



HCLA News

Newsletter of the Halton County Law Association

HCLA Golf Tournament supports The Darling Home for Kids

Volume 4 Issue 2

Spring/Summer 2013



Annual Dinner & Dance
Friday, November 22, 2013
Burlington Golf & Country Club



Ruthanne Bowker, Scott Aird, Maureen Lush and Mr. Justice David Harris

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The Halton County Law Association Annual Charity Golf Tournament took place on Thursday, June 13, 2013, at Hidden Lake Golf Club, in support of The Darling Home for Kids.

The mission of The Darling Home for Kids, located in Milton, is to optimize the quality of

the lives of children with life-limiting or life-threatening illness requiring complex and/or technology-dependent care. They do this by providing respite services and paediatric hospice care in a home-like environment to families within communities in Ontario, with highly qualified nursing and support staff

that can give out-of home overnight care, bereavement support and educational training to these families.

Thanks to this year's golf chair, Sam Misheal, for organizing a great day of golf and thanks to all who were able to support this event, through participate in the tournament, auction donations and hole sponsorships.

See you next year!

Deadline for Next Issue:
October 1, 2013



President's Report by Laura Oliver

main areas of focus at the conference was the long term viability, useability and effectiveness of our libraries. Good discussions relating to the transitioning of traditional libraries into Practice Centres with a focus on technology took place and will be continuing. CDLPA is hoping to be in a position to develop a Practice Centre Model throughout the Province. Our Board welcomes any and all suggestions to bring our library to the forefront in terms of servicing the needs of our members.

It has been a difficult few months for our community. We have lost several of our members, who will be missed. Eric Swan passed away after a brave battle with cancer on April 28th. Eric practiced in Oakville at MacDonald and Swan. Donna Thorndike of Glen Abbey Verbatim passed away on May 16th. A memorial service was held on June 28, 2013 at her golf club. Finally, John Pichelli passed away on May 30th. John practiced in Burlington. Our community was enriched because of each of them.

In addition, we had two of our members, Douglas Baggs and David Wands, retire from practice on May 31st. We wish them well in their blissful years of undocketed free time!

The Halton County Law Association Golf Tournament at Hidden Lake was well attended we were able to raise \$1295 for our charity this year, The Darling House for Kids. A special thanks to Sam Misheal for his leadership in organizing the event.

Rachel Pulis and I attended the CDLPA conference in May in Toronto. One of the

Over the summer our women members can expect to receive an invitation to the Women Lawyers BBQ to take place at the home of Ann Stoner, on August 29th.

Wishing everyone a safe and happy summer!



Congratulations to David Wands (L) and Douglas Baggs (R), who retired May 31st.

Our thanks are extended to Mr. Justice Dale Fitzpatrick, Madam Justice Suzanne Stevenson and Mr. Justice M. Edward Graham for speaking at the recent Halton County Law Association Annual General Meeting, held at the Harbour Banquet & Conference Centre in Bronte.

Madam Justice Suzanne Stevenson, sworn in on January 25, 2012 as a Justice of the Superior Court in Toronto and Mr. Justice Dale Fitzpatrick, sworn in on April 2, 2012 as a Justice of the Superior Court in Milton, had graciously agreed to speak at the Law Association's AGM, with the topic being "A view from the Bench: One year later". We were extremely pleased that Mr. Justice Graham, who was sworn in as a Justice of the Ontario Court in Woodstock on January 28, 2013, was able to join in and provide his comments after only a little over one month on the Bench.

We appreciate them taking the time away from their busy schedules to join us.



Mr. Justice Dale Fitzpatrick, Madam Justice Suzanne Stevenson and Mr. Justice M. Edward Graham

Family Law News

Mark your Calendars!!

