



# HCLA News

Newsletter of the Halton County Law Association

Volume 2 Issue 4

Fall 2011

## Annual Barn Dance



**Dinner & Dance**

**Saturday  
November 26th**

**Oakville Golf Club**

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Rick Day toasting marshmallows

## Brian O'Marra Appointed to Superior Court

The Honourable Brian P. O'Marra, Crown Attorney for the Attorney General of Ontario in Milton, is appointed Judge of the Ontario Superior Court of Justice in Toronto.

Mr. Justice O'Marra received a Bachelor of Arts (B.A.) from the University of Toronto in 1972 and a Bachelor of Laws (L.L.B.) from Queen's University in 1975. He was admitted to the Ontario Bar in 1977.

Mr. Justice O'Marra has been the Crown Attorney in the Halton region since 1993. He was Assistant Crown Attorney in Brampton from 1982 to 1993 and Barrister and Solicitor with O'Marra & O'Marra from 1977 to 1982. His main area of practice was criminal law.

Mr. Justice O'Marra was an instructor of the Advocacy course for Crown Counsels for several years and has been an instructor for the Bar Admission Course in Toronto since 2007.

Mr. Justice O'Marra will be sworn in on November 1st in Toronto.

Congratulations and best wishes to Brian!!

The Halton County Law Association Annual Barn Dance was held at Karen and Rick Day's place on Friday, September 16th. A big thanks to our gracious hosts for once again providing the venue for this wonderful event.

Approximately 50 attended this year's event and a good time was had by all!!

The air was crisp and the moon shone brightly, as Rick Day got the bon fire ablaze. As shown above, our host began toasting marshmallows

using a pitch fork and the smores were in mass-production, to everyone's delight!

*The Gathering* entertained the crowd with a mix of new country and good old rock and roll. While a few danced in the barn, many more enjoyed the music while seated around the camp fire.

Thanks to this year's sponsors Martin, Hillyer, O'Connor MacLeod Hanna and the Interpreter's Group.

**Deadline for Next Issue:  
January 1, 2012**



## President's Report by Claire Wilkinson

theatre night on Saturday, October 15th, with Pasqualino Café & Bistro, located in downtown Milton, serving up a delightful meal prior to the play. The production *Twelve Angry Jurors*, at the Milton Centre for the Arts, featured an entertaining cast of lawyers from the legal community in Halton. A young man's life lies in the hands of a jury struggling to determine guilt beyond a reasonable doubt. The play begins with a voice over by Halton's own Justice Frederick Forsyth, with his charge to the jury. Congratulations to cast members Stephen Collinson, Maureen Currie, Jim Evans, Fay Hassaan,

Ken Mitchell, Keith Nelson, Wendy Oughtred, Volga Pankou, Bill Perras, Shawn Philbert, Jarvis Sheridan, Hal Watson and Carla Zabek for their superb performances.

Our Annual Dinner & Dance is taking place at the Oakville Golf Club on Saturday, November 26th. Entertainment will be provided by Uncorked. Please mark your diaries and plan to join us. Please consider DDADD (Designated Drivers Against Drunk Drivers) as an option for getting home safely. This program has been developed so that one person drives you and your car home and another drive follows. The costs is \$26 for the first 10 km and \$2.25 per km thereafter. For Oakville/Burlington, call 905-805-4323. See you there!

It has been a very busy fall, with many events taking place. The Annual Barn Dance was held on September 16th. Thanks to our gracious hosts, Karen and Rick Day. This event is always a good time and we very much appreciate their hospitality.

The Halton County Law Association held a dinner and



*Twelve Angry Jurors*

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~ George Bernard Shaw

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## Criminal Bites by Brendan Neil

To start the fall session of parliament the Conservative party tabled the Safe Streets and Communities Act. This piece of legislation, which was promised during the spring election campaign, is an omnibus bill that combines a number of different pieces of legislation into a single Act. These changes, if enacted, will result in substantial changes throughout the Criminal Justice System.

