

THE
MIDDLESEX LAW
ASSOCIATION

Snail



February Issue

Thank you to all the contributors and advertisers for supporting this month's edition of the Snail.

Want to contribute
to the next issue?

The deadline is noon on
February 25, 2023

Send submissions to Tracy Fawdry:
tracy@middlaw.on.ca

For advertising inquiries contact:
admin@middlaw.on.ca

The appearance of an article or advertisement in the Snail is not a warranty, endorsement or approval by the Middlesex Law Association of the products, services or opinions therein.

What's inside this issue

- 02 **PRESIDENT'S MESSAGE** by Karen Hulan
- 04 **PRACTICE RESOURCE CENTRE NEWS** by Cynthia Simpson and Shabira Tamachi
- 06 **SOME LEGAL/TECH ISSUES FOR BUSINESS TO KEEP IN MIND FOR 2023**
by David Canton
- 07 **SOME TIPS AND STRATEGIES TO STAY ORGANIZED IN 2023** by Scott Robson
- 08 **LONDON LAWYERS PERFORM THE BEATLES** by Daniel Mailer
- 10 **FIGHTING HOMELESSNESS INDWELL'S HOPEFUL SUCCESS STORY** by Barry Scott
- 12 **MARRIAGE CONTRACTS AND COHABITATION AGREEMENTS:
WHAT YOU NEED TO KNOW** by Meredith Rady
- 14 **THE TORT OF FAMILY VIOLENCE: A NEW WAY FORWARD FOR SURVIVORS**
by Laura Camarra
- 16 **MLA BENCH & BAR COMMITTEE REPORT**
by Rasha M. El-Tawil, John A. Nicholson and Hilary Jenkins
- 18 **BAIL REFORM SHOULD BE LED WITH CAUTION** by Nicola C. Circelli
- 20 **COOPERATIVE FEDERALISM: A COMPLICATED SLOP?** by Grace Smith
- 21 **WHAT I WISH I KNEW WHEN I STARTED OUT** by Tinashe Madzingo
- 22 **MEMBER UPDATES**
- 23 **WILL NOTICES**
- 24 **2022 BOARD TRUSTEES & MLA & PRACTICE RESOURCE CENTRE STAFF**

President's Message



Contributed by:

Karen Hulan / Beckett Personal Injury Lawyers and MLA Board President

Civil Bar Update

Conversation amongst the civil bar has been abuzz with questions about special trial sittings in November 2023. Justice Grace and Local Administrative Judge, Justice Mitchell, attended a civil bench and bar meeting on January 25 to address these, and other questions. A report from the Bench and Bar Committee can be found at page 16 of this newsletter.

The bench and bar meeting was the last for Justice Grace in his role as Local Administrative Judge. He, along with Trial Coordination and Court Services staff, has met with the civil bar at least twice a year to provide updates and to answer questions. Their preparation for and attendance at these meetings certainly was not required. MLA communication with Justice Grace was not limited to these meetings. He remained available to answer questions at all times. He also had the unenviable task of fielding concerns and providing information to the bar at the beginning of the pandemic when courts closed and our manner of practicing law shifted. We are fortunate in this jurisdiction to have good communication between the bench, court staff and the local bar. The MLA Board of Trustees and members are grateful for the work Justice Grace has done as the LAJ and we wish him well in the future.

Justice Mitchell provided an update on the judicial complement in the southwest region and highlighted some plans being considered for scheduling long trials. The MLA looks forward to working with Justice Mitchell in her new role and learning more about other plans for special trial sittings.

Finally, there is good news for all MLA members. The Straight from the Bench conference is returning to an in-person format for the first time since 2019.

Regional Senior Justice Thomas will provide a State of the Region Address at the conference on May 1. Save the date. Details will follow.

Annual General Meeting

This is my final message as President as my term comes to an end this month. With the Annual General Meeting in February we usher in a new Board of Trustees which will be led by Jake Aitcheson for 2023. Jake is finessing the new committee structure that we adopted a year ago. I look forward to seeing what he and the Board develop in the next year.

The Annual General Meeting is February 28, 2023 at 4:30 via Zoom where those acclaimed will be announced and you will be introduced to the 2023-2024 Board of Trustees. Members will also vote on two initiatives recommended by the Board, both of which I described in the [December-January edition of the Snail](#).

The first initiative would grant paralegal licensees access to the Practice Resource Centre (courthouse library). This is something that some other Ontario law associations already have in place. Our polling results show that MLA members would like to move in this direction as well.

The second initiative is paralegal membership in the MLA. Again, this is something that some other associations have already done. Polling shows that our members would like to do the same. As such, the Board of Trustees approved changes to a draft by-law that would extend membership to paralegal professionals and one seat on the Board. Lawyers would continue to hold executive positions. If the draft by-law is passed at the AGM then in the 2024 MLA election, MLA lawyers will vote for lawyer Board

nominees and MLA paralegals will vote for those who seek the paralegal Board Trustee position. The draft bylaw can be found [here](#). If voting does not support paralegal involvement in the MLA then the following [draft by-law](#) will be voted on. Both bylaws comply with the new *Ontario Not-For-Profit Corporations Act*. The first includes paralegal membership and one seat on the Board while the second does not.

I am proud of the work that the MLA has done on this issue. It demonstrates inclusivity in the legal profession. As you have heard from me before, one of the core purposes of the MLA is to provide professional development to members. Provision of continuing professional development to all licensees (lawyers and paralegals) improves the quality of legal services offered to our community.

The AGM will be held via Zoom. The link will be circulated to members via email. We ask that you please RSVP for the meeting by [registering here](#). If you are not able to attend, then you may vote by proxy. The form will be distributed via email. The deadline for submission will be Monday, February 27, 2023 at 5PM.

It has been my pleasure to serve on the Board of Trustees for over a decade. I have met many lawyers whose paths I may not have otherwise crossed. Getting to know you at golf tournaments, roasts, skate days, Courthouse Rocks and CPD events has made the practice of law even more enjoyable. The value of any organization is determined by the engagement of its members. London lawyers continue to share their time and expertise with colleagues. Thank you. We really do have a collegial and interesting bar.

Karen Hulan
PRESIDENT



the **MIDDLESEX
LAW ASSOCIATION**

2023 Annual General Meeting

Tuesday, February 28, 2023

4:30p.m.

Online via Zoom

Watch for notice of registration and voting to your email.

The Year in Review
2022 Audited Financials
2023 MLA Board Installation
Updated MLA By-Laws



Accountants With Personality!®



**Insurance Claims
Litigation
Personal Injury
Valuation**

Jessy Hawley CPA, CGA, CFF, CIP

Gary Phelps CPA, CMA, CFF, CFE

Ron Martindale CPA, CA, LPA, CBV, CFF

advisoryservices@davismartindale.com

London: 519.673.3141

Toronto: 416.840.8050

davismartindale.com





Practice Resource Centre News



Contributed by:
Cynthia Simpson and Shabira Tamachi
library@middlaw.on.ca

Free Book

Do you get excited about municipal planning and zoning law including topics like registered subdivision plans, abutting lands, and exceptions for transmission lines and conservation authorities? Well do we have the book for you! We received an extra copy of Sidney Troister's *Law of Subdivision Control, 4th ed.*, which was published late last year. However, there is a catch as a publisher's printing error resulted in the title page, introductory pages, table of contents and index being excluded from the binding process. So, if you like the mystery of not knowing what exciting chapter comes up next, [please let us know](#) and the book could be yours. If we have a flood of interest, we will do a draw. Fun fact: there is a section on flooded lands in the text, but we only know that because we could check the index in our copy.