Halton County Law Association Lunch & Learn Seminars:

- Wednesday, September 25, 2013 Topic: Summary Judgment and Motions to Strike
Speakers: Diane Skrow and John Cox
- Wednesday, October 23, 2013 Topic: Support for Adult Children
Speakers: The Honourable Madam Justice Kendra Coats, Superior Court of Justice and
The Honourable Madam Justice Roselyn Zisman, Ontario Court of Justice
- Wednesday, December 4, 2013 Topic: Custody & Access Assessments and Parenting Capacity Assessments
Speakers: The Honourable Madam Justice Coats, Superior Court of Justice

All Lunch & Learn Seminars are from **1:00 to 1:50 p.m.** and will be held in the Milton Court House, **Courtroom #10.**

Annual Family Law Seminar:

Friday, January 24, 2014
Halton Region Museum
9:00 a.m.—4:00 p.m.

**NOTE: A full -day program!
Watch for details!**



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Library News by Karen Kennett

Quicklaw Training

Thanks to Claro Dejerer for hosting two Quicklaw Training sessions on March 26th. The attendees had an opportunity to refresh on the basics of Quicklaw, as well as to learn about more complex searching and QL's latest features.

New LSUC CPDs

Six Minute Estates Lawyer 2013
 10th Annual Real Estate Law Summit
 The Oatley McLeish Guide to Motor Vehicle Litigation
 The Complete Guide to Search Warrants
 The Six Minute Criminal Defence Lawyer 2013
 Best Practices for Passing of Accounts Application by Fiduciaries

Entertainment & Media Law Symposium 2013

Civil Litigator Series: Wills & Estates
 The Six Minute Administrative Lawyer 2013
 The Annotated Alter Ego Trust and Discretionary Trust
 The Annotated Power of Attorney for Person Care
 Emerging Issues in Directors' and Officers' Liability 2013
 Evidentiary Challenges for Criminal Lawyers
 Commercial Priorities for Real Estate & Business Lawyers 2013
 The Six Minute Commercial and Leasing Lawyer 2013
 Disability Benefits in Employment and After Dismissal
 15th Annual Estates and Trusts Summit
 The Annotated Share-Purchase and Asset Purchase Agreement 2013
 Demystifying a Family Law Mediation
 Wills & Estates Practice Essentials 2013
 Case Conference and Motions in Family Law
 3rd Annual In-House Counsel Summit
 Complex Commercial Litigation Matters
 Property Issues in Family Law
 Civil Litigators Issues: Family Law
 Business Law Practice Essentials
 Landlord & Tenant Issues for Paralegals

Copying/Printing

By now, hopefully most of you will have had a chance to try out the new procedure for copies and printing through the photocopier vend unit. The printing is now routed through the vend unit and users release the print job through the print release station by inserting the appropriate funds.

(Continued on page 5)

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O N T A R I O - W I D E S E R V I C E

Law Library Renovations

Members of the Executive have been working towards a plan to reconfigure the west end of the library, in order to create a quiet work space for library users. In order to achieve this goal, it will be necessary to remove a couple of the shelving units, which also means discarding a number of the law reports.

Need some library books to pretty-up your office or waiting area ... need some night-time reading?? If so, now is your chance!!

Please see the list of reporters and journals below and contact the librarian immediately, if you are interested.

Law Reporters:

All Canada Weekly Summaries

Business Law Reports

Canadian Bankruptcy Reports

Canadian Cases on Employment Law

Canadian Cases on the Law of Torts

Canadian Criminal Cases

**Canadian Reports—
Appeal Cases**

Canadian Rights Reporter

Carswell Practice Cases

Criminal Appeal Reports

Criminal Reports

Dominion Law Reports

Estates and Trusts Reports

Labour Arbitration Cases

Maritime Province Reports

Motor Vehicle Law Reports

Municipal & Planning Law Reports

Ontario Appeal Cases

Ontario Municipal Board Reports

Real Property Reports

Reports of Family Law

Weekly Criminal Bulletin

Weekly Digest of Civil Procedure

Western Weekly Reports

Journals:

Advocates' Quarterly

Canadian Bar Review

Canadian Business Law Journal

Canadian Family Law Quarterly

Chitty's Law Journal

Criminal Law Quarterly

Criminal Law Review

Estates & Trusts Quarterly

Law Quarterly Review

Modern Law Review

Trauma

U or T Law Journal

Family Law Matters

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I offer this brief memoir of Oakville lawyer Eric Swan, who died April 28, 2013, age 47. Eric was my business partner for 12 years at the MacDonald & Swan LLP firm. I knew Eric for nearly 20 years.

