HCLA News

Newsletter of the Halton County Law Association

Volume 7 Issue 3

Fall 2016

This issue:

Deadline for Next Issue:
January 1, 2017

You are cordially invited to attend

The Halton County Law Association

Annual Dinner & Dance

Saturday, November 26, 2016

Oakville Golf Club
1154 Sixth Line, Oakville, Ontario

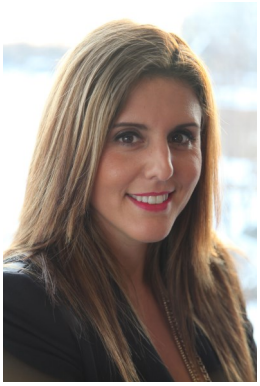
Cocktails 6:00 p.m. Dinner 7:00 p.m.

$110.00 per person
Includes wine with dinner
(hst included)

Please select menu option when making your reservation.
Menu choices: Beef, chicken or vegetarian
Advise regarding any dietary restrictions.

Thank you to our generous sponsor:
MARTIN & HILLYER ASSOCIATES

RSVP :
Karen Kennett
Halton County Law Association
491 Steeles Avenue East
Milton, Ontario L9T 1Y7
Telephone 905-878-1272
Email: info@haltoncountylaw.ca



President's Report by Rachael Pulis

Dear Members,

On October 20, 2016 the HCLA hosted a reception for Justice Gray to mark his supernumerary status. It was a well attended and enjoyable evening. Our thanks once again to Justice Gray for the time and great effort he has devoted to Halton. Our annual Dinner & Dance is taking place at the Oakville Golf Club, on Saturday, November 26th, 2016. I would like to extend a special thank you to our generous sponsor, Martin & Hillyer and Associates. Get your tickets now before the event is sold out. Mark your calendars for our annual Family Law Seminar which will take place on Friday, January 27, 2017 at the Oakville Golf Club. Seminar details will follow soon.

Long overdue renovations to our law library and lawyer's lounge will be under way soon so watch out for our exciting redefined space.

The Law Society Working Group's final report, titled *Working Together for Change: Strategies to Address Issues of Systemic Racism in the Legal Professions*, contains 13 recommendations that fall within 5 broad categories of action: measuring progress, accelerating culture shift, educating for change, implementing supports and operations of the Law Society. The final report will be before Convocation for decision on December 2, 2016. Members of the legal profession and the public are welcome to provide comments on the recommendations outlined in the report prior to **November 14, 2016,** by email or regular mail to the law society c/o Ekua Quansah, Policy Counsel, or by email to: racialized.licensees@lsuc.on.ca.

Please contact our Librarian, Karen Kennett, via email at info@haltoncountylaw.ca or via telephone at 905-878-1272 to resister for HCLA events of if you have any questions.

Finally, if you have any questions or comments that you would like to share with me, please email me at president@haltoncountylaw.ca.

Mark your Calendars!

Halton County Law Association

Annual Family Law Seminar:

Spousal and Child Support
Nuts, Bolts and Complex Issues

Friday, January 27, 2017

Oakville Golf Club
1154 Sixth Line, Oakville

Please watch for further details coming soon!

Library News by Karen Kennett

Good luck Cameron!
The end of summer quite often makes me feel a little sad and this year was so in more ways than one as it marked the departure of my dedicated Library Assistant,

Cameron A. T. Smith, who has worked in the law library since July 2014 and also from September 2007 to June 2008. Cameron was able to secure a permanent position with the Peel District School Board as Itinerant Teacher for Deaf and Hard-of Hearing students and I wish him much success in the future!

Advanced Quicklaw
The new Advance Quicklaw platform has been rolled out to the law association libraries and I was able to participate in two webinars in order to bring me up to speed with the latest changes that are offered by this new interface. I will be setting up training sessions for lawyers over the next few months.