Donation

Once again, we would like to thank Stephen Adams, KC for donating a copy of *Federal & Ontario Corporate & Business Legislation 2022-2023* to us. It's a handy, portable collection of pertinent law in the area. We also have his loose-leaf work, *The Annotated Ontario Business Corporations Act*, which Stephen arranged for us to receive when it was first published, along with its updates, at no charge. We greatly appreciate donations from any of our members who may have been involved in the publication of a law text.

Loose-leaf Updates

As many of you know, our incredible library assistant, Evelyn Steedman, retired last June and, with

organizational structure changes here, we haven't had the opportunity yet to replace her. This means that there is currently little to no loose-leaf updating happening at the MLA PRC. However, this does not mean we do not have current information available to you – it's just in a different format. We have online access through Thomson Reuters' ProView platform to any current subscriptions we have to their loose-leaf publications. If you are reviewing a Thomson Reuters loose-leaf in hard-copy and want to make sure the information is current, you can either check out the title from ProView using the link on every computer here at the PRC or [just ask us](#) to get it for you. We are always happy to find and send excerpts to you, within copyright restrictions of course, and there is no charge for this service.

Document Delivery

You may know about our research services and already use our library catalogue, [InfoLocate](#). However, you might have looked through the resources available in our library and still not found your answer. Luckily for you, we have free document delivery among the 47 staffed county and district law libraries and the Law Society's Great Library. So, if you need that mining book from Sudbury, we can borrow it from there for you to review here. If the other library allows materials to be signed out from their facility (which, by the way Sudbury does), we can get the book on loan in a timely manner from any county law association library for you to review in your office. If the library doesn't have a circulating collection, they may still be able to scan a small section from the

book pertaining to your legal question and email it to us to be forwarded to you. The best part of this document delivery service is that it is free between all these libraries. If we don't have the item in our library, we can obtain it on loan at no cost to you. We ask that you check our resources first because we do have a large collection, but if the answer isn't here, we'll try and get it for you elsewhere. As always, [just email us!](#)

New Books

Fleming, Jack. **Residential tenancies in Ontario, 4th ed.**, LexisNexis, 2022

Houlden, L.W. et al. **2022-2023 annotated Bankruptcy & Insolvency Act**, Thomson Reuters, 2022

Mack, Dallas and Miriam Fahim. **Mack's criminal law trial book - 2022 edition**, Thomson Reuters, 2022

McLeod, Kilpatrick, Madsen & Tobin. **McLeod's Ontario family law rules annotated 2022-2023**, Thomson Reuters, 2022

Roach, Kent. **Criminal law, 8th ed.**, Irwin Law, 2022

Sopinka, Gelowitz, Rankin. **Sopinka, Gelowitz and Rankin on the conduct of an appeal, 5th ed.**, LexisNexis, 2022

Troister, Sidney. **Law of subdivision control in Ontario, 4th ed.**, Thomson Reuters, 2022

Missing Books

Auerback, Stephen. **Annotated Municipal Act, Volume 3**, Carswell

Bourgeois, Donald J. **Charities and not-for-profit administration and governance handbook, 2nd** LexisNexis, 2009



Brown, Daniel. **Prosecuting and defending sexual offence cases, 2nd ed.**, Emond, 2020.

Bullen, Edward et al. **Bullen & Leake & Jacob's precedents of pleadings, 14th ed., Volume 1**, Sweet & Maxwell, 2001

Bullen, Edward et al. **Bullen & Leake & Jacob's Canadian precedents of pleadings, 3rd ed., Volume 3**, Thomson Reuters, 2017

Fridman, G.H.L. **Law of contract in Canada, 5th ed.**, Thomson Carswell, 2006

Fuerst, Michelle. **The Trial of Sexual Offence Cases, 2nd ed.**, Thomson Reuters, 2018

Harris, David. **Law on disability issues in the workplace**, Emond Publications, 2017.

Hull, Ian M. **Macdonell, Sheard and Hull on probate practice, 5th ed.** Thomson Reuters, 2016

Knight, Patricia. **Small Claims Court: procedure and practice, 5th ed.**, Emond Law, 2021

LSO. **Accommodating age in the workplace**, 2015

LSO. **Duty to accommodate in the workplace**, 2016

LSO. **Six-minute administrative lawyer 2018.**

MacFarlane, Bruce A., **Cannabis law**, Thomson Reuters, 2018

OBA. **Constructive trusts and resulting trusts 2007: bringing order to chaos.**

Oosterhoff, Albert H. **Oosterhoff on wills, 8th ed.**, Thomson Reuters, 2016

Osborne, Philip H. **Law of torts, 5th ed.**, Irwin Law, 2015

Steinberg, et al. **Ontario Family Law Practice, 2022 edition, 2 vol.**, Lexis Nexis, 2022

Stewart, Hamish. **Sexual Offences in Canadian Law**, Thomson Reuters



Our best solution.

"We couldn't have done it without you!"

Kathryn Munn LL.B., Cert. ConRes., C. Med., is an experienced professional mediator dedicated to the prevention, management and resolution of conflict.

Kathryn can help you reduce obstacles to communication, address the needs of those involved, and maximize the exploration of alternatives to reach an innovative solution that works best for everyone.

Her many years of background as a dispute resolution expert add up to the resource you need for difficult situations in the workplace, in business, in non-profit organizations, and within the family.

Call today to schedule your complimentary consultation.



2090 Richmond Street,
London, Ontario, Canada N5X 4C1
TEL: 519-660-1242 FAX: 519-660-1618
TOLL-FREE: 1-888-216-3202
www.munnrcs.com
E - M A I L : kmunn@munnrcs.com

Want to contribute to the next issue?

DEADLINE IS NOON ON FEBRUARY 25

We encourage submissions in the range of 200-500 words, with a maximum limit of 1,000 words for news and opinions, and a limit of 2,000 words for articles on law and legal issues.

Potential topics for submissions include:

News, the promotion of an upcoming event, a review of a past event, recognition of someone in the legal community, opinion and letters to the editor, discussion of a legal issue & case reviews, or practice tips

Contact Tracy Fawdry

EXECUTIVE DIRECTOR

tracy@middlaw.on.ca

Some legal/tech issues for business to keep in mind for 2023



Contributed by:
David Canton / Harrison Pensa LLP



SOURCE: HARRISON Pensa PRIVACY & TECHNOLOGY LAWYERS

ARTIFICIAL INTELLIGENCE

AI has resulted in a plethora of ethical standards. Prominent issues include transparency in decision-making and embedded bias. An AI law has been proposed in the European Union. In Canada, the [proposed new federal privacy legislation](#) includes an AI law that will be fleshed out in yet-to-be-drafted regulations. That may end up being excised from the Consumer Privacy Protection Act (CPPA) or may pass as part of it and sit for some time for the regs to be figured out. Any business moving into AI should at least understand and follow one or more of the ethical standards.

AI GENERATION OF IMAGES, VIDEO, AND TEXT

AI-generated material has been the new shiny object of 2022. Examples include Dall-E, Stable Diffusion, and ChatGPT. Many think this tech will be disruptive with the potential to displace artists. Legal issues abound, including possible [copyright and permissions breaches](#) of the images or text the AI learns on and mimics. [Deepfakes are a concern](#) as well. This AI will continue to improve and will continue to be controversial in 2023 and beyond.

