

THE MIDDLESEX LAW ASSOCIATION **Snail**

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A Fall of Professional Development & Events

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November 2023 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 **November 25, 2023**

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Middlesex Law Association Newsletter

EDITOR
Tracy Fawdry
tracy@middlaw.on.ca

ADVERTISING
admin@middlaw.on.ca

DESIGN
Neufeld Designs
www.neufelddesigns.com

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President's Message



Contributed by:
Jake Aitcheson / Lerner LLP and MLA Board President

The Middlesex Law Association's Board of Trustees is proud to share that throughout the month of October, our new paralegal members participated in an election to select a representative to sit on the Board. Once elected, the successful candidate will help establish and oversee a Practice Area Committee directed solely to serving the needs of our paralegals. This representative will serve until at least February 2024, when a new nomination process will be launched in conjunction with that for lawyer Trustees. Once the votes have been tabulated, a formal announcement will be circulated to the

membership and the successful candidate will be welcomed at the next Board of Trustees meeting on November 16th.

On October 26, the MLA hosted a New Member Welcome Event at the Practice Resource Centre. New lawyer and paralegal members were invited to a reception, to meet the Trustees, the MLA staff, and tour the facilities. I want to express my gratitude to all those who attended the event. As a member-driven organization, the Board is excited to have new members as a part of our growing Association. Our Association is built upon the enthusiasm, dedication,

and unique perspectives of our members, and your participation at the welcome event was an encouraging start to what we believe will be a rewarding journey together. It was a pleasure to meet all our new members and I hope they found the event provided a glimpse into the incredible experience and connections that await as a member of the MLA.

Finally, the Trustees and their respective Practice Area Committees are working tirelessly on a full slate of upcoming programming and social events for MLA members.

a) On November 9th, from 1pm – 2pm, the MLA is offering a free in-person lunch and learn at the Practice Resource Centre, titled Mental Health Wellness in the Legal Profession. Jason Ward will be attending to discuss his own experience and journey with mental health wellness in the legal profession.

b) On November 10th, from 9am – 12pm, the 19th Annual Wills and Estates Conference will be held online. This conference will feature information on developing a wills practice, substantive estate administration law updates, and tips to manage the workload required in this particular practice area.

c) On November 22nd, the MLA is offering a unique program called Courtroom Etiquette, Procedure, and Decorum. While this program is primarily geared towards family and civil litigators, it will offer tips and tricks to any advocate who regularly attends court.

d) On December 7th, from 9am – 3 pm, the MLA will be hosting its annual Personal Injury Conference at the Ivey Spencer Leadership Centre. As this conference will cover a variety of recent developments in this area of the law, it will be incredibly valuable to both plaintiff and defence lawyers.

e) On December 14th, from 5pm – 7pm, the MLA is hosting its annual holiday party at Toboggan. We welcome members to attend for a visit and an opportunity to catch up with your colleagues.

I encourage you all to mark your calendars and if you're interested in attending any of the aforementioned programs or events, please look to register on the MLA website or through links in our MLA Updates.

I wish you all the very best during the final months of 2023, and hope to see you out at a few of the MLA events.

Jake Aitcheson
President

Practice Resource Centre News



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

Lawyer Referrals

From time to time, we get calls from members of the public who have contacted a local law office to find a lawyer. Offices often provide members of the public our MLA number, hoping that we can assist the person. The MLA does not provide a lawyer referral service and as a member-based organization, we would not preferentially recommend one member over another. But there's an easy solution to support these types of public inquiries!

The LSO has a Law Society Referral Service, and that is where we direct people who call the MLA. For non-emergency situations, the person initiates the referral process online at www.lawsocietyreferralservice.ca. However, if a person is in custody, in a shelter, or residing in a remote community without access to the Internet, there is a phone service, Monday to Friday between 9:00am and 5:00pm, at 1-855-947-5255. Individuals will have a free consultation for up to 30 minutes with the lawyer or paralegal after the LSO matches them. Alternatively, you can direct individuals to the LSO's [Lawyer and Paralegal Directory](#). Once they search for a lawyer or paralegal in London, they will have options to narrow by area of practice.

These services are a great solution that will set members of the public on the correct path to finding appropriate support in a timely manner so please keep them handy!

New 2023-2024 Member Directories

The new member directories have arrived! We reduced the print order

as our members have not required as many copies as they did in the past. Initially, we have asked individuals to take only a single copy so that all members would have the opportunity to pick them up. However, we are now opening it up for members who would like additional copies for their staff.

The PRC is the administrative office for the MLA so if you move or change contact information, [please let us know](#) so we can update your profile in our system and include you in the Member Updates piece that appears in every issue of The Snail. We do not automatically get a notification if you update your information directly from your online profile so you will need to let us know if you want your details included in the next newsletter.

Learn with LiRN Conference

Cynthia and Shabira met with their colleagues in the Ontario county and district law association library system in October to discuss common issues and participate in professional development programs hosted by the Legal Information and Resource Network (LiRN). Much of the benefit of this annual conference is derived from those conversations with our colleagues. Program topics included a summary of LiRN activities in 2023, presentations from e-resource publishers about the latest innovations in their platforms, particularly dealing with AI, a best practices session to learn from others across the system, an in-depth session on educating lawyers on AI, and a Fireside Chat with author Natasha Bakht about her Irwin Law book, *In Your Face*, to name just a few of the topics covered.