A summary of the proposed changes is as follows:

1. Increased penalties for Serious Drug Crimes  
 a. The Act would establish mandatory minimums and increased the minimums for a number of drug related offences, particularly those involving the targeting of youths and those carried out for organized crime purposes.  
 b. Mandatory minimums would generally apply where an aggravating factor is present.  
 c. Maximum sentences would also increase for a number of offences, for example the maximum penalty for production of marijuana would increase from 7 to 14 years.  
 d. A new subsection of aggravating factors is being added; security, health and safety aggravating factors. These factors include situations where the accused used property belonging to a third party to commit the offence, the

accused placed or set a trap, the production constituted a potential safety hazard in a residential area.

e. The Act also proposes to allow exemptions for drug treatment programs. This amendment would allow the addicted offender to take part in significant drug treatment programs rather than entering custody. If the program is successfully completed the court may impose a suspended or reduced sentence.

2. Elimination of conditional sentences for a number of property and other crimes.

a. Offences where the maximum potential sentence is 14 years or life. This includes Manslaughter, Aggravated Assault, Arson, and Fraud Over \$5,000.

b. Offences prosecuted by indictment which have a maximum sentence of 10 years that:

- result in bodily harm;
- involve the import/export, trafficking and production of drugs; or
- involve the use of weapons.

c. The following offences if proceeded by indictment:

-Prison breach, criminal harassment, sexual assault, kidnapping, trafficking in persons, abduction of a person under 14, theft over \$5,000, theft of a motor vehicle, break and enter non-dwelling house, being unlawfully in a dwelling house, arson for a fraudulent purpose.

3. Increased penalties for sexual crimes against children.

a. Mandatory minimums for several existing sexual offences related to children under 16.

b. An increase in the existing

mandatory minimums. For example the mandatory minimum for sexual interference, sexual touching, and sexual exploitation proceeded by indictment would increase from 45 days to one year.

c. Maximum sentences would increase for numerous charges.

d. Two new offences would be created, Providing explicit material to a child for the purpose of facilitating the commission of a sexual offence against a child, and Using any means of telecommunications, including the Internet to agree or make arrangements with another person for the purpose of committing a sexual offence against a child.

4. Changes to the Youth Criminal Justice Act.

- The Act would highlight the protection of society as a fundamental principle of the Youth Criminal Justice Act.
- Simplifying the rules on pre-trial detention to allow for violent youth to be kept off the street while awaiting trial.
- Strengthen sentencing provisions to reduce barriers to custody for violent and repeat youth offenders.
- Add denunciation and deterrence as specific principles of sentencing under the Youth Criminal Justice Act.
- Expand the definition of "violent offence" to include behavior that endangers the life or safety of others.
- Allow custody to be imposed on youth with a pattern of findings of guilt or extrajudicial sanctions.
- Ensure adult sentences are considered for youth who commit serious violent offences.
- Require the court to consider lifting the publication ban on the names of youth convicted of "violent offences" when youth sentences are given.
- Require police to keep records when informal measures are used to make it easier to identify patterns or re-offending.
- Ensure that all youth under 18 who are given a custodial sentence serve it in a youth facility.

This is merely a summary of some of the proposed changes contained in the omnibus bill. As the bill makes its way through parliament and into law there are bound to be changes. What effect the changes will have will be seen as they are put into practice in the courts.

The information contained in this summary have been drawn from the Department of Justice website.

*Brendan Neil is certified by the Law Society of Upper Canada as a Specialist in Criminal Law and sits on the Board of the Halton County Law Association. Comments in the above piece are his alone and should not be considered as the position of the HCLA or it's respective members.*



## Library News by Karen Kennett

LibraryCo Board of Directors. The opening reception will be held at Nicholas Books.

### Library Inventory

Library staff will be undertaking an inventory of the collection in the late fall. Library budgets shrinking, I would very much prefer to spend money on new textbooks, rather than the replacement of missing textbooks. I encourage you all to check your offices for any library material and return it promptly.

### New Books

New Library LSUC CLE

publications:

*Small Claims Court Update 2011*  
*Six Minute Business Lawyer 2011*  
*Six Minute Labour Lawyer 2011*  
*Six Minutes Employment Lawyer 2011*  
*Best Practices for Paralegals Appearing Before the Human Rights Tribunal*  
*FSCO Update for Paralegals*  
*Best Practices for Paralegals Appearing Before the Ontario Court of Justice*  
*Commercial Mortgage Transactions*  
*Probate Practice 2011*  
*The Administration of Estates 2011*  
*The Twelve Minute Civil Litigator 2011*  
*The Anatomy of a Labour Law Judicial Review*  
*Taxation Issues for the General Practitioner*

*A Guide to Consent & Capacity Law in Ontario by D'Arcy Hiltz*

I welcome your comments and suggestions!