AI FALLOUT

AI applications are being developed for many things. They will support, supplant, or replace things people now do. One issue to ponder for any given application is at what point will it become negligent for humans to do certain things or make certain decisions without using AI tools that might be able to do things better, more accurately, and faster?

PRIVACY

The new Quebec privacy legislation is in force, with many onerous parts coming into force in fall 2023. The draft Federal CPPA seems to be close to final form. Timing is unknown, but it would not be surprising to see it passed in 2023. The privacy trend is towards requiring [more Privacy Impact Assessments \(PIAs\) and internal procedure documentation](#).

A major change is that privacy regulation is morphing from an enforcement regime of cooperation and negotiation to one of significant administrative monetary penalties (AMPs). The GDPR, the Quebec law, and the CPPA all contain the ability of privacy commissioners to levy [significant penalties](#). The cost of non-compliance is becoming real

— far more than just the pain of an investigation and headline risk.

TWITTER

The question for 2023 is how many lawsuits and regulatory actions will Twitter/Musk face resulting from all the changes. While to some extent Twitter is just another social media site, it had become for many the platform of choice to disseminate and find useful information. As this [Wired article](#) puts it “We’re in Denial About the True Cost of a Twitter Implosion. Elon Musk’s platform may be hell, but it’s also where huge amounts of reputational and social wealth are invested. All of that is in peril.”

It would be nice if the various social media sites were interoperable so one could publish once and be seen on many, and follow people once instead of on multiple platforms, but that may never happen.

METaverse

We really don’t know what the [metaverse](#) is or where it is headed. Meta, for example, has thrown huge amounts of money at it without much to show for it. If you are thinking of playing in that space, and you already

have your brands registered as trademarks, you might consider filing for metaverse-related trademarks before someone else does.

NFTS AND CRYPTOCURRENCY

The [NFT](#) and crypto space saw some crashes and setbacks in 2022. But that doesn't mean they are over. Nor does it mean that they have no place in [mainstream business](#). They will continue to evolve. Businesses may want to consider whether these technologies have a place in their business plans.

[David Canton](#) is a business lawyer and trade-mark agent with a practice focusing on technology issues and technology companies. Connect with David on [Twitter](#) and [LinkedIn](#).

This article was originally published on the [HPTechlaw blog](#). To get HP's Tech Law Weekly Newsletter - which includes a blog post and other top stories at the intersection of tech and law - delivered to your inbox each week, [sign up here](#).



Some Tips and Strategies to Stay Organized in 2023



Contributed by:

Scott Robson / Associate Lawyer, Scott Petrie LLP

As a new lawyer, managing your time, staying organized, and sustaining focus on important tasks can be overwhelming. I know this from experience having worked as an economist providing international tax consulting services prior to becoming a lawyer. To help others in the legal profession, here are a few strategies that have worked for me in both my careers.

Managing Your Time

In order to allocate your time effectively, you need to be aware of any deadlines and work backwards from them. It's best to consult with the people you are working with to set expectations on timelines, and let them know as soon as possible if something is going to be delayed. Additionally, build in enough time for senior lawyers and clients to review your work.

Staying Organized

Find a system that works for you to stay organized. This could be using the to-do functionality in Outlook, using a

paper organizer, or an app or program to keep track of your tasks. I used to use an Excel spreadsheet to track my files and deadlines. Having a system in place that you use consistently will help you stay on top of deadlines and avoid missing anything.

Staying Focused

To give effective service to clients, focus is essential. Set aside blocks of time where you don't check your phone or email, and eliminate noise and distractions. Multi-tasking is a myth, so work on one task at a time and break down large tasks into smaller ones. Setting goals will help you prioritize tasks, and reporting back on the status of a matter with more granularity than simply saying it is "in progress" will be beneficial.

Finally, it's important to be understanding of yourself and others. We all have lives outside of work, and sometimes the to-do list will grow and distractions will arise. The best we can do is begin again.

London Lawyers Perform the Beatles

CD Re-issue Announcement! Pick up your free CD!



Contributed by:

Daniel Mailer, Cram & Associates

**London Lawyers Feed the Hungry Volunteer and Supporter;
former MLA Trustee and Entertainment Committee Chair**

London Lawyers and Friends "Live and Unplugged"

On January 29, 1956, Elvis Presley made his television debut on CBS's Stage Show. In February 1964, the Beatles performed on the Ed Sullivan Show and on January 23, 2016, London lawyers and the legal community came together for a special night of musical fun. It was a memorable night for the 130 in attendance at the London Music Club. The MCs for the evening included lawyer Gordon Cudmore and notable radio DJ Steve Garrison. Performers that evening included lawyers Bruce Brown, Malcolm Scott, Crown Attorney Adam Campbell, Darcy Forbes, Joel Belisle, Justice Eleanor Schnall, Rob Farrington, Dan Mailer, Don Kilpatrick, Zachary Wilson and Matt Dupre. Other performances included local musicians such as Paul Langille and recent Juno nominated musician and producer, John Felner. Tributes were provided by many, including Claude Pensa who provided a history of London Lawyers Feed the Hungry. Dave Williams gave a wonderful tribute to the Beatles. It was all for the good cause of raising funds for [London Lawyers Feed the Hungry](#), our favourite charity.

The entire evening was recorded for posterity and now with this free CD re-issue, you can enjoy highlights of the performances, fun and festivities. Free CDs (take a maximum of 5) can be obtained at the display at the Practice Resource Centre/Law Library at the Courthouse. We hope that you will consider a voluntary donation to the charity when you drop by, however, that is entirely optional. Enjoy reliving a memorable and special evening!





Conveyancing with confidence.

Collaboration with ease.



“ Closer is fantastic! It’s real estate software from the future. I keep telling everyone they have to make the switch.

RYAN DANCEY, LAWYER

“ The Closer team makes learning new software so easy, even after years of using another program. Since making the switch, our files are being put together in record time!

CHARITY, LEGAL ASSISTANT

Join hundreds of Ontario firms who now use Closer
as the backbone of their real estate practice.





Fighting Homelessness Indwell's Hopeful Success Story



Contributed by:
Barry Scott / Scott Petrie LLP (retired) & MLA Honourary Member

If you are like me, you've found London's homelessness crisis both confounding and distressing.

Indwell is an organization whose success in addressing homelessness gives rise to hope for real and permanent solutions to this growing issue.

Indwell is a registered charity which got its start in Hamilton in 1974. Over the past three decades, they have developed competence and expertise in two specific areas.

The first is in planning, financing and completing projects, whether they be new builds, renovations or management programs for third parties. Indwell today owns or operates

1090 units in over 21 buildings in 8 Ontario communities.

The second is in staffing its projects to serve those with the most challenging problems, including mental health issues, addictions and disabilities. Indwell provides professional health, meal, life skill and social supports, tailored to the needs of each tenant, with the goals of fostering strong building communities and empowering each tenant's sense of wellness and of belonging.

Indwell's buildings are built to provide comfortable, safe, and secure housing. They also exceed Canada's 2050 energy efficiency targets, lowering operating costs.

The public cost of maintaining a tenant in an Indwell building is a fraction of

the cost of that tenant in a hospital, psychiatric or detention facility, or living on the street and accessing police, ER, and other costly services.