Eric was born into the legal profession. His father, Peter, was a well-respected and prominent member of the Kingston bar. After completing his B.A. at Queen's, Eric tried his hand at large equipment sales, but soon recognized his real calling and staying close to his roots, entered Queen's Law and graduated with his LL.B in 1994.

He then articulated with Thomson Rogers and was called to the bar in 1996. He spent two years at Thomson Rogers before moving to Huntsville to join the firm of Ferguson Boeckle. Soon, though, family considerations brought Eric and his young family back to the Toronto area. Eric always had an entrepreneurial bent, and when he needed to be close by for his young family, he decided bravely to set up his own firm. He had no established clients, but had a clear idea of what he wanted to build and set about doing it. He became active in the Halton Bar, went out of his way to develop good lasting relationships with solicitors in Oakville, Milton and Georgetown. He was warm, easy to talk to, and even easier to like.

He was attracting clients and building his practice, but soon realized that to build the firm he wanted he couldn't do it entirely by

Eric Swan Remembered by Stephen MacDonald

himself. And so he persuaded me to join him. Only Eric could convince someone 15 years his senior to leave the Toronto bar, commute to Oakville everyday, and join him in building a practice in Oakville. But that he did.

Eric was the driving force in developing MacDonald & Swan's client base and in growing our firm. He knew the importance of establishing a presence in the community. He became involved in the Halton County Law Association, was a member of the Association Board for three years. He also immersed himself in his favourite activities of hockey, music and golf. He found groups in Oakville that he could join, expand his network and client basis and have fun at the same time. So, Eric joined a noon time hockey group. He loved to play hockey, kibitz in the dressing room and buy the latest gear. He would insist in taking me along to assess his most recent coveted acquisition, be it a new composite hockey stick or the latest Graf skates; convinced, of course, that each would mean he would score more goals or skate faster. But, a longstanding knee injury plagued him from time-to-time, flaring up rather unpredictably putting him on the shelf, much to his chagrin. Eventually, Eric had to give up hockey altogether when his knee, then back, could no longer tolerate hockey's rigors.

The same gear fascination applied to golf and music. Golf was to Eric the most



confounding of all his pastimes. He strove mightily to improve. He bought new clubs, adopted new strategies, and took lessons from several teachers, all, it seemed, to no real avail. Try as he might, Eric could never quite reach that level of proficiency that he so desperately sought. Many times during the golf season, especially after a productive

session at the driving range, he would come into my office, club in hand, to explain his most recent swing secret that was bound to take 10 strokes off his score. Sadly, these secrets never had the lasting desired effect.

Eric's real passion, though, was music. It was his most accomplished past-time. He was largely self-taught. His favourite instrument was the guitar. He had many. He played with fellow Oakville lawyer and dear friend, John Cox. Thursday night was devoted to band, as Eric described it. He was a terrific entertainer; even if a tad obsessed. With music, though, came the requisite gear; guitars mostly, but amplifiers and pedals too. He was on a first name basis with the staff at his favourite music store. He was forever buying, trading and returning musical equipment in the quixotic quest for the best sound. Eric went to great lengths to keep the true extent of his gear obsession from his wife Anne, knowing that she would disapprove of all this buying and selling.

It was buying and selling that Eric did best.

Actually, Eric was the absolute master of the deal. He loved making the deal, and he did it with just about everything; from cars to guitars to golf clubs. He would continually amuse me with his latest scheme to trade one car for another, sell his year old golf clubs in order to buy new ones, or trade one of his several guitars for a more coveted one. I have several golf clubs, mostly drivers, that I bought from Eric over the years, having fallen victim to his charm and persuasion that these clubs would improve my game.

Eric was a marvelous lawyer. He was imaginative, insightful, and passionate about his files and clients. His love for the deal carried over into his practice. Not surprising, he was a master at settling cases before trial. His clients loved him, other lawyers loved to deal with him, and judges trusted him.

We tried several cases together. Eric was indispensable. He kept us organized, took meticulous notes, knew exactly where we needed to go with each witness, and had an

easy, relaxed style when on his feet, leading evidence or making submissions.

