



HCLA News

Newsletter of the Halton County Law Association

Volume 1 Issue 3

Summer 2010



Wednesday, September 8th

Retirement Dinner for
Justice Theo Wolder
See invitation on page 6!

Friday, September 17th

HCLA Annual Barn Dance
See flyer on page 7!

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HCLA Annual Golf Day

Golf is a game in which you yell "fore", shoot six and write down five."

Paul Harvey

The Halton County Law Association held its Annual Golf Tournament at Burlington's Hidden Lake Golf & Country Club on Tuesday, June 8th. This year's Chair, Lynne Thompson, did a wonderful job in organizing the event, in support of the Parkinson's Society of Canada. The weather was perfect, as 65 golfers took to the links for a day of fun and camaraderie.



Diane Daly and Karen Thompson



Maureen Thun, Parkinson Society
and Golf Chair Lynne Thompson



William Thatcher, Michael Emery, William Swybrous
and Stephen Abraham

Deadline for Next Issue:

October 1, 2010



President's Report by Claire Wilkinson

I hope everyone has been enjoying the summer! I would like to begin my remarks by recognizing the loss of Justice Coats' mother on July 19, 2010. I am sure I speak on behalf of the entire Association when I extend our sincerest sympathies to Justice Coats and her family for their loss.

In May, I attended the County and District Law Presidents' Association (CDLPA) plenary session in Toronto. Robert Zochodne has now taken over the Presidency of CDLPA. Topics covered included court house security, HST, the greying of the bar, and the creation of two new CDLPA committees: a library committee, and a paralegal committee. As well, you have probably already noticed that the Ontario Reports are now being emailed to you. If you still wish to have paper copies of the Ontario Reports, you can contact Lexis Nexis, and they will still provide paper copies of the Ontario Reports. It was also noted that paralegal admissions were much higher than predicted by the Law Society, and that increased use of the Lawyer Referral Service is anticipated in the upcoming year. Our Association has also struck a committee to address the issue of the scope of family law parale-

gal practice, given the motion that was presented before convocation in May 2010, and ultimately withdrawn.

Our Association has also hosted successful educational seminars in the past few months, including a real estate seminar and a criminal law seminar. As well, our Association hosted a mock trial competition, ably chaired by Ted Graham.

On June 8, 2010, the Annual Halton County Golf Tournament was held at Hidden Lake Golf and Country Club. We were very excited to have sold out the event, and thank chair Lynne Thompson for all her hard work! As well, Katherine Henshell must be thanked for helping to get together all those prizes! Thanks also to everyone else involved in the golf tournament committee, and to Karen Kennett, who, as usual, ensured that the entire day ran smoothly. I am also pleased to announce that in addition to having a great day of golf, our Association raised \$1500.00 for the Parkinson's Society of Canada. Well done!

Our executive will begin our regular monthly meetings starting in September 2010, so as the summer winds down, our Association activity will increase.

Our next big events are the retirement dinner for Justice Wolder on **September 8, 2010** at the Granite

Ridge Golf Club in Milton, and our annual Barn Dance and BBQ, hosted by Rick and Karen Day at their beautiful farm in Oakville, which will take place on **September 17, 2010**. Bring your dancing shoes!

Our Association is organizing a Dinner and Theatre Night for **Saturday, October 2, 2010**. Please join us for the Theatre Aquarius performance of The 39 Steps and dinner at Incognito Restaurant in Hamilton. See page 8 for details! Please note you must reserve by **SEPTEMBER 3rd**!

Also please note that our annual Christmas dance and social will take place at the Burlington Golf and Country Club on **Friday, November 26, 2010**. Don't miss it!!

Place you ad here!



The Criminal Docket by Ted Graham

Ducharme provided a detailed analysis of the new s. 24(2) jurisprudence.

We were pleased to have participation by Justice of the Peace Paul McPhail. Not only did he discuss general issues relating to the law on bail hearings but he also gave practical advocacy tips. He commented on the recent changes to the Criminal Code dealing with credit given for pre-trial custody.