Fortunately, Indwell is present in London. It has two active projects: *Woodfield Gate* at 356 Dundas, has 66 apartment homes, and *Embassy Commons*, with 72 units, just opened at 740 Dundas. Indwell is also a key member of the *Vision SoHo* project on the old Victoria Hospital grounds with plans to renovate the former War Memorial Children's Hospital and the former Health Services Building to provide a further 138 deeply affordable units with supports.

Like many organizations which provide services and housing for the homeless, Indwell was founded and is

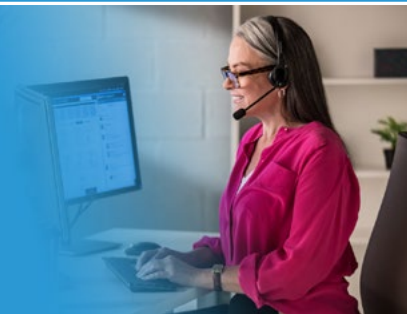
led by Christian communities. Indwell's services and employment are open to people from every creed, race, ethnicity, ability, sexual orientation, and gender identity.

All affordable housing can only be provided with the help of significant financial gifts. Indwell has historically relied upon charitable donations for 15% of both its capital and operating funds. In 2022, Indwell was successful in raising almost 2 million dollars for its London projects. The target for 2023 is a similar amount.

Beth Cormier, Henry Berg, and I are all members of the Fundraising Cabinet and directly involved with assisting in Indwell's fund raising for its London projects. In 2022 a "Lawyers Give a Day" campaign was launched, and we thank all those who donated. In a future edition of the Snail there will be an announcement of a 2023 "Lawyers for Housing" campaign to support London projects. Obviously, we feel strongly that this is a crucial cause, not only for a healthy community, but especially for those trapped in homelessness. We would encourage and welcome all donations. You can learn more, and make an immediate donation, at indwell.ca/lawyers.

I end with a quote from Indwell's website: "Our approach is rooted in our values that all people have inherent dignity and deserve to be respected, that we demonstrate love for our neighbours, and that hope is the foundation of our actions."

Criminal Lawyers Needed



The Assistance Services Group is an award-winning organization that provides premium, private label contact centre solutions for many of Canada's largest organizations.

Our Legal Assistance Division is seeking lawyers to respond to the toll-free Duty Counsel telephone service.

We require qualified lawyers to fill a variety of overnight shifts commencing at 8pm or later. Successful candidates can complete shifts from their home or office.

Successful candidates should:

- Be in Private Practice
- Have LawPRO coverage



Please send your resumé to:

Riyad Bacchus, Director – Legal Assistance Division

Riyad.Bacchus@sitel.com • T: (519) 953-3416 • F: (888) 963-1035

What Makes Us the Trusted Partner for Title Insurance?



Knowledgeable
Experts



Quick
to Respond



Solutions
Oriented



Get Deals
to the Finish Line

All while supporting your integral role in real estate transactions!

Contact us to see the difference we can make for you.

888.667.5151 | stewart.ca



© 2022 Stewart. All rights reserved. See policies for full terms and conditions.

Marriage Contracts and Cohabitation Agreements: What You Need To Know



Contributed by:
Meredith Rady/ Associate, Family Law Group at Harrison Pensa

Marriage contracts and cohabitation agreements, sometimes referred to as “prenuptial agreements” or “pre-nups” are not just for celebrities and the very wealthy.

Many couples benefit from these agreements as they can clarify expectations about the financial parts of their relationship.

Who Are These Agreements For?

Any couple can enter a marriage contract or, if they are living together with no plans to get married, a cohabitation agreement. The couple may be in the early stages of their relationship or together for many years. The contract becomes legally binding once it is in writing, dated, and signed and witnessed by both parties. Both parties need to be over 18 years old and not be under any incapacity when they sign the agreement.

What Do These Agreements Cover?

Every couple will have different goals and priorities, such that the contract should be tailored to meet each couple’s specific needs and goals. In general, the contract is used to set out what will happen upon a breakdown of the relationship. This could include setting out expectations about spousal support, how property will be divided, and what will happen to the home they are living in.

For spousal support, some couples may wish to put limits on how much may be paid if the relationship breaks down or set out how income will be determined to calculate spousal support. Other

couples may wish to include a mutual release of spousal support. Still others may wish to affirm that they intend to abide by the applicable legislation if the relationship ended.

For property issues, some couples may choose to limit what can be shared upon a breakdown of the relationship, or they may wish to carve out specific assets so that they are not subject to equalization or division. Others may opt to follow the law as it relates to division of property but spell out the values of various assets and debts as of the date of marriage so that it is clear what each person is bringing into the marriage.

These contracts can be helpful in clarifying expectations with respect to a family home, particularly in situations where one spouse owned the home prior to marriage or where one spouse paid a disproportionate amount of the down payment on the home.

These contracts do not address decision-making responsibility for children or how parenting time will be allocated if the relationship breaks down because those issues are determined by the best interests of the children at the time the relationship ends. Additionally, couples cannot include terms that deviate from child support legislation.

When Are These Agreements Signed?

Couples can enter a marriage contract at any time prior to or after they are married. Cohabiting couples can sign a cohabitation agreement at any time. However, these agreements can be set aside by a court on the basis that one party was coerced into signing the agreement or was under duress. Accordingly, it is important to take note of what is going on around the time

the agreement is being signed. For example, it may not be advisable to negotiate and sign an agreement amid a very stressful life event or close to a wedding date.

How Do I Get a Marriage Contract or Cohabitation Agreement?

To start the process of getting a marriage contract or cohabitation agreement, an interested person should speak to a family lawyer about their options. Each party to the agreement should have their own lawyer to provide them with legal advice. One lawyer cannot act for both parties to the agreement.

A lawyer will walk the client through their goals for the agreement and provide advice on what options may make sense. As part of the process, a lawyer will ask the client for information about their income, assets and debts and will make efforts to get this information from their spouse. Failing to disclose information about income, assets and debts can be a reason to set aside one of these contracts later on.

The process for negotiating and finalizing one of these agreements can take several months or sometimes longer, depending on the complexity of the issues.

While there are template agreements that may be available on the internet, signing an agreement that has not been reviewed with an experienced lawyer is risky. Internet or boilerplate agreements may contain terms that are unenforceable or create obligations that the parties do not fully understand, putting the agreement at risk of being set aside and a lawyer at risk of a claim.



What is a DISABILITY FINANCE SPECIALIST™?

Simply put, a DFS™ is a Financial Planner with a high degree of knowledge and expertise in government support programs (DTC, ODSP, CPP-D, etc.) and restricted financial instruments (RDSPs, Structured Settlements), as well as what is required to obtain court approval for settlement structures.

But it goes far beyond that...

Because the relationship between the DISABILITY FINANCE SPECIALIST™ and the client will likely span several years or even decades, the DFS™ must:

- Have experience working with clients with mild to severe cognitive impairment
- Have skill and experience designing Structured Settlements
- Have a wide knowledge of all financial products, accounts, and principles that provide protection and advantage to people with disability and their families
- Have a deep understanding of all government support programs and their rules and regulations
 - ODSP, CPPD, Direct Funding, Passport Program
 - The Disability Tax Credit (DTC) and the Registered Disability Savings Plan (RDSP)
 - The Canada Disability Savings Grant and the Canada Disability Savings Bond
- Have a functioning understanding of the SABS, the HCAI system, the LAT, and the dispute process
- Understand the different heads of damages in Tort Law and how they are treated by ODSP
- Be able to analyse and apply a Future Cost of Care Report to future financial modeling
- Understand the requirements of The Bench when it comes to PUD cases
 - Be able to prepare financial and management plans that will satisfy these requirements, in particular the SDA
- Understand costs and amortization schedules of home and vehicle modifications and be able to incorporate these into financial plans
- Be aware of any changes in the legislative/regulatory environment and how to apply the benefits to new and current clients
- Be aware of any changes to financial markets and adjust clients' plans accordingly

And much more...