The redesigned interface in Lexis Advance Quicklaw offers new and improved tools that were developed through customer feedback. Highlights include:

· The intelligent red search box which searches across all content simultaneously without selecting sources,
· A new search algorithm for Natural language searching yields highly relevant results,
· Pre-search filters enable researchers to restrict queries to relevant jurisdictions, content types and practice areas without finding source or database codes,
· Online folders increase your effectiveness by allowing researchers to save important documents within Quicklaw and share materials with colleagues to collaborate on files,
· Annotate and highlight documents and share desired editing with colleagues through the online folders, and
· Copy & paste text with citation automatically by simply selecting text or a document name.

Social media
I am very pleased to report that our number of Twitter followers and Facebook Page Likes have more than doubled since April 1st of this year. We really, really like that!

Regional Bencher – Central West Report by Raj Sharda

I am currently on the Real Estate Issues Working Group, Professional Regulation Committee, Racialized Working Group. We are putting forth reports to Convocation this fall. I welcome comments form our solicitors to present to the Real Estate Working Group.

Please contact me with any comments and concerns from you may have.
There are many new items on the agenda at the Law Society over the next two years they include a review of the LPP program, a pathways pilot project and your opinions matter.

Please feel free to send me your concerns.

You can contact me at shardalaw@bellnet.ca.

Family Law News by Dorothy Kosinska

You have likely noticed that the Form 8 Application and Form 15 Motion to Change forms have been updated with references to a Notice of Calculation or Recalculation, with the Motion to Change form boldly indicating that you may not use it to change a Notice of Calculation.

This is the result of the Ministry of Attorney General's expanded promotion and integration of the Child Support Service, which was only promoted in Kitchener, London, Thunder Bay, and Ottawa earlier this year.

The Child Support Service allows parents who have primary residence of their children to apply for either a calculation of child support without having any previous court order or agreement in place, or to apply for a recalculation of child support provided for in an existing court order, domestic contract, or previous calculation made by the service.

A new Regulation, O. Reg 190/15, under ss. 39 and 39.1 of the *Family Law Act* sets out how the service works and is worth a gander. The Regulation sets out a list of factors for eligibility, which precludes a number of persons from being able to use the service. The service is equipped to deal with calculations and recalculations without complications that will require individualized attention, such as dealing with payors with annual incomes higher than $150,000, or dealing with payors who are self-employed and whose income is not readily determinable.

On a recalculation, payors whose income was previously imputed, or where an existing order was based on undue hardship, will also not be eligible. It will be important to look out for and include explicit reference to undue hardship in Court Orders and Agreements.

On an initial calculation, the Ministry of Finance, who administers the service, is able to obtain information about the payor's line 150 income directly from payor's tax returns filed with the Canada Revenue Agency. However, the payor will need to provide consent to the service in order for this to happen. Without the payor's consent and specified additional information the service will not proceed, and the payee's application will be dismissed.

It costs $80 for the payee to engage the service and it costs the payor another $80 to provide consent and additional information in order for the service to proceed. It may not be worth it for the payee on an initial calculation to use this avenue if it is uncertain whether or not the payor will cooperate.

On a recalculation, however, the service has greater power as consent from the payor is not always required, although the payor will have the option to opt out if he or she claims that the information provided by the payee is incorrect. If the payor somehow misses notice from the Ministry, who will snail mail a notice to the payor that an application has been started by the payee, the service may recalculate his support obligation and the payor will be required to pay it. Payors will be well advised to keep their address updated with the government.

Where a payor does not respond, and his or her income information is not available, the service is also able to deem increases to income in the range of 10 percent to 30 percent based on how much time has passed since an original order was made or changed. The service will not deem an increase in the following situations:

- if the matter is already before the court;
- Section 7 expenses are being changed;
- where the existing support obligation is set out in a domestic contract; or
- where the original order for support was made under the *Divorce Act*

Once a calculation is made, a Notice of Calculation or Recalculation is mailed to both parties and has the same force and effect as a court order for child support. Recourse to payors whose support payments have increased through a recalculation, because they have not responded in the allotted period for any reason, including a lengthy Canada Post strike, lies in a Motion to Change.