### COLAL Conference

The Conference for Ontario Law Associations' Libraries (COLAL) was held in Toronto from October 19-21. It is the primary vehicle for continuing education for the library staff in the 48 county and district law libraries in Ontario.

This year's program included sessions on value-added reference service, marketing library services to students and new lawyers, as well as a LibraryCo Update with the

**“He who  
wins last,  
wins”**

**Earl Cherniak, Q.C.**

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## Isolation and Networking for the Sole Practitioner or Small Firm Lawyer by John Starzynski

The Treasurer of the Law Society of Upper Canada recently put that number at about 50 % in Ontario. In less populated provinces the number of soles and small firms is the bulk of the legal profession. These lawyers usually have individual clients not shared with another lawyer, often have their only contacts with other lawyers by email, blackberry, post and sometimes by phone – fleeting electronic and impersonal interaction.

So, with all these lawyers working in isolation and feeling disconnected from

the wider legal population, what can be done? Networking is not just for finding romance or selling a product like insurance. It can impact a lawyer's life as well.

Within networking or self-marketing, there are two areas I would like to look at –building a relationship with other lawyers and then with the public of potential clients.

The easiest way to meet other lawyers is by sharing events with them. Go to local law association meetings. Write articles to be published and then try to get the opportunity to give a speech on it. Join the Canadian Bar Association and go to their events. Be active in your local law association. These are great opportunities to meet other lawyers, perhaps make business contacts and form friendships. Take a colleague to lunch, play golf, get on a committee, and maybe even be a mentor. Personal relationships are what makes it work. For those in more remote communities or in communities with just a few lawyers, the use of technology is vital. This is dealt with later in this article.

Lawyers, particularly sole practitioners and those in small firms, reading this article will know what it is like to feel alone in the practice of law. According to the Canadian Bar Association, as of December, 2008, sole practitioners and lawyers in small firms under 10 make up 23% of the profession.

*Continued on page 7*

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*Continued from page 6*

In the wider world of promoting yourself to the public for the purposes of getting business, there are many approaches. The reality is that law school taught us about the law, legal analysis and legal writing, but nothing about how to network and meet potential clients. Most books and articles focus on attending functions. There are a few great tips I want to share with you in pursuing this method.

You may need to get the courage to attend an event. It is easier to go to something that you are interested in where people share similar interests – sailing, book lectures, sports, etc. Whatever interests you will give you an automatic connection to others in attendance. Remember to prepare for making your first impression, your last impression and your lasting impression. In her article – *Networking : The Basics and Beyond for Lawyers*, Molly Peckham lists a number of how to's . Be aware that “how you look, how you enter the room, how you make eye contact, how you stand and how you shake hands all speak volumes”. Avoid planting yourself in front of the food and drink instead of mingling. In *Keith Ferrazzi's book – “Never Eat Alone and Other Secrets to Success, One Relationship*

*at a Time*, he describes the “Networking Jerk... with a martini in one hand, business cards in the other and a pre-rehearsed elevator speech always at the ready.” Business etiquette involves basic things - Wear your name tag on your right lapel, avoid sticky hands from finger food and know which is your bread plate (left) and water glass (right). Brand yourself so that you become known for what you stand for and promise – responsiveness, accuracy, discretion, family and participation in non-law activities. Remember that networking is not a sprint but a marathon. A contact made at an event may not immediately result in work for months but maybe even years later, could develop results.

Much has been made of social media and its vital importance in making yourself known to the public and other lawyers. Dan Pinnington of practicePRO has written an article – *Social Media* – that I highly recommend about Marketing 101, social network tools and having a marketing plan. It can be found at [www.lawpro.ca/magazinesarchives](http://www.lawpro.ca/magazinesarchives) in the December, 2009 issue (Vol. 8, no.4) of LAWPRO Magazine. Dan talks about many things but I would like to highlight a few tips. Build your network – Facebook, LinkedIn, Legal

OnRamp, Twitter, etc. Google yourself to see what your online profile is. Build your brand of experience and information about yourself with articles, speaking, having a blog, doing a podcast and using internet video. Social media is probably one of the most powerful tools available to promote Me-Incorporated. You may even develop your own unique logo.