Contact us to find out how your injured clients and their families could benefit from working with a DISABILITY FINANCE SPECIALIST™ while on claim, in the lead up to settlement, and for the rest of their lives.

The Tort of Family Violence: A New Way Forward for Survivors



Contributed by:
Laura Camarra / Founder & Lawyer, Camarra Law

While family violence is not a new issue, our understanding of it has evolved.

We now recognize the pervasive impact it has on all members of the family. When the *Divorce Act* was amended in 2021, the legislators specifically defined the term “family violence” to include conduct by a family member toward another family member, that is violent or threatening or that constitutes a pattern of coercive and controlling behaviour or that causes that other family member to fear for their own safety or that of another person – and in the case of a child, the direct or indirect exposure to such conduct.¹ In 2022, the Courts took it a step further, recognizing the new tort of family violence in the case of *A. v. A.*, 2022 ONSC 1303.

Before *A. v. A.*, although there were various torts survivors of family violence could use to compensate them for some of the harms caused by family violence, such as the traditional torts assault and battery, the Court in *A. v. A.* noted these torts are based on specific incidents of harm, and fail to capture the lived realities of family violence, which involve terror, fear, coercion and control often created through years of psychological abuse punctuated by relatively few acts of serious physical violence. Focusing too narrowly on specific incidents risks minimizing the tortious conduct, which is the overall pattern of violent and coercive behaviour combined with a breach of trust.²

The Court in *A. v. A.* set out two elements to establishing liability for the tort of family violence. First, the Plaintiff

must prove the Defendant’s actions fall within the statutory definition of “family violence” under section 2 of the *Divorce Act*. The Plaintiff must then establish, on a balance of probabilities, conduct by a family member toward the Plaintiff, within the context of a family relationship, that:

1. Is violent or threatening, or
2. Constitutes a pattern of coercive and controlling behaviour, or
3. Causes the Plaintiff to fear for their own safety or that of another person.³

For the first two modes of liability, the Plaintiff must establish the family member intended to engage in conduct that was violent or threatening, or behaviour that was calculated to be coercive and controlling to the Plaintiff. For the third mode of liability, the Plaintiff must prove the family member engaged in conduct they would know with substantial certainty would cause the Plaintiff’s subjective fear.⁴

Once liability is proven, the Court will assess damages based on the nature of the family violence – the circumstances, extent, duration and specific harms caused are all factors relevant to assessing damages.⁵ Aggravated damages may be awarded for breach of trust, breach of fiduciary duty, and relevant post-incident conduct. Punitive damage awards will generally be appropriate given the social harm associated with family violence.⁶

In *A. v. A.*, Mandhane J awarded the wife a total of \$150,000 in damages.⁷ The wife was awarded \$50,000 in compensatory damages for her ongoing mental health struggles and loss of earning potential caused

by the family violence, exercising restraint due to the spousal support award (if spousal support had not been payable, the compensatory damage award would have been in the range of \$100,000).⁸ The wife was awarded aggravated damages in the amount of \$50,000, for the husband’s overall pattern of coercion and control throughout the relationship, as well as the breach of inherent trust. The wife’s damages were also aggravated by her children’s ongoing mental health struggles stemming from the family violence, which made their care more challenging.⁹ Lastly, Mandhane J found the husband’s abuse toward the wife throughout their marriage called for strong condemnation, and awarded the wife another \$50,000 in punitive damages. The punitive damage award was restrained by the husband’s outstanding criminal charges, which may have resulted in him facing additional punitive sanctions.¹⁰

If you practice in the areas of family law or personal injury, I strongly encourage you to read this decision.

¹ *Divorce Act*, RSC 1985, c. 3 (2nd Supp), s.2(1).

² *A. v. A.*, 2022 ONSC 1303, paras. 54 and 59.

³ *Ibid*, para. 52.

⁴ *Ibid*, paras. 53 and 55.

⁵ *Ibid*, paras. 56-57.

⁶ *Ibid*, para. 119.

⁷ *Ibid*, para. 112.

⁸ *Ibid*, paras. 114 and 118.

⁹ *Ibid*, para. 119.

¹⁰ *Ibid*, para. 120.

Conveyancing



with confidence, at the fair price you deserve.



**Did you know? The average cost of legal fees
for a real estate transaction in London is \$ [REDACTED] ***

Find out here

www.lawlabs.ca/london-pricing

*Based on the market surveying of over 20 firms in the Forest City

**The average firm saved over \$40,000 last year
simply by switching to Closer**

SALES • PURCHASES • REFINANCES

From

\$60 / per file

You will also get

- 3 complimentary files upon sign up valued at over \$200
- Industry-leading conversational support via chat, phone, and web
- Free template onboarding & document conversion
- Complimentary product training



MLA Bench & Bar Committee Report



Contributed by MLA Trustees and Bench & Bar Committee members:
Rasha M. El-Tawil, John A. Nicholson and Hilary Jenkins

On January 25, 2023, the Middlesex Law Association hosted a Bench and Bar meeting via Zoom.

The turnout was excellent, with nearly 100 of our members attending. This was a significant Bench and Meeting as the MLA had the opportunity to welcome Justice Alissa Mitchell to her new role as our Local Administrative Judge ("LAJ"), and to thank Justice A. Duncan Grace for his more than 8 years of work as the LAJ for London.

The Bench and Bar Committee are pleased to provide you with the following summary of the discussion at this meeting.

Opening remarks of Justice Mitchell

Justice Mitchell advised that there are currently three judicial vacancies in the Southwest region, with one of the vacancies here in London. Regional Senior Justice Bruce Thomas has advised that he is hopeful that the vacancies will be filled within the month. Justice Ian Leach has returned to full-time capacity, and Justice Lynne Leitch has also returned to sitting as supernumerary judge after having served on the Constituency Boundaries Commission. This will provide relief as it will not only ensure a fuller complement in London but it will also reduce the London judges being deployed to assist other regions.

While there is optimism that this fuller complement of judicial resources will improve more expedient access to justice for civil matters, there continues to be significant backlogs. There continues to be an immense criminal caseload in London, which impacts the Bench's ability to hear civil matters. Justice Grace has expressed concerns on behalf of our region with respect

to the Court's inability to service civil matters as a result of the backlog. While this backlog is a problem throughout the province, the acuity of the problem in the Southwest region has resulted in our region being selected to spearhead a pilot non-jury civil trial blitz which will occur in fall 2023.

Civil non-jury trial blitz

The civil non-jury trial special sittings, or blitz, was announced in Chief Justice Morawetz's Memorandum to the Profession dated December 14, 2022, and further information was provided in Regional Senior Justice Thomas's subsequent [Memorandum to the Profession](#) dated January 16th, 2023.

Justice Grace has been asked to head the task force dealing with the blitz.