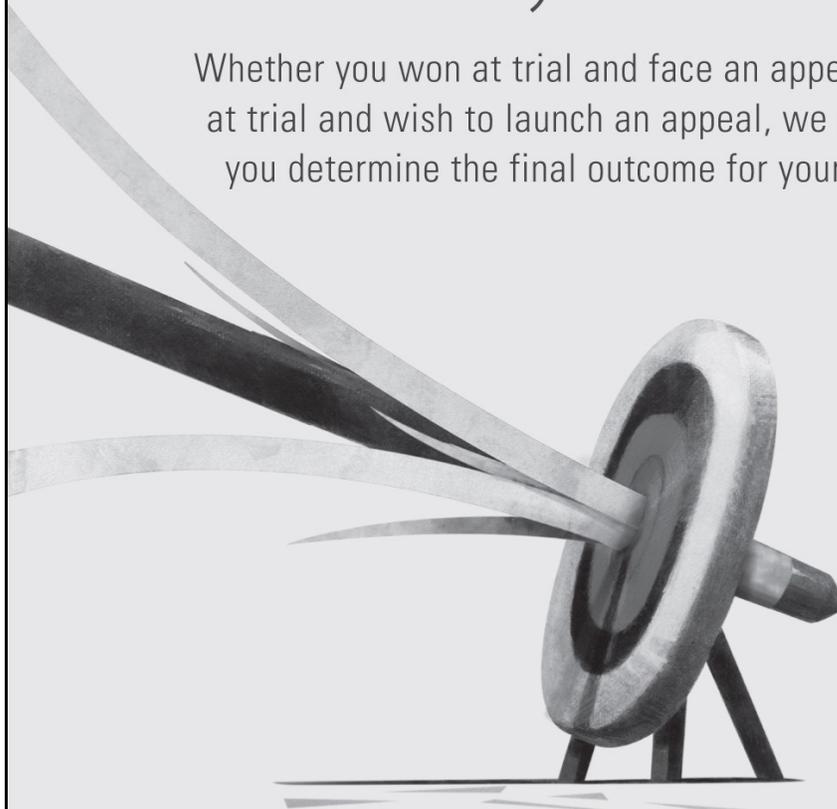
Eric and his wife, Anne, had three children. He loved his family more than anything else. He was passionate about his children, their activities and their school. He cherished the family's time at the cottage (there were 3 of them in the 12 years Eric and I were partners). The diligence, passion, compassion and enthusiasm with which he approached every aspect of his life were marvelous examples for his children and those who knew him.

The rapid, unrelenting progression of Eric's illness shocked us all. Throughout those difficult months, Eric remained positive and optimistic. He kept looking for a solution as was his way. Sadly, there was none to be found.

I learned much from him in our 12 year partnership. He touched many lives in his professional and personal life. I was proud to be partners with him. Eric was a prime example of what is best about our profession; he was diligent, compassionate, dedicated, imaginative and unfailingly polite. He served his clients and his profession with warmth and sincerity. There can be no better legacy than that.

He who wins last, wins.

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On April 4, 2013, the Halton County Law Association held their annual Estates & Family Law Seminar. As well as providing a great refresher and update, the seminar serves as a great reminder about how closely related the work of the two bars is; and how important it is for family lawyers to keep abreast of changes in the estates realm and vice versa. We have blogged about this before, but it bears repeating.

One common area of overlap between family law and estate planning areas that still leads to discussion between the bars is the issue of insurance put in place to secure support payments. These clauses often come up in our

HCLA Estates & Family Law Seminar by Jasmine Sweatman

planning practice. They are often not drafted as clearly as they could be, which can have an unintended negative effect on the client's estate plan.

By the time we are discussing insurance declarations with a client and we learn he or she has agreed to be bound to a less than flexible arrangement (usually required to create a directionless trust), it is often too late to fix. We have also found that when clients turn their minds to the intent of life insurance clauses in their separation agreements, it makes it possible to draft insurance declarations that meet the actual goals and expectations of the clients. The seminar was helpful in including a discussion of sample language that separating couples (and family lawyers) should consider when they determine that support payments are to be

secured by life insurance and reminding the attendees of the importance of giving this area more attention.