New Books

Archibald, Todd. **Litigation and administrative advocacy: the art and science of persuasion**, LexisNexis, 2023.

Bennett, Frank. **Bennett's A to Z guide to small business bankruptcy and insolvency, 2nd ed.**, LexisNexis, 2023.

Folick, Lorne, et al. **Liquor and cannabis liability law in Canada, 2nd ed.**, Thomson Reuters, 2023.

Mascarin, John and Christopher Williams. **Ontario Municipal Act & commentary, 2024 ed.**, Lexis Nexis, 2023.

McGuinness, Kevin. **Canadian business corporations law --4th ed., vol. 2**, LexisNexis, 2023.

Miller, Jeffery. **Law of contempt in Canada, 3rd ed.**, Thomson Reuters, 2023.

Woolley, Alice. **Understanding lawyers' ethics in Canada, 3rd ed.**, LexisNexis, 2023.

Missing Books

Auerback, Stephen. **Annotated Municipal Act, Volume 3**, Thomson Reuters

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

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 Reuters, 2006.

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

Honsberger, John. **Honsberger's bankruptcy in Canada, 5th ed.**, Thomson Reuters, 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

Marseille, Claude, ed. **The law of objections in Canada: a handbook**, LexisNexis, 2019

n/a. **Martin's Annual Criminal Code 2023**. -copies 1 and 5 both missing

n/a. **Martin's Annual Criminal Code 2024**, copy 3 - **NEW**

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

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

Poyser, John E.S. **Capacity and undue influence, 2nd ed.**, Thomson Reuters, 2019.

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We are located at 200 Queens Ave., Suite 615, London ON.

Tackling Homelessness in London



Anju "Medusa" Fujioka



Contributed by:
Anju "Medusa" Fujioka

As lawyers, we're no strangers to fighting for justice. But some battles go beyond the courtroom. Addressing homelessness is one such battle.

On Wednesday November 8th, two London lawyers will be fighting in the Third Annual Fight to End Homelessness, an amateur boxing tournament to raise funds for Youth Opportunities Unlimited (YOU).

I am one of the fighters, entering the ring as "Medusa" – a tribute to an archetypal rape victim and her complex journey of trauma, revenge, and injustice. I chose my fight name to recognize the cycle of homelessness and sexual violence that I witness in my work with survivors. Homeless people are more likely to have been victims of physical and sexual abuse as children and victims of family/intimate-partner violence as adults.

The numbers are jarring.

- A Toronto study of 300 homeless people found that 49% of women and 16% of homeless men experienced childhood sexual abuse compared with rates of 13% and 4% in the general population (Mental Health Policy Research Group, 1998).
- 25% of women experiencing visible homelessness (living in shelters or rough sleeping) cited domestic abuse as a factor leading to their most recent housing loss. (Employment and Social Development Canada, 2017).

Many victims find themselves trapped in violent situations without safe housing options. Returning to an abusive house or facing further victimization on the streets are often the only available options. To make matters worse, sexual violence leaves people with physical, emotional, and financial challenges that make it harder to escape homelessness. We cannot address sexual violence without addressing the issue of safe housing.

Also entering the ring is Carolynn "Lady Justice" Conron, who also sees the effects of unstable housing play out in her clients' lives. When asked what motivates her, she said: "I'm fighting in the ring so my clients don't have to fight for their safety every night they exist without secure housing."

Carolynn and I are not alone. I am sure that many of you see the detrimental

effects of homelessness play out in the lives of your clients, your acquaintances, and your loved ones. The MLA already does incredible work to address the issue, notably through London Lawyers Feed the Hungry. But the undeniable truth is that there is a crisis of homelessness and precarious housing here in London, and across Canada. I ask each one of you to think about what you can do to contribute to addressing the root causes or effects of homelessness so that nobody in our community suffers for want of safety, dignity, and sanctuary.



Carolynn "Lady Justice" Conron

"I'm fighting in the ring so my clients don't have to fight for their safety every night they exist without secure housing."

- Carolynn Conron



LOUISE POOLE

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Reach out to our team

London - 785 Wonderland Road S. | t: 519.673.3141

Toronto - 20 Bay Street | t: 416.840.8050

davismartindale.com



Understanding Privacy Impact Assessments



Contributed by:
Savvas Daginis / Associate Lawyer – Siskinds LLP

In the ever-evolving data privacy landscape, businesses must stay ahead of the curve to protect themselves and their customers. One crucial tool that can help you navigate this complex terrain is a privacy impact assessment, or PIA.

What is a privacy impact assessment (PIA)?

Privacy impact assessments are like a roadmap for safeguarding personal data within your organization. They help identify and manage privacy risks, ensure your business complies with privacy laws, and ultimately, protect your reputation.

Why should your business care about PIAs?

- **Proactive risk management:** Think of PIAs as your early warning system. By conducting a PIA before implementing a new system or service that deals with personal data, you can spot potential issues and resolve them before they become major problems.
- **Tailored to your needs:** PIAs can be adapted to suit the nature, scope, and content of your project. This means they will not necessarily be a massive paperwork hassle or take an extended period to complete.
- **Accountability:** PIAs make your business more accountable when it comes to handling personal data. They instill a culture of care and selectivity in data processing, reducing the risk of privacy issues that can harm your business.

