mentor and now friend – the Honourable Bruce Cohen of the B.C. Supreme Court – and asked him to review the titles and help me pare them down.

Justice Cohen reviewed the list studiously but then surprised me by saying: "There is only one book that you need to read before going to law school in the U.S.". He proceeded to lend me his copy of Felix Frankfurter's classic *The Case of Sacco and Vanzetti: A Critical Analysis for Lawyers and Laymen*. This was a surprising choice. Sacco and Vanzetti were Italian-born anarchists who were wrongfully-convicted of robbery and murder in 1921 and electrocuted in 1927. They were the victims of racial, class and political prejudice. This occurred not in Charleston, South Carolina or Maycomb, Alabama but in "liberal" Massachusetts. The message that the book gave me was that law is a tool; that it can be used in the pursuit of justice but it can also be wielded to create

great injustices. Years later I would learn that Canada had its own Sacco and Vanzetti in Donald Marshall Jr. But fortunately, we did not have the death penalty.

This one book instilled in me a powerful and important message about the centrality of justice in the law. It has continued to ground me to this day. "Justice" must be part of any reading list about "the law".

Here is my suggested Top 10 list of What to Read Before Law School.

10) Harper Lee, *To Kill a Mockingbird* A timeless classic of racism, injustice and the perversion of law, countered by the paradigmatic ethical virtue of Atticus Finch and the values he teaches his children and has taught generations of lawyers.

9) Allan C. Hutchinson, *The Law School Book: Succeeding at Law School*, 3rd ed. In my mind, the best overall practical guide to law school written by Osgoode Hall's iconic "Hutch".

8) Thomas King, *The Inconvenient Indian: A Curious Account of Native People in North America* You cannot understand Canada or Canadian law without understanding the history of our treatment of Aboriginal peoples. Thomas King does a masterful job in providing his account of this history and its continuing effects.

7) Eugene Forsey, *How Canadians Govern Themselves* This timeless classic is a must-read for anyone who did not do their B.A. in political science. It is a good review for those that did as well. It is available for free on the Parliament of Canada website in PDF form.

6) Steven D. Stark, *Writing to Win: The Legal Writer Lawyers* (and law students) are professional writers. The sooner law students (and law schools) realize this the better. There are many superb books on legal writing but this is my favorite.

5) Strunk and White, *The Elements of Style*. See #6. This little book contains the basic rules of writing. It is a must-read. Over and over again.

4) Stephen Waddams, *Introduction to the Study of Law* This thin volume covers a wide swath of law and decodes much obscure legal terminology. Helpful appendices of Latin and French legal phrases.

3) Allan C. Hutchinson, *Is Eating People Wrong? Great Legal Cases and How They Shaped the World* Hutch is the only author to make the list twice. With good reason. Common law education is still about reading and analyzing cases. All too often the facts are stripped out of the cases. Hutch puts them back in and brings these cases to life.

2) Adam Dodek, *The Canadian Constitution* What kind of idiot would I be if I didn't recommend my own book that I wrote specifically for Canadians with no knowledge of their own Constitution? This book is aimed at ordinary Canadians and provides a great introduction to the Canadian Constitution and will also be a handy reference for law students throughout their three years of law school. And hopefully beyond.

1) A Novel *Read a novel. Any novel.* At law school, you will be bombarded with reading cases. It may be a long time until you read another novel.

What books would be on your list?

<http://www.slaw.ca/2015/07/23/what-to-read-before-starting-law-school/>

Golf 2015

The SDLA annual golf tournament was held this year on Friday, August 21st and once again the venue was Cedar Green. After many rainy days leading up to the tournament, Friday turned out to be dry and as the afternoon wore on quite sunny providing a perfect atmosphere for this year's tournament.

The number of members participating in the tournament was up slightly from prior years, but several members also attended the dinner portion only. This had been announced throughout the lead-up to the tournament, in honour of Leo Arseneau.

Leo was recognized in a number of ways at this year's event.