Those wishing to challenge the enforcement of an amount that was arrived at through an initial calculation will go the Application route instead.

If either party believes an error was made with either the support amount or the payee, a correction must be requested within 15 days of receiving the Notice.

Although the Service aims to relieve congestion in Courts for the calculation and recalculation of child support between parties, only time will tell if it will help remedy the Court's congestion, or a cause of increased litigation. A case study of the effect of the existence of such a Service on litigation in countries such as New Zealand, the UK or Australia (jurisdictions with analogous systems in force) would be useful at this juncture, but that is a topic for another issue of the Halton County Law Association News.

People wishing to access the Service may visit:

https://www.ontario.ca/page/set-up-or-update-child-support-online

Bencher Vote re Ryerson LPP by Katherine Batykcy

In the summer edition of the HCLA news I wrote generally about what the Ryerson Law Practice Program (LPP) program is, and encouraged everyone to attend the HCLA seminar for prospective employers to learn more about the placement portion of the program.

Since the publication of that newsletter, we have learned that the benchers will be voting on the future of this program at the November 9th Convocation.

Originally. the Professional Development and Competence Committee (a sub-committee of the Law Society), had produced a report that had recommended an abrupt end to the Pathways Pilot Project (the "LPP program") after this year, but with no immediate alternative proposal.

However, since the release of that report in September 2016, the Law Society has received over one hundred public submissions on that report, including submissions from individuals, organizations, associations, clinics, and law schools as well as a petition. The submissions provided the committee with multiple viewpoints on the issues surrounding the current programs for the licensing of candidates, and as a result the committee released a supplementary report, with a revised recommendations. These revised recommendations effectively included a recommendation that Convocation approve an extension of the current LPP program for two years, specifically the 2017-2018 and 2018-2019 licensing years, and that there be an analysis of the licensing process for the purpose of making long-term recommendations for an appropriate, sustainable Law Society licensing process."

I commend this supplementary report for taking into consideration all the positive aspects of the effect that the LPP program has had on the licensing of candidates, and recommending that more time be taken before scrapping this program altogether. As a mentor at the Ryerson LPP program for the past three years I believe that this recommendation continues to move our profession forward to start the process of finding a viable resolution to the licensing crisis that Ontario has experienced.

Over the past three years, the Ryerson LPP program has grown into a comprehensive and innovative training program that prepares candidates who will be applying to be licensed to practice law in Ontario or, as we all know it, be "called to the Bar". Through the hard work when working on legal and ethical issues that is assessed by two different mentors as well as independent mentors during the "in person" portion of the program, the candidates are well prepared for their professional responsibilities once they have been called to the Bar. The program that Ryerson has developed helps licensing candidates begin their legal careers with a strong foundation of not only substantive and procedural skills but also with the direct knowledge and application through memos on issues and discussions with their mentors, of the ethical and professional responsibilities that we each have as a practicing lawyer.

Over four months, each candidate and the virtual firm of which he or she is a part, is assigned two different mentors. Each mentor is a practicing lawyer. The Mentor assesses the work of the candidates and this work focuses not only on the substantive areas of law (Contracts, Family Law, Criminal Law, Business law, Wills and Estates, and Administrative law as well as learning the "ins and outs" of a construction lien claim and how to mediate such a claim), but also on the professional and ethical duties of a lawyer. The candidates receive precedents that can be utilized once in practice. The candidates also actively participate in the procedure of the practice of law. Their assignments include attending Motions court and Criminal court to observe and then report on actual cases being litigated, meeting clients (actors who are hired to play the role) to learn how to properly interact with, and seek the necessary information from a client, drafting the pleadings in a civil litigation and separate family law case as well as providing instructions as to the procedure for starting the litigation, preparing and reviewing the documents required for a real estate transaction and actually closing a real estate deal on Teranet, so that each candidate will know what the closing of a real estate deal looks like.