- **Compliance with privacy law:** PIAs ensure that your systems and services comply with privacy laws, helping you avoid legal pitfalls and potential fines.
- **Risk mitigation:** PIAs identify privacy risks and their severity, allowing you to develop a clear plan of action to avoid those risks.
- **Continuous improvement:** PIAs are not a one-and-done deal. You should regularly review and update them as your systems and services change.

The five key elements of a PIA

A typical privacy impact assessment will include:

1. **A description of the proposed system or service:** This sets the stage for the assessment, giving a clear understanding of what is being evaluated.
2. **Identification of personal data:** This includes details on what personal data is being collected, how, from whom, and for what purpose.
3. **Data use and protection:** Here, you will outline how the personal data will be used, disclosed, retained, and most importantly, how it will be protected.
4. **Privacy law compliance:** Ensure that your system or service complies with relevant privacy laws.

5. Risk assessment and action plan:

Identify privacy risks and their severity, then create a plan to avoid these risks.

The rising importance of PIAs

While PIAs are currently a best practice in many jurisdictions, privacy laws across Canada and the United States are rapidly evolving. Québec, for instance, will require PIAs in specific circumstances starting from September 22, 2023. This includes situations where businesses send personal data outside of Québec.

Moreover, Québec will mandate businesses to enter into data protection agreements that consider the results of the PIA (watch my prior video blog, [Understanding data protection agreements: Key concepts and benefits](#), to learn more).

This shift from a best practice to a legal requirement is a telling sign of what is to come in Canadian privacy law.

Have questions about PIAs? We can help.

If you have any questions related to this Article's content, you may reach out to any lawyer in [Siskinds' Privacy, Cyber & Data Governance Team](#). You can also reach out to the author, [Savvas Daginis](#) — a Canadian and American Business, Technology, and Privacy Lawyer — at savvas.daginis@siskinds.com if you have any questions.

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Scott Petrie LLP is pleased to welcome Jennifer to the firm

JENNIFER COSTIN

jcostin@scottpetrie.com

With over 20 years of experience as a workplace investigator and lawyer, Jennifer is uniquely positioned to lead clients through the ever-changing legal landscape of the workplace. Jennifer offers her clients support and guidance on responding to and managing all stages of the employment relationship from recruitment through to exits. Jennifer's practice has a specific focus on workplace investigations. She has conducted workplace investigations locally and nationally across a number of sectors including education, healthcare, government, tech, manufacturing, not-for-profit and retail. With her experience and in-depth understanding of workplace laws and procedures she conducts workplace investigations that are timely, professional and thorough. She can also provide advice and coaching to internal investigators conducting their own investigations.



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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

Leslie Ibouily

519-633-2638

leslie.ibouily@eolc.clcj.ca

Hilary Jenkins

519-672-5666 x7301

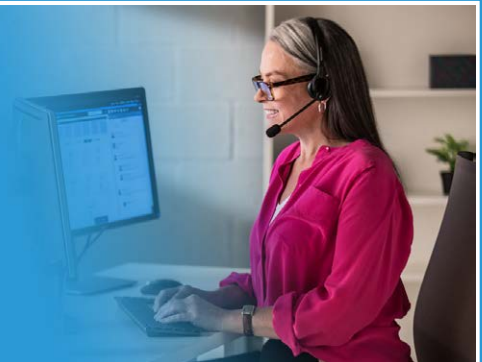
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Employing International Students in Canada – What Employers Should Know



Contributed by:
Elena A. Ashford / Associate Lawyer, Siskinds LLP

Canada remains one of the leading destinations for international students to get post-secondary education. In Canada, the number of international students has progressively increased since the mid-2000s. Although the issuance of the study permits decreased during the Covid-19 pandemic, the number of international students increased to 621,600 in 2021.¹ In 2022, the IRCC issued the total of 550,185 study permits.²

Immigration, Refugees and Citizenship Canada (hereinafter, 'IRCC') and Statistics Canada have jointly released a series of six research articles examining the important role of international students as a source of labour in Canada.³ The key finding among these articles is that international students and graduates are a source of key talent to help support Canada's future economic growth and counteract Canada's aging demographic.⁴

In March 2022, the IRCC acknowledged that international students contribute over \$22.3B per year to the Canadian economy, highlighting that these contributions to the Canadian economy are "greater than exports of auto parts, lumber, or aircraft."⁵

Over 51% of international students identify the province of Ontario as their intended destination in Canada.⁶ This means that employers in Ontario deal with an extremely high volume of job applications from foreign nationals who are in Canada under the authority of work permits or Post-Graduate Work Permits.