Wendy Oughtred chaired a panel discussion on Mental health. Anita Szigeti, counsel with extensive expertise in this area, Jim Coppolino, an Assistant Crown Attorney and Rick Smith, a Court Support Worker with the Canadian Mental Health Association also participated. Several practical scenarios were reviewed.

Brendan Neil discussed Youth sentencing issues and advised the audience of proposed changes to the Youth Criminal Justice Act.

Carmelo Runco provided his perspective on recent changes to the Legal Aid plan. Lynne Thompson discussed the most significant issues of concern to the Law Society. She concluded that effective and detailed communication with client often will eliminate most issues.

Most local counsel attended the seminar. Thanks to Inderjeet Khanuja for her continued support. Most of all thanks to Karen Kennett for her tireless efforts to ensure that the program was, once again, a success.

On June 12 2010, the Halton County Law Association held its 3rd Annual Criminal Law Seminar.

Although the seminar is sponsored and organized by the Association, its success is ensured by the support of local Crown Attorneys, members of the criminal defence bar and Judiciary. The Criminal Lawyers' Association also supports the seminar.

The first topic of the morning; Recent Developments in s. 24 (2) of the Canadian Charter of Rights and Freedoms; was chaired by Andrew Goodman, an Assistant Crown Attorney and one of the organizers of the seminar. The Honourable Justice Richard LeDressay provided an overview of the Supreme Court of Canada decisions in R. v. Grant [2009] SCJ No 32, R. v. Suberu [2009] SCJ No. 33, and R. v. Harrison [2009] OJ No. 34. He expressed his views on the importance of focussed and detailed written advocacy. Kim Taylor discussed the recent Ontario Court of Appeal decision of R. v Blake [2010] OJ No 48 and he advised that counsel will need to be vigilant to ensure that a proper evidentiary foundation is laid if there is to be a successful attack on a search warrant. Mark Miller reviewed the decision of R. v Au-Yeung [2010] OJ No. 1579. (SC). In that case The Honourable Mr. Justice

On May 6 2010 the Halton District School Board and Halton Catholic District School Board held their Regional Mock Trial Tournament at the Court House in Milton. This event is sponsored by the HCLA.

Teams from eight local High Schools had the opportunity to demonstrate the skills they had learned after months of preparation. The trials were presided over by Justices of the Ontario Court of Justice. Although Assumption High School was declared the winner, the main goal of the tournament was to provide students with a chance to experience the environment of a real courtroom. Once again the students performed at a very high level and credit goes to their teachers, coaches and the students themselves. Special thanks to the CSOs who provided practical guidance and ensured that the students felt comfortable in the courtrooms. The Justices' secretaries; Brenda Middleton and Pam Jazvac, deserve most of the credit for the fact that the day went smoothly.

Mara Clarke of the Ontario Justice Education Network, which sponsors tournaments and other initiatives across the Province was also in attendance.



Justice Forsyth, Mara Clarke, OJEN, and Ted Graham



BENCHER NEWS BY PAUL HENDERSON

- To report on management and legal costs.

As a result, LawPro was born and by December 31, 1998 it was fully capitalized and by February 28, 1999 the deficit of \$154 million was retired. It was a difficult time for the bar which had to fund the deficit through significant increases in premiums. It was angry and a bitter Bencher election was fought in 1995 over the issue.

The action against E&Y and Tillinghast was commenced in 1996. It alleged that the Law Society and LawPro (LPIC) did not learn the true extent of the insurance liabilities at an earlier date, in whole or in part, as a result of the negligence of the defendants. As a result both the Law Society and LawPro suffered damages. The key component of the damages claim was the value of the claims liabilities that could have been avoided by changing the provisions of coverage and deductibles in the insurance program at an earlier date. Other items included the out of pocket investigation and professional expenses, as well as the foregone opportunities to take steps to raise funds by increasing the insurance levies and the lost interest on those funds.