The candidates also participate in assessments that are conducted during "in person" weeks held three times during the course of the program. Through the Trial Advocacy Program taught by Sheila Block, (a senior litigator at Torys, and James Seckinger, (a professor from Notre Dame law school), the candidates participate in the thought process of how to analyze a case, prepare the witness for trial, prepare themselves for trial and conduct an examination in chief, a cross examination and practice the opening and closing statements that they must prepare. In addition, each candidate is required to argue a motion for Christmas access in a family law file, in a simulated family court setting, make submissions for sentencing of his/her client in a simulated criminal court setting and actually examine and then cross-examine the witnesses in a wrongful dismissal case, utilizing the court rooms in a Toronto courthouse in the evening of one of the days during the in person week. Through these in-person activities, the candidates grow from being a law student or non practicing lawyer from another country, to a trained lawyer/candidate for licensing ready to embark on the practice of law with some confidence that he/she knows what to do when that file lands on their desk, how to deal with that first call from a client that comes in, where to go and how to address the court when the time to attend court with a client occurs, how to prepare for, and actually close that real estate deal, how to properly prepare that Will, and how to conduct a trial from beginning to end.

It is important not to end this program and certainly not in such an abrupt fashion as the original (September 2016) report submitted to the Law Society had suggested, as the program has grown from an attempt to create a resolution to the articling crisis that we have had in Ontario, to becoming a groundbreaking training course that provides a well rounded basis for any lawyer/licensing candidate new to the practice of law in Ontario.

I hope the benchers heed the recommendation of the supplementary report when they vote on November 9th. If so, I again recommend to lawyers and law firms to consider taking on/hiring a candidate for the 4-month placement portion of the program that is from January to April. It is never too late to apply.

Estates News by Suzana Popovic-Montag and Umair Abdul Qadir

What Happens to Confidentiality and Solicitor-Client Privilege After Death?

It is trite law that solicitor-client privilege – the form of privilege that attaches to communications between lawyers and their clients for the purposes of providing legal advice – is a fundamental tenet of our legal system.

This form of privilege protects a client's ability to make fulsome disclosure in order to obtain legal advice, and recognizes the sanctity of the relationship between the lawyer and the client. In *Solosky v. The Queen*, the Supreme Court of Canada held that "[t]he right to communicate in confidence with one's legal adviser is a fundamental civil and legal right, founded upon the unique relationship of solicitor and client."[1]

In addition to the common law concept of privilege, lawyers are also bound by an ethical duty of confidentiality to their clients. For instance, in Ontario, section 3.3-1 of the *Rules of Professional Conduct* provides:
"A lawyer at all times shall hold in strict confidence all information concerning the business and affairs of the client acquired in the course of the professional relationship and shall not divulge any such information unless

(a)expressly or impliedly authorized by the client;

(b)required by law or by order of a tribunal of competent jurisdiction to do so;

(c)required to provide the information to the Law Society; or

(d)otherwise permitted by rules 3.3-2 to 3.3-6."[2]

Solicitor-Client Privilege Survives Death

Solicitor-client privilege belongs to the client, and survives their retainer with their lawyer. Thus, while a current or former client is still alive, the application of privilege is fairly straightforward: unless the client waives privilege or an exception to the general rule applies, the lawyer should maintain confidence over the client's communications.

However, solicitor-client privilege also survives the death of the client. As a result, lawyers should be prepared to navigate the tricky legal and ethical issues that may arise when they receive a request for their records or their evidence, and a deceased client is no longer available to waive privilege.

The "Wills Exception" to Solicitor-Client Privilege

After the death of a client, a solicitor who has custody of the deceased's Last Will and Testament may provide the Will to the deceased's personal representative. However, privilege still attaches to the communications between the solicitor and the deceased client.

The common law has recognized an exception to solicitor-client privilege, colloquially referred to as the "wills exception." The rationale behind the "wills exception" is to permit disclosure if it is necessary to protect the testamentary intentions of a deceased client.

For instance, where the validity of a Will is challenged, the disclosure of communications between the testator and the solicitor and the solicitor's evidence can help ascertain the testator's true testamentary intentions.