According to regulation 186(v) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (IRPR), if a foreign national is a full-time student at a Designated Learning Institution (DLI), and actively engaged in a program of studies longer than

6 months that leads to a degree, diploma, or certificate, that person is eligible to work off-campus:

1. up to 20 hours a week during a regular academic session; and
2. full-time during regularly scheduled breaks between academic sessions.⁷

As of November 15, 2022, some international students are authorized to work more than 20 hours per week off campus while class is in session **if** they meet certain requirements.⁸ There has been a misperception among the study permit holders that any student can work full-time for the duration of their study permit and that this public policy applies to all international students. There are specific requirements that an international student must meet before they can work more than 20 hours per week off campus. These requirements are outlined on the IRCC website.⁹ The eligibility of a student to meet these requirements must be determined on a case-by-case basis. The public policy allowing eligible international

¹ Economic and Social Reports, *International students as a source of labour supply: A summary of recent trends*
Release Date: March 23, 2022

International students as a source of labour supply: A summary of recent trends ([statcan.gc.ca](https://www150.statcan.gc.ca/n1/pub/36-28-0001/2022003/article/00001-eng.htm))
<https://www150.statcan.gc.ca/n1/pub/36-28-0001/2022003/article/00001-eng.htm>

² *Temporary Residents: Study Permit Holders – Monthly IRCC Updates - Canada - Study permit holders by country of citizenship and year in which permit(s) became effective* *Temporary Residents: Study Permit Holders – Monthly IRCC Updates - Canada - Study permit holders by country of citizenship and year in which permit(s) became effective* - Open Government Portal
https://open.canada.ca/data/en/dataset/90115b00-f9b8-49e8-afa3-b4cff8facaee/resource/b505b9bcd375-4525-af39-afdf25639acf?inner_span=True

³ Choi et al, 2021a, b; Crossman et al, 2021a, b; Crossman et al, 2022; Crossman & Hou, 2022

⁴ Ibid

⁵ CIMM – International Students – March 3, 2022 - [Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/cimm-mar-03-2022/international-students.html)

<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/cimm-mar-03-2022/international-students.html>
⁶ International Students in Canada Infographic - CBIE <https://cbie.ca/infographic>

⁷ 186(v) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (IRPR)
<https://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/section-186.html>

⁸ Work off campus as an international student - [Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/work/work-off-campus.html)
<https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/work/work-off-campus.html>

⁹ Work off campus as an international student - [Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/work/work-off-campus.html)
<https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/work/work-off-campus.html>

students to work more than 20 hours a week off campus remains in force until December 31, 2023. If you are hiring an international student who has a valid study permit, you should encourage them to make sure that they are authorized to work full-time before making them a full-time job offer.

Allowing international students to work full-time while undergoing their full-time studies is clearly aimed as a temporary solution to deal with the labour shortage in Canada. This benefits the economy while also allowing eligible international students to gain more work experience and to build their Canadian employment history. Unfortunately, **none** of the work experience gained working for a Canadian employer while being a full-time student counts towards Canadian work experience for the purpose of permanent residence application under the Canadian Experience Class or Federal Skilled Trade Program in the Express Entry.¹⁰

In order to gain eligibility for 'Canadian work experience', the international students must successfully graduate their study program at a Designated Learning Institution, apply for a Post-Graduate Work Permit (PGWP) and work full-time for a minimum of 1560 hours within a minimum of 12 months in a skilled occupation.¹¹

The federal Express Entry¹² system has undergone significant changes in the past year. On November 16, 2022, the Government of Canada replaced its National Occupation Classification

(NOC) with new 2021 version. The NOC system is used to track and categorize all jobs in the Canadian labour market and is updated to reflect changes in the economy and in the nature of work.¹³ The new NOC system groups jobs into TEER categories. This system is based on the type of job duties performed by a skilled worker. Sixteen (16) occupations that were previously considered as 'low-skilled' occupations became eligible under the Express Entry. The NOC 2021 version now includes several new Express Entry qualifying occupations including truck drivers, bus drivers, heavy equipment operators, dental assistants, and nurse aids.

Issues to be mindful of when hiring international students eligible for a Post-Graduate Work Permit

If you are planning to hire an international student who is in the process of applying for a Post-Graduate Work Permit (PGWP), be mindful about the intended start employment date.

An international student, who is finishing their full-time studies and who is planning to apply for a PGWP, must stop working **as soon as** the final grade is communicated by the educational institution **or** as soon as the student receives a written confirmation of the study program completion from the educational institution (a transcript, a letter of completion, etc.), whichever comes first.¹⁴

The student may commence/resume working for a Canadian employer once the Post-Graduate Work Permit application is filed with the Immigration, Refugees and Citizenship Canada.

An international student must meet certain eligibility requirements when applying for a PGWP:

- The educational institution that a student has completed the studies at must be on the list of Designated Learning Institutions approved by the IRCC;
- Students have **up to 180 days** after they complete their studies to apply for a PGWP. When applying, the students must provide documentation (Letter of Acceptance, Degree/Diploma, Transcript or Official Letter of Completion) to confirm the following:
 - that they attended and completed their study program;
 - the name of the study program;
 - the length of the study program (must be minimum of 8 months);
 - their full-time student status during all semesters.
- To be eligible, a student's study permit must have been valid at some point during these 180 days.¹⁵

If the student went to a part-time student status during their studies, they may become ineligible to apply for a PGWP. According to current regulations, only studies in the final

¹⁰ Can I count student work experience toward the Express Entry work requirement? ([cic.gc.ca](https://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=394&top=29)) <https://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=394&top=29>

¹¹ Eligibility to apply as a Federal Skilled Worker (Express Entry) - [Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/eligibility/federal-skilled-workers.html) <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/eligibility/federal-skilled-workers.html>