Firstly, as a small memento, Leo's initials were emblazoned on the golf hats handed out to all participants, whether they played golf, or attended the dinner. I'm not certain if any members actually noticed, but to ensure that this might be a lasting keepsake, we actually upgraded the quality of these hats, so that their cost was approximately double what we usually paid.

Secondly, as also announced, the entry fee this year was increased slightly, with the promise that a portion of that entry fee would ultimately be used towards a donation to the charity named in Leo's obituary, Hope Air.

At the tournament an excerpt was read outlining the activities of Hope Air, and I am attaching that excerpt to this article so that all who contributed, whether as golfers, dinner attendees, or those who contributed while neither attending the golf nor the dinner, will know exactly where their money and the charitable donation is going.

Hope Air's mission is to arrange free flights for low-income Canadians who must travel to healthcare. Our goal is to help Canadians overcome financial and geographical barriers to ensure every person has equal access to healthcare, regardless of their income or location. We do this through our four programs: Flight Purchase Program, Commercial Airline Donation Program, Volunteer Pilot Program, and Business Aviation Program.

This year we estimate that we will arrange more than 225 flights for Clients in and around the Greater Sudbury Area. And, across the country we will arrange more than 9,000 flights – the most ever arranged in a single calendar year.

As with all the donations we have received in memory of Mr. and Mrs. Arseneau, your donation will be allocated towards flights for residents of the Sudbury area. The \$2,650.00 you've collected will allow us to arrange 10 flights.

I should indicate that there were a number of firms and companies that donated both to the tournament itself, but also to Leo's charity, some of whom were mentioned at the golf tournament. The SDLA would like to thank all those who contributed regardless of the method and or purpose in connection with the contribution.

Finally, tributes were mentioned in Leo's honour before the awards were handed out, and there was also a moment of silence recognizing Leo's contributions not only to the Sudbury District Law Association over the years, and the legal community in general, but also to our golf tournament in particular.

Turning to the golf, Berk Keaney was once again the winner of the tournament, registering a 78.

The second place finisher was Richard Huneault who carded an 81, and George Fournier and Marc Huneault ended up tied in third place shooting 82.

The winning team in connection with the scramble was Jordan Duplessis, Justin Villeneuve, Mike Hennessy and Geoff Jeffrey who managed 7 under par using that format, edging out the winning team from the two previous years with Mike Carre and J.M. Bray as holdovers, scoring a 5 under.

Stan Thomas secured the prize as the most honest golfer marking a 119 on his scorecard, although that number did not take into account anywhere near the number of actual strokes taken by Mr. Thomas, nor did it include the many golf infractions which occurred with some frequency, such as teeing the ball up on various parts of the fairway in order to improve one's lie.

Also, someone forgot to give Stan the message there was no prize for the most obnoxious golfer, those activities occurring not so much on the golf course, although Stan did manage to throw George Fournier's game off quite drastically. (George actually shot a 37 on the front nine, but with the continuous barrage of psychological harassment, most of which was apparently unintended, George had difficulty in keeping it together on the back nine, and ballooned to a 45).

However it was during the beginning of the speeches and awards ceremony where Stan outdid himself, ultimately requiring a muzzle to keep his mouth shut, and a straightjacket to keep him seated in his chair.

Some things never change.

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The Advocates Society Sudbury Trivia Challenge:

I had the distinct pleasure of helping to organize the first (in what I hope becomes) an annual trivia challenge. As with all good promoters, my challenge now that the event is over is to promote next year's event.

But, before I begin my shameless promotion, I just want to provide a quick word of thank you to our hosts, Hennessy J. and Del Frate J., our sponsors McKellar Structured Settlements and the SDLA, the know-how provided to help in putting on this event provided by the staff at the Advocates' Society and Chris Horkins and Kristin Muszynski of the Young Advocates' Standing Committee, the "person power" provided by Sophie Mageau, Meaghan Boisvert, and Trevor Kestle leading up to and on the day of the event. Without any one of you this event would not have been a success and words hardly pay you credit for the work you did.