In *Geffen v. Goodman Estate*, a case dealing with the validity of a transfer to an *inter vivos* trust, Justice Wilson noted that "[t]he general policy which supports privileging such communications is not violated. The interests of the now deceased client are furthered in the sense that the purpose of allowing the evidence to be admitted is precisely to ascertain what her true intentions were."[3]

Waiver of Privilege and Confidentiality After Death

The Supreme Court of Canada's decision in *Goodman Estate* served to extend the "wills exception" to allow for disclosure where there was a challenge to an *inter vivos* trust. However, it is important to note that the "wills exception" does not result in the waiver of privilege over all of the deceased client's legal files.

Courts have been reticent to extend the exception beyond the rationale of allowing for the determination of a testator's true intentions. For instance, in a recent decision, Justice Fish of the British Columbia Supreme Court refused to apply the "wills exception" where the production of the deceased's family law lawyer's file was sought in relation to a challenge to the validity of the cohabitation agreement between the deceased and his common-law spouse.[4]

Lawyers may receive requests for their records or their evidence in many matters that fall outside the purview of the "wills exception." For instance, in contentious estate proceedings, the parties may seek production from solicitors who provided advice on matrimonial, real estate or corporate issues. In non-contentious matters, the deceased's personal representative may request access to the deceased's legal files as part of the administration of the estate.

Generally speaking, lawyers are able to comply where a request for the deceased client's legal records is made by the estate trustee of the deceased's estate. In *Hicks Estate v. Hicks*, after carefully reviewing the jurisprudence, the Ontario District Court confirmed that privilege reposes in the personal representative of the deceased client, and that the personal representative "can waive privilege and call for disclosure of any material that the client, if living, would have been entitled to ..."[5]

Although the deceased client's personal representative steps into his or her shoes, lawyers may still wish to tread carefully when responding to such requests for their file. For example, where there is a risk that the authority of the estate trustee may be challenged, it would be prudent to ask for a court order authorizing the release of the deceased client's confidential information.

However, where it is clear that there is no current or anticipated challenge to the authority of the estate trustee, lawyers may respond to requests for disclosure from the estate trustee in the same manner that they would respond to such a request from the deceased client prior to his or her death.

The "wills exception" and the devolution of solicitor-client privilege to a deceased client's personal representative highlight some of the tricky issues that may arise after a client dies.

Lawyers should carefully consider any requests for their evidence or copies of their files. If there is uncertainty, it would be prudent to consult with a lawyer and obtain legal advice in order to ensure that complying with the request for disclosure would not result in a breach of the duties of confidentiality and privilege owed to the client.[6]

For more on this topic, please see Ian Hull's article, "Prior Wills and Testamentary Documents: 'Know When to Hold Them, Know When to Fold Them.'"[7]

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1. *Solosky v. The Queen*, [1980] 1 SCR 821 at 832.

2. The Law Society of Upper Canada, *Rules of Professional Conduct*, s. 3.3-1.

3. *Geffen v. Goodman Estate*, [1991] 2 SCR 353 at 387.

4. *Brown v. Terins Estate*, 2015 BCSC 775.

5. *Hicks Estate v. Hicks*, [1987] OJ No 1426, 1987 CarswellOnt 367.

6. Lawyers in Ontario who receive a request for their Will file or for their evidence after the client's death should also contact and report such communications to LawPRO.

7. Ian M. Hull, "Prior Wills and Testamentary Documents: 'Know When to Hold Them, Know When to Fold Them'" (1997), 16 ETR (2d) 94.

Mark your Calendars!

2017 Annual Estates & Family Law Seminar

Friday, May 5, 2017

Oakville Golf Club
1154 Sixth Line, Oakville

Topics will include:

- *Beneficiary Designations*
- *Income Tax Issues*
- *Practice and Professional Issues for the Estate Lawyer*
- *Drafting Multiple Wills*
- *Joint Asset Planning*

Watch for further details!