Damages in the best case were calculated to be \$32.5 million. The action followed a tortuous but steady progression leading to mediation by Chief Justice Winkler on February 25, 2010. It was settled for \$8 million, net \$5 million after costs. For a more detailed review of the case I refer you the report Malcolm Heins presented to Convocation on April 25, 2010, accessible on the Law Society's website www.lsuc.on.ca.

In somewhat related news, you may recall that because of the implementation of HST, LawPro required an infusion of \$10 million to cover anticipated HST expense on existing claims. The infusion was required to maintain sufficient capitalization. It was anticipated

last fall that this would be funded by a one-time levy against the membership of approximately \$450 this year. We have managed to avoid that hit at least for this year. LawPro drew the funds from the Law Society's E&O fund (which was the recipient of the above settlement) and will address the issue in the context of its 2011 budget.

Finally, we are all aware of the excitement caused by the motion brought by certain paralegals at the Law Society's AGM. Although it was subsequently withdrawn, the issue is not going to go away. It will likely be addressed in the broader context of trying to resolve some of the current problems in family law such as Legal Aid coverage and the number of self-represented parties. It will be framed as an access to justice issue.

LSUC Elects new Treasurer

At Convocation on June 29, 2010, Laurie Paulitza was elected the 63rd Treasurer of the Law Society of Upper Canada since its inception in 1797. Ms. Paulitza won on the first ballot by a significant margin over her competitors, Bill Simpson and Beth Symes.

Ms. Paulitza is the third woman Treasurer and the first with a family law background as a partner at Torkin, Manes LLP in Toronto. Over her tenure as an elected bencher since 2003, she has held many high profile positions within the Law Society. These included co-chairing the Retention of Women in Private Practice Working Group and most recently serving as chair of the Professional Development & Competence Committee and vice-chair of the Government & Public Affairs Committee.

I have had the pleasure of working with Ms. Paulitza on many issues. I know she will make a dedicated and a highly competent leader. I have been impressed with her commonsense approach to problems and her Saskatchewan farm roots keep her well grounded.

Ms. Paulitza succeeds W. A. Derry Millar who during his two years as Treasurer made a great contribution to the Law Society.

For those of you who have been practicing since the early 1990's you will remember, fondly no doubt, of the days when we were paying annual LPIC insurance premiums in excess of \$5000 per year. You may also recall the contentious Bencher election of 1995 fought over the insurance crisis that had developed in 1994 that resulted in those premiums. The last chapter in that saga was closed on February 25, 2010 when the Law Society settled its action against Ernst & Young and Tillinghast.

In 1994 the Law Society learned that it had a deficit of \$154 million in its insurance program. In response Convocation struck the Insurance Task Force whose report set out four primary purposes:

- to raise with Convocation the question of whether the Law Society should continue with the E&O program;
- To inform Convocation of the amount of the deficit and explain the increase;
- To recommend short and long term solutions leading to the elimination of the deficit and proper capitalization within 4 years; and

PEOPLE ON THE MOVE



Keith Nelson has relocated his office to Suite 205, 243 North Service Road West, Oakville, Ontario L6M 3E5.

Marlon M. Roefe, has relocated his

offices effective August 3, 2010 to 411 Guelph Line, PO Box 400, Burlington, ON L7R 3Y3 tel 905-333-0095 fax 905-333-1621 mobile 905-599-0095 email marlon.roefe@roefe-lawyer.ca website www.roefe-lawyer.ca

Check your listing on the Halton County Law Association web site to ensure that your information is up to date. Call Karen with any changes 905-878-1272!