RECAP: The event was a rousing success. We had 12 teams and 48 participants made up of a wide cross-section of our Bar (plus assorted fans and hecklers). The atmosphere created by mixing lawyers from different areas of practice and varied years of call was electric and the tight quarters only added to the feeling of trial by quiz combat.

As to the event itself...

Some of the dress was outlandish -*ahem* the Smartinis, what were you thinking?

Some of the names will live long in the memory such as - I Thought this was Speed Dating, Simmons Says, and Beyond a Reasonable Stout.

But ultimately, under immense pressure to outperform their bosses, the Unbillables (showing perhaps that they did not have many friends in law school) emerged victorious and hoisted the coveted Sudbury Trivia Challenge Cup (and \$100.00 head start at their celebrations at Pat & Mario's) - despite failing to win a single round.

Beyond A Reasonable Stout, with the still very reputable score of 19 out of a possible 40, (and showing that they were popular in law school), were awarded the Dunce Cup, which they accepted with panache and good humour.

Both of the trophies will be returned for next year's competition (after being thoroughly sanitized).

The round winners were as follows:

1. First blood went to Greece's Two Cents, hailing from Weaver Simmons, who know far too much about lawyers in film and on television. Bravo (the channel on which you watch Suits) and enjoy your movie passes and popcorn.

2. The Second Round belonged to the Crown Attorneys, codenamed the 4th Graders, who, perhaps not surprisingly, knew the in-and-outs of the Slammer. Great showing, enjoy your just desserts from Le Petit Gateau.

3. In moments, Greece's glory in round 1 was forgotten as round 3 turned the sweet taste of victory to the bitter taste of defeat as Your Past President, J.M. Bray (he makes me introduce him that way) outfoxed Jordan Duples-

sis in a tie-breaking rock, paper, scissors battle. Congratulations, Team McKellar enjoy your libations, responsibly.

4. In another tie-breaker, the Merry Masters, showed their knowledge of all things Sudburiana by, shockingly, knowing that 1951 is the year displayed on the Big Nickel. Enjoy your indoor rock climbing pass at ARC and my profound respect for your trivial knowledge.

Now the hook: The Unbillables have started taking quotes on a trophy cabinet, because they do not believe the Cup will ever leave their office (and, no Carol it is not because they think the Smartinis are going to win next year).

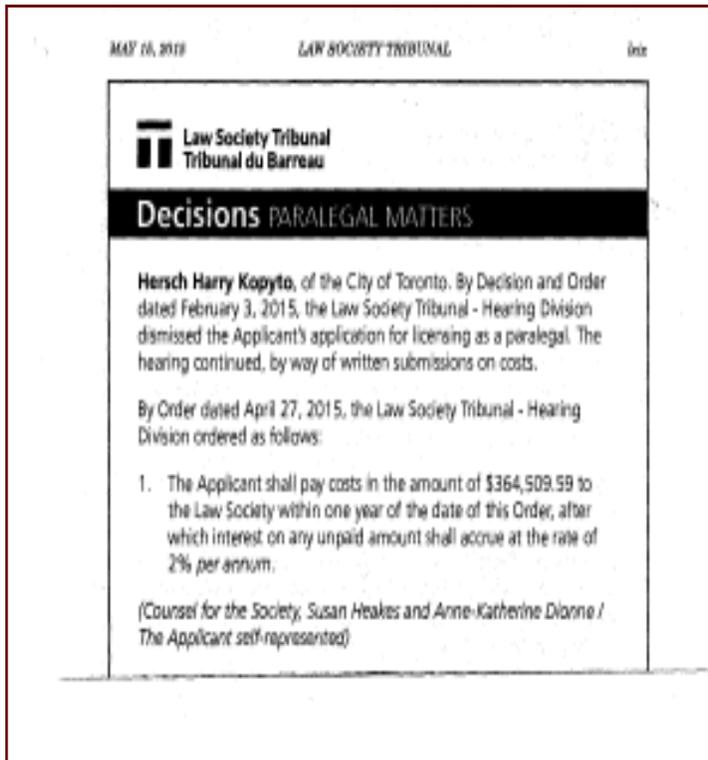
I invite everyone to take up the gauntlet thrown down by the Unbillables in the 2nd edition of the Sudbury Trivia Challenge - I would hate to start having to refer to the Unbillables' reign of terror as a dynasty.