In order for matters to be placed on the list for the trial blitz, the matter must meet the criteria as set out in Chief Justice Morawetz's Memorandum and Regional Senior Justice Bruce Thomas's Memorandum to the Profession. The matter must be a non-jury trial, the trial must proceed virtually only (with no hybrid hearings permitted) and must conclude within the 19-day special sittings. There will be no exceptions to the criteria. The focus will be on matters presently scheduled to be heard between September and December 2023, although other matters may be considered for the list. If a case is selected for the blitz, counsel will be notified, and it will then be incumbent upon counsel to complete and file the Acknowledgement and Certificate referred to in the [judicial memoranda](#). Justice Grace has been asked to head the task force dealing with the blitz.

Consideration being given to future long trial sittings

The Court is currently exploring options with respect to long trial sittings

in London. In other regions in the province, the Courts have employed 4-week blocks of sittings in March and November with a dedicated team to deal with long trials for both non-jury and jury trials. The London Court is considering a dedicated team who would deal with long civil trials in March and November as early as 2025. If counsel is scheduling a long trial at present, they may want to be placed on a running list commencing at the beginning of March or November 2025, as those sittings might be converted to formal long trial sittings.

CaseLines

The use of CaseLines is intended to streamline access to materials and hearings. Justice Mitchell has advised that in the near future, all of the Judges will have access to all of a matter's bundles in CaseLines and not just the bundle specific to the hearing or event then scheduled. CaseLines invitations are sent from Court Services and pleadings bundles are available in CaseLines. When counsel receive an invitation to CaseLines at the outset of an action, they should upload the pleadings into the pleadings bundle.

Motion materials – bookmarking and hyperlinking

Counsel are encouraged to use hyperlinks in materials, where appropriate, to reduce the number of documents loaded to Caselines. It is preferable to load a motion record and/or affidavit as a single document with indexing and hyperlinks leading to exhibits, rather than loading each exhibit as a separate document. Using pagination provided in CaseLines, rather than in the PDF, is preferred.

In *Lepp v the Regionally Municipality of York*, 2022 ONSC 6978 (CanLII), <https://canlii.ca/t/jtm4k>, the Honourable

Justice Edwards wrote a helpful and comprehensive decision about what documents should be in CaseLines. Counsel are encouraged to review that decision. The MLA Practice Resource Centre also has an online list of resources, including up to date practice directions, that can assist counsel in ensuring compliance.

Basket motions

Our members have inquired about the expected turnaround time for basket motions, and when it would be appropriate to follow-up with the Court if there appears to be an unusual delay. Justice Mitchell advised that decisions on most basket motions should be released approximately two weeks from filing. Counsel are encouraged to contact Court Services if they have not received a decision three to four weeks after they filed their basket motion. This is distinguished from urgent motions

which must be identified and flagged as urgent.

State of the Region Address

The *Straight from the Bench Conference* is scheduled to return, in person, on May 1, 2023. Senior Regional Justice Bruce Thomas will provide a "state of the region" address. A number of local and Court of Appeal Judges will join us for this coveted conference. Early registration will open within the next few weeks.



Annual CPD \$399.00

Accredited

Approved for
Professionalism and
EDI

Convenient

Search by length,
practice area, provider,
etc.

Cost Effective

Save time and money. One
low price equals unlimited
CPD.

The MLA is proudly partnered with CPDOnline and receives a generous revenue share on MLA produced CPD content.

*"I get to **choose what I want to see and create my own CPD...** I can get everything in the comfort of my living room on my laptop. **It's perfect.**" Individual Subscriber*

Bail Reform Should Be Led with Caution



Contributed by:
Nicola C. Circelli / Sole-Practitioner

*Bail reform in Canada has been a contentious issue in recent years, with the Supreme Court of Canada issuing two important decisions on the matter in the cases of *R v Zora* and *R v Antic*.*

These decisions have significant implications for how bail is granted and denied in Canada and how the rights of accused individuals are protected. However, the recent call by Premiers to create a "reverse onus" for those charged under Section 95 of the *Criminal Code*, which includes offences for being in possession of a loaded prohibited or restricted firearm, has added a new layer of complexity to the discussion.

The call for a "reverse onus" means that the accused would have to prove why they should be granted bail,

rather than the prosecution having to prove why bail should be denied. This proposal is controversial, as it could potentially lead to a greater number of individuals being held in pre-trial detention, and could disproportionately impact marginalized communities. Marginalized communities tend to have fewer resources and supports that would inherently be required in a more restrictive "reverse onus" hearing and therefore, could lead to more marginalized accused denied bail.

On one hand, it's understandable that the Premiers want to take a tough stance on gun crime, which is a serious issue in Canada. However, it's important to remember that bail is a fundamental right in our justice system and that accused individuals are innocent until proven guilty. A "reverse onus" could potentially lead to a violation of these rights and could result in unfair treatment of accused individuals.

The recent Supreme Court decisions in *R v Zora* and *R v Antic* have emphasized the importance of protecting the rights of accused individuals and ensuring that they are treated fairly during the bail process and that the rights of the accused must be balanced against the interests of the public. A "reverse onus" proposal could potentially undermine these principles and should be approached with caution.

Overall, while there is a need for effective measures to address gun crime in Canada, it's important to ensure that bail reform proposals do not violate the rights of accused individuals and lead to unfair treatment. The proposed "reverse onus" for those charged under Section 95 of the *Criminal Code* should be approached with caution and carefully evaluated in light of the recent Supreme Court decisions.



The Right Person. For the Right Case.

Meet

Heather Spencer Grim

Owner, Spencer Rehabilitation Experts



"Fair, objective, defensible analysis is our hallmark."

Whether for plaintiff, defence, insurance companies, or estate law, we have the right person for the right case when it comes to legal situations involving people whose lives have been impacted by a motor vehicle accident, personal injury, disability, or other event.

I would welcome the chance to prove how our fair, objective and defensible analysis can help in mediation or in court.

Please get in touch with me directly."



Heather Spencer Grim

Heather@SpencerExperts.com

519.660.3639

"The reports are great– you get it – you understand what our needs are. But we also just really enjoy the interaction with you guys!" - Legal Firm Partner

**Future Care Costs/Life Care Planning
and Reviews**

Functional Abilities Evaluations (FAE's)

**Occupational Therapy Assessments
and Treatment**

Vocational Rehabilitation Services

Vocational Evaluation

Vocational Rehabilitation

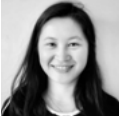
Vocational Counselling

Volunteer or Job Placements

Transferable Skills Analysis

Labour Market Surveys

Cooperative Federalism: A Complicated Slop?



Contributed by:
Grace Smith / Solicitor I, City Solicitor's Office, City of London

Regional Municipality of Halton v. Canadian National Railway Company, 2022 ONSC 4644 was a decision released in August of 2022 which involved a dispute between the Town of Milton in the Region of Halton and CN Railway regarding the construction of an intermodal hub.

The federal government approved the location and construction of the hub, however, the town and region were opposed and sought an injunction to prohibit construction until CN was in compliance with all of the local by-laws. CN argued that it did not need the approval of local authorities to proceed with construction, as it was a federal railway undertaking and had obtained all proper approvals under federal laws.

Justice Myers determined that the bulk of the application was premature, as there was no "live factual controversy" that CN contravened all of the applicable by-laws and, in the absence of which, declined to conduct a constitutional analysis of interjurisdictional immunity or paramountcy in relation to a law. He then addressed three specific by-laws, one of which included a prohibition on placing or removing fill, removing topsoil, and altering the grading of any land without a permit, which may be issued when planning approval has been obtained. The other two by-laws required a permit to be obtained to construct or widen an entrance to a road and a permit to be obtained

to construct an access to a regional road, which required demonstrating compliance with applicable zoning laws and the region's Official Plan, respectively.