Crowdfunding in Ontario by Ryan Smith

Crowdfunding has proven to be a flexible and innovative way for new start-up businesses to raise funds. In an effort to protect investors and permit businesses to crowdfund capital, new rules have been established to regulate crowdfunding for the benefit of investors and businesses.

What is Crowdfunding?

In general, the term "crowdfunding" encompasses any activities to raise capital and funds. There are many crowdfunding campaigns open at any time on the internet where businesses making a crowdfunding opportunity available provide materials, rewards, prfit sharing, contingent benefits, shares or sometimes nothing at all, for the funds provided to the campaign. For the crowdfunding regulations in Ontario, crowdfunding means raising capital from members of the public through the distribution/sale of securities/shares.

What are the Crowdfunding Rules?

A. Eligible Business

In order to raise funds via crowdfunding, a business must be incorporated or organized under the laws of Ontario or Canada, have its head office in Canada, and the majority of its directors must be resident in Canada.

B. Type of Share

The shares sold through a crowdfunding distribution have to be non-complex, such as a common share or a non-convertible preference share.

C. Crowdfunding Limit

The capital raised through crowdfunding cannot exceed $1,500,000 during a twelve month period.

D. Investment Limits

Investors are only permitted to invest $2,500 in any single investment and a maximum of $10,000 in total in crowdfunding investments in a calendar year. (There are exemptions for persons that have a certain income level or net worth or for certain specific institutions such as banks.)

E. Offering Document
The business selling the shares has to prepare an offering document that contains all of the information about the business that an investor should know before purchasing the shares. It contains information about the managers of the business including their education, experience related to the business, and how many shares they own in the business.

F. Risk Acknowledgement Form
Investors must sign a Rist Acknowledgement Form that requires them to confirm they read and understood the risk warnings and information in the crowdfunding offering document. The Form says that the investment is risky and should not be made unless the investor can afford to lose the entire investment.

G. No Advertising or Solicitation
The business selling the shares cannot advertise the sale of the shares nor solicit others to purchase the shares offered via crowdfunding. A business may participate in communication channels or discussion boards to encourage purchasers to discuss the crowdfunding opportunity, so long as the funding portal establishes such a venue and so long as the business only makes statements or posts information that is consistent with their offering documents.

H. Ongoing Disclosure
Businesses who have sold shares through crowdfunding must make available to their investors annual financial statements, notices on how the funds raised through crowdfunding have been used, and a notice, if applicable, about the discontinuation of the business, a change in the business' industry, or a change in control of the business.

Generally, if the amount of funds raised through crowdfunding is between $250,000 and $750,000, then the financial statements must be accompanied by a review report or an auditor's report; for funds raised via crowdfunding in excess of $750,000, the financial statements must be accompanied by an auditor's report.

I. Restriction on Use of Funds Raised Through Crowdfunding
The funds raised through crowdfunding cannot be used to invest in, merge with, or acquire an unspecified business.

J. Registered Funding Portal
A business may only sell and distribute its crowdfunding shares through a funding portal that is registered with the Ontario Securities Commission. The offering document and all other required materials may only be made available on that funding portal's online platform.

Conclusion

The early days of crowdfunding with little or no rules or protection are over. In order to properly sell or distribute shares through crowdfunding, a business must carefully comply with the rules now in place in Ontario.

Ryan K. Smith is a Lawyer and Trademark Agent at Feltmate Delibato Heagle LLP and can be reached at 905-287-2215 and rsmith@fdhlawyers.com

Personal Injury News by Claire M. Wilkinson

The Ontario government passed the Sexual Violence and Harassment Action Plan Act in March of 2016 (also known as Bill 132) with all-party support, bringing in wide-ranging reforms to reduce sexual violence and to protect & empower survivors.

The Act is an essential part of the government's action plan called “It's Never Okay, a plan to stop sexual violence and harassment”. The Act amends six existing pieces of legislation to enhance protections in a number of different areas.

Perhaps the most important change is the complete elimination of "limitation periods" for civil lawsuits arising out of sexual assaults.