Lesson Learned: Family and Estates bars are very closely interwoven in many respects, and it is important for both bars to remember this and to keep abreast of developments that affect both practice areas.

Until next time,

An excerpt from Jasmine Sweatman's blog:

<http://www.allaboutestates.ca/family-conflict/hcla-estates-family-law-seminar/>

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“A man to know”

On May 22, 2013 the New Lawyers Committee of the Halton County Law Association hosted a Practice Management Seminar lunch and learn at the Milton Court House.

The event brought two speakers from the Law Society of Upper Canada to discuss practice management issues of particular interest to new lawyers.

Henny Harmsen, the first speaker, is a practice review counsel with the Law Society of Upper Canada. In that position he travels throughout the province to review and assess lawyers in private practice who have been called to the bar less than eight years.

Mr. Harmsen opened his talk by explaining a little bit about the Law Society's practice management program and by noting the most frequent complaints made against sole

Practice Management Seminar by Matthew Dylag

practitioners and small firms. He then discussed issues of contingency planning, conflicts of interest, client management, file management and time management, and provided helpful tips as a ways to improve one's practice and to avoid being the subject of a complaint.

The second speaker was Cettina Cornish. Ms Cornish is counsel for licensing and accreditation for the Law Society of Upper Canada, where she develops educational programs and resources to support the licensing process and competence mandate. Ms. Cornish focused on file opening procedures and walked the attendees through a file opening checklist available on Law Society's website.

The event was well attended with about 40 lawyers from the region registered and in attendance. This event was accredited from the Law Society for one hour of professionalism. Hopefully this is just the first in a series of events organized by the New

Lawyers Committee of the HCLA.

We would like to thank the speakers for their insightful and helpful presentations. If you would like to get on the new lawyers mailing list please e-mail Karen Kennett at hcla@bellnet.ca.

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Douglas Baggs wishes to announce his retirement from the practice of law on May 31, 2013. His files will be taken over by Michael Vokes and Edward Pettinato of the firm Vokes & Pettinato, 233 Robinson Street, Oakville, ON, L6J 1G5, Tel: (905)842-8600, Fax: (905) 842-4774.

Young lawyer, called to the Bar in 2012, seeking legal position in Halton Region law firm. Past experience articling for a municipal government covered a variety of practice areas so she is willing to work in any area of law. Willingness to accept contract positions in her local community. Please contact Erin Mogck at erin_mogck@hotmail.com

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VOLUNTEERS WANTED

INCITE, A Single Moms Support Group, a non-profit organization that raises up single moms by offering support, encouragement, guidance, direction and opportunities for empowerment to single moms and their children that are struggling in our community is looking for volunteers for 4 hours per month to assist with the Affordable Advice Program. Please contact Beth Hudson by email at singlemoms@live.ca or by telephone 905-592-9721.

LOOKING FOR A WILL

Anyone with knowledge of a will for **William Lenko**, please contact Benjamin Arkin at 416-355-3264 or email ben@whaleyestatelitigation.com.

Looking for a Will

Anyone having knowledge of a Will of **David Raymond Dunstan** (d.o.b. March 19, 1956), of 5233 Banting Court, Burlington, Ontario, who passed away on December 11, 2012, is requested to contact his brother Bill Dunstan, 419 Erindale Drive, Burlington, ON L7L 4T3, cell 905-399-6574.

ESTATE NOTICE – CLEVELAND CAMPBELL

Anyone having knowledge of a Will for **Cleveland Campbell**, who resided in Dundas (Waterdown), Ontario, is requested to contact Henri J. Charlebois of the law firm of Hastings, Charlebois, Burlington, Ontario, at Tel. No.: 905-332-1888, Fax No.: 905-332-0021 or e-mail at hjcharlebois@hclawyers.ca.

LOOKING FOR A WILL

Anyone having knowledge of a will of **Charles Frank Harrison**, born Mary 8, 1920 is asked to contact Larry Gangbar at 905-842-8030 or gangbar@omh.ca.