Justice Myers found that there was no doubt that CN acted without permits under the three bylaws. However,

"Cooperative federalism does not present a matrix of neat, mutually exclusive pigeonholes into which the court can assign various laws. Rather, defining the boundaries of the overlapping legislative authority (to define the limits of one side's jurisdiction without unduly impairing the other) is a messy sausage-making endeavour to promote the public interest. It is not simple."

he determined that "the applicants are purporting to rely on seemingly narrow permitting issues as an entree to full zoning and municipal planning processes related to the location of the intermodal hub. In the guise of making discretionary permitting decisions for seemingly narrow local issues, the applicants seek to prevent

CN from constructing and operating the intermodal hub at the approved location." Furthermore, he found that the location of the development is "vital and essential" to make the federal power over railways effective.

As such, Justice Myers declined the request for the injunction as it significantly impaired the core aspect of the federal power and that the region could not "use curb cut and grading bylaws to require CN to apply for and obtain official plan amendments with all that that entails prior to proceeding with construction of the intermodal hub." However, he did not find the by-laws to be invalid and indicated that the region was free to enforce the law on CN, as he made "no findings about whether some degree of local regulation of the precise location of the entrance to the intermodal hub or the quality or quantity of fill or topsoil that may be moved in or out during construction might significantly impair the core of the undertaking or the federal power at play."

On a general note, it was highlighted that the degree of impairment when it comes to questions of federal powers are nuanced and fact-specific: "Cooperative federalism does not present a matrix of neat, mutually exclusive pigeonholes into which the court can assign various laws. Rather, defining the boundaries of the overlapping legislative authority (to define the limits of one side's jurisdiction without unduly impairing the other) is a messy sausage-making endeavour to promote the public interest. It is not simple."

Good food for thought to chew on...

What I Wish I Knew When I Started Out



Contributed by:

Tinashe Madzingo / Diamond & Diamond Lawyers

The practice of personal injury law is challenging and rewarding, and it can also be overwhelming for new lawyers.

I am six years out, but I still count myself among them (well, more "overwhelmed" than "new" if I'm being honest). To help new personal injury lawyers navigate the early stages of their career, here are some things that I wish I knew when I started out.

1. Understand the laws and regulations commonly used in personal injury law.

New lawyers usually have a good grasp of common law but are less familiar with statutes. Try to familiarize yourself with the *Limitations Act*, the *Insurance Act* (at least Part VI), the *Negligence Act*, the *Occupiers Liability Act*, the *Dog Owners' Liability Act*, and the *Statutory Accident Benefits Schedule* (SABS). You will be relying on these Acts throughout your career, so you might as well know your way around them.

2. Understand the different heads of damages, including pecuniary and non-pecuniary damages.

Look into how the *Insurance Act* can impact on those damages in the case of motor vehicle accidents (the protected defendant provisions of the *Insurance Act* may be of particular interest here).

3. Familiarize yourself with basic medical jargon.

Have a basic understanding of medical terminology and the types of injuries that commonly occur in personal injury cases. You will come across the same terms repeatedly, and if you familiarize yourself with at least the common terms and injuries, it will make clinical notes and records much easier to review.

4. Learn when and who to retain as an expert.

Personal injury cases often require the evidence of expert witnesses who can testify on liability or damages. Know who to retain and what you want to prove by retaining them. Their reports can be quite costly, but if used effectively can change the complexion of your case.

5. Learn how to communicate with clients.

Personal injury law is a client-centered practice dealing with mostly regular folks. Learn how to build strong, trust-based relationships early in your practice. An added benefit is that, I find, clients are much more likely to take your advice if they trust and like you.

6. Learn how to communicate with insurance companies.

The insurance company's main goal is to pay out as little as possible on a claim, while your goal is to get the best settlement for your client. Like trying to get my wife to agree on where to go for dinner, it's always a negotiation! And don't be afraid

to get on the phone; it's much more difficult to have misunderstandings when you are talking versus emailing back-and-forth.

7. Stay current on the law.

Be aware of any changes in personal injury case law that could impact your files. There are several CPDs that summarize case law in personal injury, but they certainly cannot cover everything. If you use LinkedIn (and you should), you can follow personal injury firms and mediators that post blogs. I find them quite informative and a good complement to CPDs.

8. Build a network.

It may seem daunting, but you'll find most lawyers are quite friendly and eager to connect. Start early and grow your network to include lawyers, experts, and other professionals in the field. Don't know where to start? Reach out to me: tmadzingo@diamondlaw.ca. I have greatly benefited from the mentorship and friendship of several members of the London Bar, and I am more than happy to begin to pay it forward.



Member Updates

Our 2022-2023 members' directory, generously sponsored by Davis Martindale LLP, has been published and copies are available for pickup from the MLA Practice Resource Centre during normal office hours. You can always access the up-to-date membership details through our [online members' directory](#).

Arie Alkema – is back in London working at the City of London, City Solicitor's Office, aalkema@london.ca

Aynsley Anderson – last name is now Hovius and email has changed to ahovius@london.ca

Betty Balint – has rejoined and is at Balint Law, 1682 Ennismore Cres., London N6G 5M9, ph: 519-630-0152, bea@balintlaw.ca

Pamela Biron – new member at Camarra Law, email pbiron@camarralaw.ca

Katherine Cavan – new member at Miller Thomson LLP, direct ph: 519-931-3508, kcavan@millerthomson.com

Alexander Dobson – is back in London practicing at Shillington McCall, ph: 519-645-7330 ext. 233, adobson@shillingtonmccall.ca

Selin Hankali – has rejoined the MLA and is at Hankali Law Group, 100-145 Wharncliffe Road S., London N6J 2K4, ph: 519-473-0511, selin@hankalilaw.com

Mustafa Jilani – has opened a sole practice at 156 Oxford St W., London N6H 1S1, ph: 519-601-5080, mjilani@jilanilaw.ca

Rachel Jadd – rejoined and is now at Hicks Morley Hamilton Stewart Storie LLP, direct ph: 519-931-5603, rachel-jadd@hicksmorley.com

Denise Junkin – new member at Intact Insurance, denise.junkin@intact.net

Cindy Kim – new call practicing at Miller Thomson LLP, direct ph: 519-931-3561, cikim@millerthomson.com

Sam Kirwin – has opened a sole practice at 1-294 Hyman St., London N6B 2G7, ph: 519-494-1092, kirwinsamuelj@gmail.com

Kevin Kok – new call practicing at Cohen Highley LLP, kkok@cohenhighley.com

Kate Letchford – last name is now Schoffer and email has changed to kschoffer@cohenhighley.com

Vicky Medeiros – is now practicing at Elliott Law, vmedeiros@elliott-law.ca

Caroline Misiaszek – new call practicing at Family Law Group, cmisiaszek@familylawgroup.ca

Syed Naqvi – new member practicing at Najam Naqvi Law, 11-A, 25 Baseline Rd. W., N6J 1V1, ph: 548-689-9663, najamnaqvilaw@gmail.com

Brendan Neufeld – email has changed to crimlaw@davidaminlaw.ca

Mariana Peres Toledo – email has changed to mariana.perestoledo@siskinds.com

Polishuk, Camman & Steele – is now Spero Law

Joseph Radocchia – new member working at the Family Court Duty Counsel's office, direct ph: 519-498-6153, radocchiaj@lao.on.ca

Martyna Raskob – new call practicing at Fosters Law, 519-672-5272 ext 335, martynar@fosterslaw.ca

Lindsay Rodenburg – new member practicing at Shillington McCall, ph: 519-645-7330 ext. 250, lrodenburg@shillingtonmccall.ca

Manpreet K. Sachdev – new call practicing at Fosters Law, 519-672-5272 ext 239, manpreetks@fosterslaw.ca

Gregory Sanders – new call practicing at Shillington McCall, ph: 519-645-7330 ext. 228, gsanders@shillingtonmccall.ca

David Terner – new member with a sole practice at 51 Jasmine Dr., London N6G 5A2, ph: 226-582-2311, dterner@gmail.com

Osama Watad – has moved to 840-495 Richmond St., London N6A 5A9, all else the same.