Many survivors struggling to deal with the traumatic effects of an assault or an abusive relationship are not in a position psychologically to start a legal claim within the arbitrary 2-year deadline that applies to most civil claims. Often, people will take years or even decades to decide that they are ready to begin the legal process.

The old system provided a convoluted patchwork of exceptions and transition rules to try to soften the impact of limitation periods in some assault cases, but the system was overly complicated, created uncertainty, and centred around the mental state of the survivor - in some cases forcing them to try to prove they were mentally incapable of starting the claim before they did.

The system hurt survivors of historic abuse in particular. Legitimate claims could be completely wiped out; perpetrators were given ammunition to argue against claims based on technicalities, rather than being forced to address the claims head-on; and, in some cases, survivors were forced to begin their claims before they were ready, turning a process that should be a tool for empowerment of survivors into a fundamentally re-victimizing experience for them.

Thanks to the reforms introduced by this Act, limitation periods for civil claims arising from sexual assaults have now been **completely eliminated**. In addition, new exceptions have been created to limitations periods for certain claims arising from other types of "sexual misconduct," as well as claims arising from non-sexual assaults. These reforms are a giant leap forward for civil sexual assault claims: there is no longer any ambiguity or room for perpetrators to escape liability based on the technicality of an arbitrary time limit.

The new reforms go beyond civil claims against perpetrators, and also ease limitation periods for victims' compensation claims to the Criminal Injuries Compensation Board (CICB). The CICB is a public body that provides some limited

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OJEN News by Inga Andriessen

The Ontario Justice Education Network established a Halton Committee in February of 2016. OJEN is dedicated to promoting understanding, education and dialogue to support a responsive and inclusive justice system. It was launched in April 2002 by founding members including the Honourable Madam Justice Fran Kitely and many other Judges, lawyers and educators.

The OJEN-Halton Committee is chaired by myself, Inga B. Andriessen. Our members include The Honourable Mr. Justice Gibson, Laura Oliver (family law representative), Khati Jalali (criminal law representative), Debbie Gibbins (Superior Court Admin representative) , the Public and Catholic Board Leads for the subject area that includes law 11 and 12 and many high school law teachers.

This 2016/2017 school year, the OJEN -Halton Committee is working on:

1. Increasing the amount of school visits to the Superior Court in Milton;
2. Offering family law information to high school classes;
3. Supporting the OJEN Charter Challenge program in the fall and spring;
4. Organizing the Mentor Lawyer program, where each high school law teacher who is interested in the program is paired with up to two lawyers to help be a resource for their classroom;
5. Organizing the Halton Public and Halton High School Mock Trial Tournaments in April and May 2017.

We have recently had a significant increase in classroom visits to the Superior Court, in part due to a lengthy jury murder trial which has guaranteed there will be something to see in the Superior Court. The students are always interested to speak with “real lawyers” and if you find yourself near them with a moment to chat, introduce yourself to the law teacher and the teacher will introduce you to the class.

We always welcome lawyers interested in volunteering their time to speak to classes, Mentor teachers or Judge Mock Trial tournaments. If you would like to help, please email me.

Inga B. Andriessen JD

iandriessen@andriessen.ca

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compensation to victims of crime, and can also help fund medical costs as well as counselling and psychological supports. The Board is an important tool for victims of any violent crime, particularly when civil lawsuits are not feasible. It should be noted that there does not need to be a conviction or even a reporting of an incident to trigger a victim's ability to file a claim with compensation for the CICB. The fact that an assault occurred (which can be established by the verbal evidence of the victim) is all that is required in order to establish that a victim is a "victim of crime" entitled to compensation from the CICB.

Before the reforms, a similar 2-year limitation period applied to all claims at the CICB. This limitation period was not as strictly applied, and exceptions were sometimes granted. But it was still up to a survivor trying to bring a claim after 2 years to prove that an exception should apply to them, rather than this being the norm.