James Ross

\$364,000.00 LEGAL COSTS: SENSIBLE?

Displayed below is an item from our governing society, in case you missed it. Ontario Reports May 15, 2015.

An implication from this item is that our Society actually incurred expenses of \$364,000.00 + on lawyers and legal work to challenge Mr. Kopyto's application to join our Society as an L.2 licensee (paralegal). The LSUC paid these bills in the first instance. Now it seeks to recover them from the unsuccessful paralegal applicant who represented himself.



Questions for discussion follow:

1. Did our Society really need to spend this much on lawyers to challenge Mr. Kopyto's application to become a paralegal? (mindful that our annual membership fees supply the money to pay these bills).
2. Will our Society keep its members informed of how much it recovers from Mr. Kopyto?
3. What does this level of expense say about current professional standards for how much time and energy to put into contentious files? Is the Law Society a good role model for lawyers in private practice?

Michael Hennessy

GOLF 2015...CONTINUED

Once the festivities wound down at Cedar Green, several members felt the urge to continue the party including the President of the SDLA, who felt the need to inject new life as the evening wore on, and cajoled Terry Waltenbury out of bed to bring his insights and wisdom to the members' ongoing debate.

As this article is being prepared, the final donation figure has not yet been calculated, as the revenues and expenses in connection with the tournament are being finalized, it is hoped that that number will be available by the time the article goes to print and if so it will be included.

At this time we want to thank all members who participated in the tournament again whether by golfing, coming to dinner or contributing to the charity, along with the companies and outside entities who contributed as well.

We would also once again suggest that those members who did not attend this year's tournament reconsider that decision, speak to the members who did attend, and hopefully commit to attending next year's tournament: both to enjoy the comradery involved in an event such as this but also to continue to honour Leo Arseneau's memory well into the future.

Now that we have finalized the accounting, the donation to Hope Air will be in the sum of \$2,650.00

MPO

NOTICE TO THE PROFESSION

Weaver, Simmons is pleased to announce that

Jordan E. Duplessis

is accredited as a Registered Trade-mark Agent

Jordan is available to assist or consult locally on client matters of concern throughout Northern

Ontario

Brady Square, Suite 400, 233 Brady Street,

Sudbury

705.674.6421 Phone FAX 705.674.9948

jeduplessis@weaversimmons.com

SUDBURY DISTRICT LAW ASSOCIATION EXECUTIVE 2015

President: Edmond Paquette
Paquette & Paquette
2945 Hwy 69N
Val Caron, ON
P3N 1N3

Vice President: James Ross
Orendorff & Associates
1533 Bellevue Ave.
Sudbury, ON
P3B 3G4

2nd VP : Sophie Mageau
Desmarais, Keenan LLP
62 Froad Road Suite 201
Sudbury, ON
P3C 4Z3

Treasurer: Grace Alcaide Janicas
Sudbury Community Legal
Clinic
40 Elm Street Unit 272
Sudbury, ON
P3C 1T8

Secretary: Stephanie Baker
Marcuccio, Baker
284 Cedar St., Suite 202
Sudbury, ON P3B 1M7

Past President: John Michael Bray
Orendorff & Associates
1533 Bellevue Ave.
Sudbury, ON
P3B 3G4

Law Library: Court House
155 Elm Street
Sudbury, ON P3C 1T9
(705) 674-3838

Rannah Sopha rsopha@vianet.ca
Nina Nasedkin sdlaw@vianet.ca

COLLOQUIUM DONATES TO THE SUDBURY COMMUNITY FOUNDATION



Far left Lucille Shaw, Past Organizing Chair of the “Colloquium” , Carmen Simmons (Sudbury Community Foundation, Executive Director) and Edmond Paquette, (President SDLA)

Every year the Northeast Continuing Professional Development Program “Colloquium” has donated funds to the Sudbury Community Foundation to be distributed in the community. In total \$22,000.00 has been donated to date.