¹² Express Entry is an online system that the Canadian government uses to manage immigration applications from skilled workers. There are 3 immigration programs managed through Express Entry: Canadian Experience Class, Federal Skilled Worker Program and Federal Skilled Trades Programs

¹³ Solving labour shortages in key sectors like health care, construction, and transportation: Workers from 16 new occupations now eligible for permanent residence - [Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/news/2022/11/solving-labour-shortages-in-key-sectors-like-health-care-construction-and-transportation-workers-from-16-new-occupations-now-eligible-for-permanent.html) <https://www.canada.ca/en/immigration-refugees-citizenship/news/2022/11/solving-labour-shortages-in-key-sectors-like-health-care-construction-and-transportation-workers-from-16-new-occupations-now-eligible-for-permanent.html>

¹⁴ I'm an international student. Can I continue to work after I've finished my study program? ([cic.gc.ca](https://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=1472&top=15)) <https://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=1472&top=15>

¹⁵ Work in Canada after you graduate: Who can apply - [Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/work/after-graduation/eligibility.html) <https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/work/after-graduation/eligibility.html>

semester can be taken part-time to retain the PGWP eligibility. If a student takes an 'approved by their educational institution' leave of absence, they will still be eligible to apply for PGWP once they complete their study program.

The prescribed maximum validity period of PGWP is 3 years. Those students who completed a study program of 2 years or longer will receive a 3-year PGWP (subject to their passport expiry date). It is important to note that an international student may only apply a Post-Graduate Work Permit once and that it can only be extended in limited circumstances (an extension due to a passport expiry date that precedes the PGWP eligibility end date, or an extension due to a public policy issued by the IRCC that is valid for a limited time-period and has a specific eligibility criteria).

Only those international students who submit their PGWP applications

while their study permits remain valid are authorized to commence working in Canada while waiting on the processing of the PGWP.¹⁶

Currently, the processing of a PGWP on average takes 5-6 months.

If the candidate you wish to hire for a position with your company advises you that they are on maintained work status while waiting on a PGWP application processing, in order to prove their eligibility to work, they must provide you with the letter issued by the IRCC confirming the maintained work status. These letters often indicate an end eligibility date of work permit authorization. You may disregard the end date, as according to the legislation, the PGWP applicant may continue working while waiting on the processing of the application until the final decision is made on the work permit application.¹⁷

The main issue pertaining to hiring international students, PGWP-applicants, or PGWP-holders remains the difficulty with retaining them as permanent employees. Most foreign students and graduates rely on their employer in hope of assistance with work permit extensions and support of their permanent residence applications. My advice is the best approach you can take is mitigating the expectations! As an employer, do not make promises to support any immigration applications, unless you have consulted an immigration lawyer to find out what such 'support' entails and you are prepared to provide it.

International students and graduates are our present and our future when it comes to the Canadian labour market. The immigration law requirements add complexity to the recruitment and retention processes. As such, assistance of a legal professional in some cases is inevitable.

¹⁶ Can I work while I am waiting to receive my post-graduation work permit? ([cic.gc.ca](https://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=1181))
<https://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=1181>

¹⁷ Ibid.

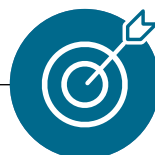
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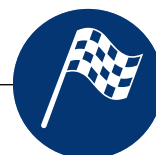
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MLA Awards Profile (Part II of IV)

Access to Justice - Danielle D'Alonzo



The MLA Access to Justice Award recognizes individuals who have demonstrated a commitment to providing commendable legal services to those in need through Legal Aid Ontario or through pro bono legal services and/or offered academic contributions pertaining to the study of legal aid and/or created innovative measures or built links between lawyers and community organizations/advocates to promote better access to justice in Middlesex County.

Danielle D'Alonzo is a criminal defence lawyer at Snow Lawyers Professional Corporation. Since her call to the Bar in 2019, Danielle's practice has developed a particular focus on complex evidentiary and constitutional applications in both the Ontario Court of Justice and the Superior Court of Justice. Danielle is passionate about protecting the rights of her clients,

which include some of the most vulnerable and marginalized members of our community.

What does "access to justice" mean to you?

Access to justice, in the simplest terms, is about removing barriers and making high quality legal services available to everyone. For me, access

to justice means accepting retainers through Legal Aid Ontario's certificate program, knowing that the hourly rate does not reflect the true value of my time and that I likely will not be compensated for all the time that I work; it means putting in as many hours as it takes to prepare a bail hearing, trial, Charter application, or sentencing proceeding even after I've exhausted the hourly cap; it means setting a high standard of service and offering it to any client regardless of their financial circumstances.

As you look to the future, what changes do you foresee in the practise of criminal law?

Some of the biggest changes to the practice of criminal law took place throughout the pandemic – virtual courts and paperless operations changed how we practice. For a trial or preliminary hearing there is really no substitute for in-person proceedings, but a number of the virtual features that were adopted can be quite helpful for individuals who live in remote communities or who have challenges coming to court for administrative adjournments. Virtual administrative courts also allow individuals to have access to more lawyers who might not otherwise take on a case in a particular jurisdiction.

Going forward, I am hopeful to see changes in the criminal defence bar itself. Legal Aid Ontario has announced changes to the fees lawyers are paid for legal aid work, including increases to the hourly rate and the standard hours allotted per certificate. After years of seeing young defence lawyers leave defence practice, I am hopeful that these improvements to Legal Aid will encourage more young lawyers to enter criminal defence practice.