Calendar of Events

- September 8 **Retirement Dinner for Justice Theo Wolder**
Granite Ridge Golf Club
\$65.00 payable to the Halton County Law Association
See invitation on page 6 for details!
- September 17 **Annual Barn Dance**
Karen & Rick Day's Farm
See flyer on page 7 for details!
- September 29 **Family Law Lunch & Learn**—1:00-2:00 p.m.
Topic: Obtaining Information from Third Parties
Speakers: Madam Justice Coats, Superior Court of Ontario and Megan Pallett,
Halton Children's Aid Society
Registration fee: \$10.00
- October 2 **HCLA Dinner & Theatre Night**
See page 8 for details!
- October 20 **Family Law Lunch & Learn**—1:00-2:00 p.m.
Topic tba
Speaker: Madam Justice Zisman, Ontario Court of Justice
- November 26 **Annual Dinner Dance**
Burlington Golf & Country Club
Details to follow.
- December 3 **Annual Family Law Seminar**
Halton Region Museum
9:00 a.m.-1:00 p.m.
Registration form to follow.
- January 26 **Family Law Lunch & Learn**—1:00-2:00 p.m.
Topic tba
- February 23 **Family Law Lunch & Learn**—1:00-2:00 p.m.
Topic: The Family Responsibility Office
Speaker: Azra Champsyi



You're invited
to a
Retirement Dinner
In honour of
The Honourable Mr. Justice Theo Wolder

Wednesday September 8, 2010

Granite Ridge Golf Club

9503 Dublin Line
Milton, ON
L9T 2X7

Cocktails: 6:00 p.m.
Dinner: 7:00 p.m.

\$65.00

Please make cheques payable to the Halton County Law Association

RSVP:
Karen Kennett
Librarian
Halton County Law Association
491 Steeles Ave. E.
Milton, Ontario L9T 1Y7
tel 905 878 1272 fax 905 878 8298
toll free 1 866 838 5139
hcla@bellnet.ca
www.haltoncountylaw.ca

HALTON COUNTY LAW ASSOCIATION
BARN DANCE & BBQ



KAREN & RICK DAY'S FARM
Friday September 17, 2010

Barn Doors open at 6:00 p.m. - Dinner @ 7:30 p.m.

Dance to the music of a live band: Uncorked

Cost: \$45.00 per person
Spouses and guests welcome!!!!

B.Y.O.B.

Soft drinks provided.

Bon fire & Marshmallow Roast after dark.

Dress: Country Casual (jeans, etc.—Remember to bring warm clothes for the bon fire)

Thank you to our generous sponsor:

RSVP by September 10th

Send payment (payable to the Halton County Law Association) to:

Karen Kennett, Halton County Law Association

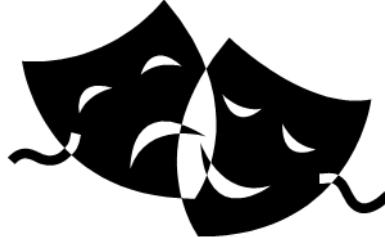
491 Steeles Avenue East, Milton, ON L9T 1Y7

Telephone: 905 878-1272 Fax: 905 878 8298 Email: hcla@bellnet.ca



Please register me for the barn dance on September 17, 2010. Payment of \$_____ is enclosed.

Name(s): _____



Halton County Law Association

Dinner & Theatre Night

Saturday, October 2, 2010

Dinner 5:30 p.m. @ Incognito Restaurant, 93 John Street South, Hamilton
Theatre 8:00 p.m. @ Theatre Aquarius, 190 King William Street, Hamilton

Gather in the Theatre's Director's Lounge before the show and during the intermission.

The 39 Steps

*Adapted by Patrick Barlow, from the Novel by John Buchan,
from the Movie of Alfred Hitchcock*

Mix a Hitchcock masterpiece with a juicy spy novel, add a dash of Monty Python and you have a fast-paced whodunit for anyone who loves the magic of theatre!

Tickets: \$99.99 per person

YOU MUST RESERVE YOUR TICKETS BY FRIDAY, SEPTEMBER 3, 2010

Name _____

Telephone _____ Email address _____

Yes, I would like to reserve _____ tickets.

Bill me.

My payment is enclosed.