Questions & Comments

If you have any issues or concerns regarding the Middlesex court facilities, operations, judiciary, etc., let them be known! Send all concerns to the current MLA Bench & Bar representatives:

Rasha El-Tawil

519-660-7712

rasha.el-tawil@siskinds.com

John Nicholson

519-914-3358

jnicholson@cohenhighley.com

Hilary Jenkins

519-672-5666 x7301

hilary.jenkins@mckenzielake.com

Anyone knowing of a Last Will and Testament for Harold Gilbert Acres, born September 27, 1944, and died November 23, 2022, of St. Marys or London, Ontario, please contact Melissa Holt at 519-719-3419 or mholt1@live.ca.

Anyone knowing of a Last Will and Testament for David Ralph Bates, born in 1945 and died May 15, 2021 of the City of London, Ontario, please contact Genevieve Giroday Warren at email: ggiroday@girodaylaw.ca.

Anyone knowing of a Last Will and Testament for Kathleen Elizabeth Bates, also known as Liz Bates, formerly known as Kathleen Elizabeth Nixon, born in 1947 and died February 17, 2021 of the City of London, Ontario, please contact Genevieve Giroday Warren at email: ggiroday@girodaylaw.ca.

Anyone knowing of a Last Will and Testament of Allan Bradford Beharrell, please Contact Todd Rutledge at Brown Beattie O'Donovan, trutledge@bbo.on.ca or 519-679-0400 ext 170.

Anyone knowing of a Last Will and Testament for Nathan Robert Gabriel Enns, born in 1978, residing at 17-77 East Street, St. Thomas, Ontario who died on July 23, 2022, please contact Victoria Pretty, at Fleck Law at 519-337-5288, email: vpretty@flecklaw.ca.

Anyone knowing of a Last Will and Testament for Arsenio Giron, born December 15, 1932 and died December 8, 2022 of London, Ontario please contact David Amin at 226-224-8823, email: info@davidaminlaw.com.

Anyone knowing of a Last Will and Testament for Frederick Harold Hardy, born August 1, 1939, and died December 18, 2022, at Four Counties Hospital Alliance in Newbury Ontario, please contact Shirley Skinner at 519-200-8147, email: wifewith2kids@hotmail.com.

Anyone having knowledge of a Will of the late Terrence Joseph Hughes, of the City of London, County of Middlesex, in the Province of Ontario, who died on October 31, 2022, is requested to contact Matthew Bota, Harrison Pensa LLP, 130 Dufferin Avenue, P.O. Box 3237, London ON, N6A 4K3 Tel: 519-661-6752, Fax: 519-667-3362, Email: mbota@harrisonpensa.com

Anyone knowing of a Last Will and Testament for David James Leatherland of London, Ontario, born July 3, 1963 and who died November 15, 2022, please contact Jenn Peper at Little Masson & Reid, 519-235-0670, jenn@littlemassonreid.com.

Anyone knowing of a Last Will and Testament for Francis Simon Leblanc and Lorraine Rita Babin, Francis born Jan 30, 1947 and Lorraine born May 4, 1947 of London, Ontario, please contact Francis Simon Leblanc or Lorraine Rita Babin at 519-472 5997 email: fslbubzel@gmail.com.

Anyone knowing of a Last Will and Testament for John Lewicki, born March 5, 1951, and died December 20, 2022, in the City of Windsor, Ontario, please contact Robert Lewicki, 519-257-9396 email: roblewicki@gmail.com.

Anyone knowing of a Last Will and Testament for John Frederick Meyer, born March 31st, 1946 in London, ON, please contact Esther Walker at 519-686-1107.

Anyone knowing of a Last Will and Testament for Marion June Morgan, born July 02, 1933 and died December 14, 2022 of London, Ontario, please contact Lynda Morton at 519-858-1781, email: lykemorton@gmail.com.

Anyone knowing of a Last Will and Testament for Barbara Jean Nelson, born February 4, 1952 of London, Ontario, please contact Barb Walden at 519-872-8336, email: barb@waldens.ca.



Board of Trustees

2022 - 2023

EXECUTIVE

President

Karen Hulan
519-673-4944
khulan@beckettinjurylawyers.com

Vice President

Jake Aitcheson
519-640-6396
jaitcheson@lerner.ca

Past President

Erin Rankin Nash
519-963-0162 x6
erin@fplaw.ca

Treasurer

Jennifer Wall
519-661-6736
jwall@harrisonpensa.com

Assistant Treasurer

Joel Belisle
519-432-6721 x49960
joel.belisle@intact.net

BENCH AND BAR

Rasha El-Tawil - Chair
519-660-7712
rasha.el-tawil@siskinds.com

Hilary Jenkins
519-672-5666 x7301
hilary.jenkins@mckenzielake.com

John Nicholson
519-672-9330
jnicholson@cohenhighley.com

SOCIAL EVENTS

Anna Szczurko - Chair
519-660-7784
anna.szczurko@siskinds.com

Jennifer Hawn
519-858-8005
jhawn@pcslawyers.com

Grace Smith
519-661-2489 x4709
grsmith@london.ca

PRACTICE AREA SUBCOMMITTEE LEADS

Corporate/Commercial

Jennifer Hawn
519-858-8005
jhawn@pcslawyers.com

Criminal

Nicola Circelli
519-601-9977
nicola@nicolacircellilaw.com

EDI/Professionalism

Rasha El-Tawil
519-660-7712
rasha.el-tawil@siskinds.com

Family

Hilary Jenkins
519-672-5666 x7301
hilary.jenkins@mckenzielake.com

In-house

Grace Smith
519-661-2489 x4709
grsmith@london.ca

Personal Injury

Tinashe Madzingo
519-913-3195
tmadzingo@diamondlaw.ca

Real Estate

Jacqueline Fortner
519-673-1100 x239
jfortner@dyebrownlaw.com

Small Firms/Sole Practitioners

Nicola Circelli
519-601-9977
nicola@nicolacircellilaw.com

Wills, Estates, Trusts

Erin Rankin Nash
519-963-0162 x6
erin@fplaw.ca

MLA & Practice Resource Centre Staff

Tracy Fawdry
Executive Director
519-679-7046
tracy@middlaw.on.ca

Cynthia Simpson
519-679-7046
cynthia@middlaw.on.ca

Shabira Tamachi
519-679-7046
shabira@middlaw.on.ca



Core Purposes:

1. Providing information resources
2. Providing professional development
3. Providing professional networking
4. Advocating for lawyers' interests
5. Providing a physical space for lawyers