What advice do you have for small firms/sole practitioners in organizing and managing their practice?

From a practice management perspective, I think it is important to develop good habits and adopt effective systems early in your career when things might be slower; make notes, keep records of everything, and stay organized. This helps build a solid foundation for when your practice grows and will help it grow smoothly. Some things might seem unnecessary when your practice is smaller, but once you start to take on more clients and have more obligations, it will be well worth it.

From a practice development perspective, it is important to always be prepared by knowing both your case and the law as it relates to your case. This seems obvious for the trial stage of a case, but it is just as

important for all the steps leading up to a trial and can sometimes help avoid a trial altogether. When you put in the work upfront, it helps you understand where the case can go, and it also helps you understand avenues you can pursue (or not) with other cases. This approach also allows a new lawyer to be more confident, knowing they have prepared thoroughly. Clients see this confidence too; it lets them know you care and lets them feel comfortable working with you. From a business development standpoint, a happy client is an excellent resource. After the case has ended, a client can often become your advocate and will promote you to their friends and family.

Your practice has a particular focus on complex evidentiary and constitutional challenge applications in both the Ontario Court of Justice and the

Superior Court of Justice. What drew your practice to this particular focus?

In law school, I was drawn to criminal law because I was interested in how individuals interact with the State. I was attracted to the idea of one lawyer being able to hold powerful institutions accountable. As I started working in criminal defence, my interest in individual rights became a passion. The Charter of Rights and Freedoms is one of the few tools regular citizens have available to guarantee our individual rights, and then to hold State actors accountable if those rights are violated. When evidence is excluded because it was obtained in an unconstitutional manner, it ensures fairness in the trial process and contributes to the public's confidence in the administration of justice. Charter applications also require an emphasis on written advocacy, which I really enjoy.

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MLA Sponsorship of the Western Cup

Keystone Event of Western's Mooting Society



The Middlesex Law Association was a proud sponsor of this year's Western Cup, which was held on October 21 and 22 at Western University. This annual competition open to undergraduate students across Ontario was organized by Western's Mooting Society, an academic club that focuses on fostering and developing oral advocacy skills through moot court style competitions. Trustees Jake Aitchison and Grace Smith attended the reception on October 21 and met many of the skilled competitors.

As the keynote speaker, Jake addressed the

competitors. He shared that many young lawyers shy away from difficult cases because of the fear that they may lose publicly at trial. He encouraged all the competitors to fight their ego and learn that one's skills as an advocate are not defined by wins or losses. He encouraged all of the competitors to continue to take risks in their careers, like being judged in a moot court competition, as the experiences would be more rewarding than the results.

The Mooting Society recently shared their thanks with the MLA: "Without your organization's faith in our event, it would not have



been a possibility. Jake, it was an honour to hear you speak on your experiences and the benefits of joining law associations."

Overall, this event was a tremendous success for the MLA as it furthered our goal of establishing a strong connection with Western University.

Remove AIDA from Bill C-27



Contributed by:
David Canton / Lawyer and Trademark Agent

Bill C-27, the proposed legislation that will replace the Personal Information Protection and Electronic Documents Act (PIPEDA), Canada's private sector privacy legislation, is slowly making its way through the legislative process. This post sets out where it is at, and what businesses need to know.

Bill C-27 includes:

- The Consumer Privacy Protection Act (CPPA) that will replace PIPEDA;
- The Personal Information and Data Protection Tribunal Act that would create a privacy tribunal as an enforcement mechanism in addition to the Privacy Commissioner; and,
- The Artificial Intelligence and Data Act (AIDA) that will regulate some commercial uses of artificial intelligence.

While the CPPA needs some changes before it is passed, it is the second attempt to draft a PIPEDA replacement and is reasonably close to the final form.

The AIDA on the other hand is a hastily put-together high-level shell without substance or detail. It needs a lot of work.

Bill C-27 recent developments

The Ministry just started hearings into Bill C-27 that got off to a [bad start](#). The hearings were set to hear about 30 witnesses over several sessions. The Minister had promised amendments to the bill and was criticized for hearing from witnesses about the draft bill without knowing what the proposed changes were. Professor Michael Geist

wrote, "[This secretive, non-transparent approach is unfortunately consistent with the privacy and AI reform process.](#)"

A group of 45 organizations and experts sent an [open letter](#) to the Industry, Science, and Economic Development (ISED) Minister. The letter sets out a [number of concerns](#) and wants the AIDA separated from the CPPA so the AIDA can be properly considered and drafted. They want ministries other than the ISED to be involved in the AIDA drafting process.