There is an excellent article by Emily White on the CBA Practice Link titled “Networking for Women Lawyers” – [www.cba.org/cba/practicelink/tips/womennetwork.aspx](http://www.cba.org/cba/practicelink/tips/womennetwork.aspx). It is a must read.

Lastly, I have the following suggestions for face-to-face networking:

1. Learn to describe what you do in 30 seconds or less;
2. Go regularly to things you like;
3. Ask someone how you can be of help to them and really mean it – get them to talk about themselves and their business; and
4. Have fun and smile a lot. Your enjoyment will attract people to you.

*John Starzynski is the Volunteer Director, Peer Support and Liaison at the Ontario Lawyers Assistance Program and is a Director of the Legal Profession Assistance Conference, the umbrella organization for all the lawyer assistance programs across Canada*

## Classified Ads

**Litigation lawyer, newly called, available to work in Halton County.** I am seeking an opportunity to further develop litigation skills in an established firm that values high quality work and professionalism. I have a strong work ethic, hands-on litigation experience, excellent references, and a keen desire to learn. I am happy to practice in all areas of civil litigation, but municipal and environmental law are of particular interest to me. If interested, please write or call: [abrow111@gmail.com](mailto:abrow111@gmail.com) or 647.383.9816.

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## Calendar of Events

- November 26**      **HCLA Annual Dinner & Dance**  
**Oakville Golf Club**
- November 28**      **Sopinka United Way Luncheon**  
**See details below.**
- December 9**        **Annual Family Law Seminar**  
**Halton Region Museum**  
**See flyer and registration form on page 8.**
- February 23**        **Annual General Meeting & Spring Social**  
**Harbour Banquet & Conference Centre**  
**Details to follow.**
- June 12**            **Annual Golf Tournament**  
**Hidden Lake Golf & Country Club**

### **10<sup>th</sup> ANNUAL SOPINKA UNITED WAY LUNCHEON**

*Guest Speaker*

**The Honourable Mr. Justice Thomas Albert Cromwell**  
**Supreme Court of Canada**

**Monday, November 28, 2011 – 11:30am to 2:00pm**

Sheraton Hamilton Hotel, Grand Ballroom, 116 King Street West, Hamilton

**\$45 per person (Tables of 8)**



For reservations please contact Robyn Knickle at United Way:  
905.527.4576 ext. 234, email at [rknickle@uwaybh.ca](mailto:rknickle@uwaybh.ca)

Please make cheque payable to  
"Sopinka United Way Luncheon".



Halton County Law Association

## Annual Family Law Seminar



### Topics/speakers:

- Epstein's "Year in Review" – Brian Burke
- Calculating Income for Self Employed – Nick Mastroluisi
- Practice Tips on Disclosure Obligations – Andy Snelius
- Family Responsibility Office – Duty of Care – Laura Oliver
- Domestic Violence Court – Patti Cross
- Judges Panel – Justice R. John Harper, Justice Kendra Coats, Justice Roselyn Zisman and Justice Sheilagh O'Connell
  - Dealing with Difficult Judges
  - Dealing with Unrepresented Clients
  - Duties/Obligations to the Court & Client when Getting Off the Record
  - Effective Advocacy at Case Conferences



This program qualifies for the 2013 LawPro CPD Premium Credit.

This program has been accredited by the Law Society for 1 hour toward the annual Professionalism Requirement. This program has been accredited by the Law Society for 3.5 hours toward the annual New Member Requirement.

**Date:** Friday, December 9, 2011

**Location:** Halton Region Museum  
5181 Kelso Road, Milton  
<http://maps.google.ca/maps?f=q&hl=en&geocode=&q=Halton+Region+Museum,+Milton>

**Time:** 9:00 a.m. to 12:30 p.m.  
8:30 a.m. Registration, coffee & muffins

**Cost:** \$75.00 (included HST R10462350)  
Payable to the Halton County Law Association



Please register me for Family Law Fall Seminar on Friday December 9, 2011. My cheque in the amount of \$75.00 payable to the Halton County Law Association is enclosed.

Name \_\_\_\_\_

Firm \_\_\_\_\_

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