With the 2016 changes, it has now been clarified that no limitation period applies to claims resulting from "crimes of sexual violence." In addition, no limitation period will apply for claims arising from any violence that occurred "within a relationship of intimacy or dependency."

With these changes, the guesswork has been eliminated and victims of sexual violence can rest assured their claims for compensation to the CICB will not be thrown out on a technicality.

The changes to both the civil limitation period and the CICB limitation period came into force with the new law on March 8, 2016 and, importantly, **they apply retroactively**. The changes will go a long way towards ensuring survivors of abuse and assault are not unfairly denied compensation for what they have endured.

Limitation periods are only one of four major areas affected by the Sexual Violence and Harassment Action Plan Act. Information about the other reforms introduced by this important piece of legislation can be found at http://mhalaw.ca/neverokay.

Save the Date!

The Halton County Law Association

Annual Charity Golf Tournament

Wednesday, June 14, 2017

Crosswinds Golf & Country Club

6621 Guelph Line, Burlington

New location!

accredited cpd

This program qualifies for 1 hour of Professionalism Hours and up to 3.5 Substantive Hours.

This organization has been approved as an Accredited Provider of Professionalism Content by the Law Society of Upper Canada.

Halton County Law Association

Corporate Commercial Seminar

Program Co-Chairs: Ryan Smith, Feltmate, Delibato Heagle LLP and Serena R. Lee, SimpsonWigle LAW LLP

Topics & Speakers:

- Granting Share Options to Employees - Jarvis Sheridan and Megan Cheema, O'Connor MacLeod Hanna LLP
- Estate Planning Considerations for Business Clients - Catherine A. Olsiak and Kristina Hyland, Simpson Wigle LAW LLP
- Intellectual Property in Purchase and Sale Transactions - Kevin Holbeche, HOLBECHE LAW
- GST/HST Considerations in Corporate Acquisitions and Reorganizations - Greg Sawatsky, Durward Jones Barkwell & Company
- Steps to Take Before Terminating an Employee for Cause - Ethan Rogers, Rogers & Company
- Key Issues in an Offer to Lease - Shannon Murphy, Feltmate Delibato Heagle LLP
- Professionalism Case Study - Ryan Smith, Feltmate Delibato Heagle LLP and Serena R. Lee, SimpsonWigle LAW LLP

Date: Tuesday February 14, 2017
Location: Atrium Banquet & Conference Centre, 5420 North Service Road, Burlington
Time: 9:00 a.m. – 1:00 p.m. (registration/coffee at 8:30 a.m.)
Cost: $125.00 - HCLA members $150.00 – Non-members
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Please register me for the Corporate Commercial Seminar on February 14, 2017. My cheque in the amount of $_____ payable to the Halton County Law Association is enclosed.

Name _____ Firm_____

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Send payment to: Halton County Law Association, 491 Steeles Avenue East, Milton, ON L9T 1Y7
Payment: Cash, cheque or credit card. For more information, to register, or request a credit card payment authorization form, call 905-878-1272 or email info@haltoncountylaw.ca.

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SEEKING JANUARY LPP PLACEMENT
I am a former journalist and communications professional and current 2016-2017 Law Practice Program Candidate who holds an LL.M. from Osgoode Hall, a Graduate LL.B. from the University of Exeter, and a B.A. in literature and philosophy from Concordia University. I received a Certificate of Qualification from the NCA in August 2016. I am seeking a four-month full-time placement at a law firm in Halton from January to April 2017 to complete my licencing. Please contact Michael Constable at 905.580.5990 or mkcnstbl@gmail.com for further details.

SEEKING ARTICLING POSITION
Aspiring lawyer awaiting National Committee on Accreditation (NCA) exam results. Seeking articling position with an interest in Criminal Law, Personal Injury, Real Estate, Family Law, Mediation/Negotiation, Civil Litigation, Estate Litigation, Employment Law, Landlord/Tenant Law, Contract Law, Corporate Law and Public Policy/Regulation. Please contact Drew Higginbotham at drew.t.higginbotham@gmail.com.

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