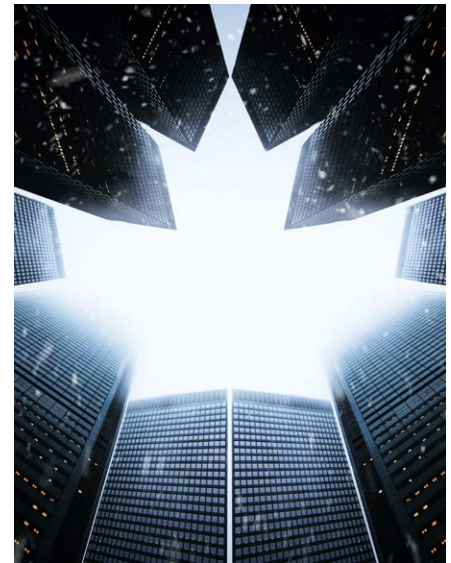
A few months ago, the government published [The Artificial Intelligence and Data Act \(AIDA\) — Companion document. It is a high-level primer on the government's approach to AI regulation.](#)

The government just released a [Voluntary Code of Conduct on the Responsible Development and Management of Advanced Generative AI Systems](#). It is a non-binding voluntary code that was signed by 14 businesses, including Telus, Open Text, and Blackberry. The government refers to this code as "[... a critical bridge between now and when \[AIDA\] would be coming into force.](#)"

My take on all this

The government should disclose its proposed amendments to the CPPA so the witness comments are more relevant.

The AIDA should be separated from C-27. The CPPA is in a more mature state and should not be held up by the AIDA drafting and comment process. It is crucial to get AIDA right and



pushing it through with the CPPA is not conducive to that.

What business should do

On the privacy side, be aware that when the CPPA replaces PIPEDA it will require a review of privacy practices to make sure they comply with the new rules. And that it will require internal documentation and policies in addition to current privacy policies.

If a business is providing AI products, it should become familiar with the AIDA companion document, and the voluntary code of conduct. While neither of those is enforceable law, they give an indication of where legislation is headed. Being able to state that you comply with the code may give some comfort to potential customers.

[David Canton](#) is a business lawyer and trademark agent at Harrison Pensa with a practice focusing on technology, privacy law, technology companies and intellectual property. Connect with David on [LinkedIn](#), [Twitter](#), [Mastodon](#) and [Bluesky Social](#).

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Section 7 Expenses and Post-Secondary Education: Who Pays for What



Contributed by:
Elizabeth Dellio / Student Lawyer, McKenzie Lake

Post-secondary education can be an exciting, yet expensive, time for many students and their parents. This can be especially complex when parents are separated. The courts in Ontario have often found that separated parents can be responsible for post-secondary expenses under section 7 of the *Child Support Guidelines*, even for a child over the age of majority.

Payment and Duration

Section 7(1) of the *Guidelines* provides for "special or extraordinary expenses", which includes post-secondary costs. Per the *Guidelines*, parents are often responsible for sharing post-secondary expenses proportionately based on their respective incomes after deducting the contribution, if any, from the child.¹

Section 3(2) of the *Guidelines* outlines support obligations for a child the age of majority or over. So long as the child continues to have the need, and the parents continue to have the financial ability to contribute, the age of the child becomes less significant.²

Additionally, there is nothing in the *Guidelines* indicating that a child with their own financial assets should be required to contribute it all towards their post-secondary education

before their parents are called upon to provide support.³ There is an expectation that the child will be able to contribute a reasonable and meaningful amount to their own education, the extent of which depends on the circumstances, including the capabilities of the child, the financial means of the parents, and the work and school schedule of the child.⁴

Tax guidelines allow for a student to transfer up to \$5,000 annually in tuition tax credit, less the amount they needed to reduce their own tax owing, to one parent or grandparent. This can be done with the consent of the student, who must sign a document specifying the intended transfer to the designated person.

The current demands and competition in the job market have forced many students to pursue multiple degrees. Parents may have a continued obligation to support while the child pursues their second, or even third degree. However, there needs to be a clear career path and a connection between the first and subsequent degrees.⁵ The court will look to see if either parents have attained higher education, or encouraged the child to pursue additional degrees.⁶

Fulltime Enrollment, Student Loans, and Living Away from Home

Courts have followed a flexible approach in determining what constitutes full time enrollment. A child can be found to be enrolled in a full-time program while taking less than a full course load, so long as their participation is "meaningful and consistent" with the program's purposes and objectives.⁷ The court must examine the individual circumstances when making this determination, with the child establishing need.

The decision to attend university away from home is within the "range of normal" for students who can afford the choice. In determining reasonableness, the court will look to the family's spending pattern prior to separation, as well as their income.

A student loan is not a "benefit" within the meaning of the *Guidelines*. The courts have been clear that student loans are not to be equated with bursaries, grants or scholarships. Students should not have to take on significant debt, particularly if their parents are in a financial position to provide them with support. However, a child should make an attempt to apply for available scholarships and bursaries, or other forms of eligible financial assistance.⁸

¹ *Ibid* at s.7(2).

² *Ibid* at s.3(2)

³ *Lewi v Lewi*, 2006 ONCA 15446 ([CanLII](#)).

⁴ *Ibid*.

⁵ *Albert v Albert* 2007 ONSC 29972 ([CanLII](#))

⁶ *Ibid*

⁷ *Vohra v Vohra* 2009 ONCJ 135 ([CanLII](#)); *Wilson v Wilson* 2002 ONSC 2824 ([CanLII](#)).

⁸ *Easton v Coxhead* 2018 ONSC 4784 ([CanLII](#)).

Highlights from Court House Rocks XVIII – 2023



Contributed by:
David Thompson / Lawyer, Shillington McCall LLP

Court House Rocks XVIII- 2023, together with event partner the Middlesex Law Association, wants to thank all our sponsors, volunteers, performers, and supporters for another successful event on October 20, 2023 at Rum Runners in the London Music Hall. We are still finalizing the tally, but we were able to raise approximately \$16,000.

Friday evening was a cool, gloomy, wet night. Upstairs at Rum Runners in the London Music Hall, we had a warm, happy, generous crowd enjoying some very fine music and scintillating performances. The music culminated with the presentation of the coveted Pensa Trophy by last year's winner, Carolynn Conron, to new call and CHR rookie Jeremy Wright, Jim Zegers, David Kirwin, Michel Castillo, and Peter Filion, otherwise known as BAND ON THE FLY, for their outstanding performance.

Throughout the night, we heard outstanding music and performances from CHR veterans and mainstays Randy Mills and his group; Zach Wilson; Michel Castillo (solo); RBC-DC with Jimmy Z; Carbolic Smoke Balls; Wyld Stallions with Jimmy Z and Adam Campbell with the Wyld Stallions. RBC-DC also had a bag piper along, which was a great addition to the show.

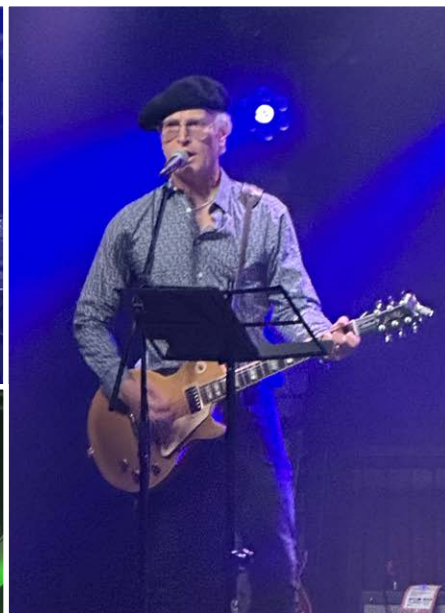
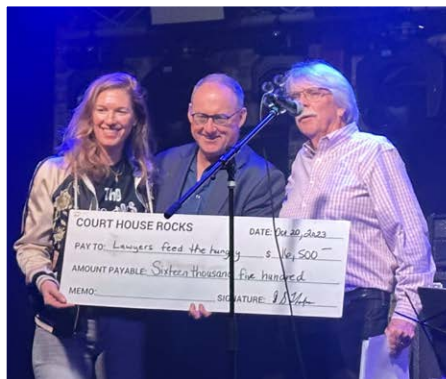
Randy Mills, RBC-DC, and Wyld Stallions with Jimmy Z have performed at all 18 Court House Rocks events. The other acts have also been long-time supporters and crowd favourites. We thank them all!

Everyone enjoyed a great evening of socializing and friendship in support of a very worthy cause.

Court House Rocks and London Lawyers Feed the Hungry want to thank our event partner the Middlesex Law Association for their great help with our promotion, registrations, website and event page. Thanks also

to the London Music Hall and Rum runners for their help.

All of us want to send special thanks to our Diamond sponsor Matson, Driscoll & Damico Ltd. (MDD Forensic Accountants); Platinum sponsors Siskinds and Harrison Pensa; Gold sponsors Lerner and Miller Thomson; Silver sponsor Corley Developments; and Bronze sponsors Shillington McCall, Title Plus, McKenzie Lake, Marcus Hoare Dalton, Kirwin Fryday Medcalfe, Dobson Law, James Zegers Law, FP Law, MDM Reporting, London Verbatim Reporting, Long & McQuade Musical Instruments, and Quantum Verdi.



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Save the Date

Mental Health Wellness in the Legal Profession

Free Lunch & Learn

November 9, 2023 1:00 -2:30 p.m. at the Practice Resource Centre
(Light refreshments will be served.)

Join us in-person to hear Jason's journey and advice on managing one's mental health as a legal professional.

Jason Ward, recently retired from litigation at age fifty, co-owns with his wife a twelve-lawyer, full-service firm in Central East, one of the largest regionally. Certified by the Law Society as a Specialist in Civil Litigation, Jason is very enthusiastic about mental health wellness in our community, especially for lawyers. After his story was spotlighted by national media/organizations in both Canada and the U.S., like MacLean's and the American Bar Assoc., Jason spends much of his time publicly speaking to others about his journey. He is dedicated to raising awareness, de-stigmatizing and making paramount mental health wellness for everyone, particularly for legal professionals.

**For those who can stay from 2:00-2:30 p.m., we look forward to the questions and discussion that Jason's session will mobilize!*

REGISTER TODAY!

Wills, Estates & Trusts 19th Annual Conference

Virtual Offering

Friday, November 10th, 2023
9:00 am – 12:00 pm

Speakers:

Laura Geddes, Siskinds LLP

Casey Hayward, Carlyle Peterson Lawyers LLP

Kerry McGladdery Dent, Spero Law

Erin Naylor, Scott Petrie LLP

Shelby Sandford, London Trauma Therapy

Committee Chair, Jennifer Hawn, Spero Law welcomes you to join this annual conference which offers a full agenda with an incredible group of experts. The morning will include:

Wills – 101 – Foundational Steps for a Wills Practice

- Identification, Intake Interview and Retainer Scope
- Registered Assets
- Signing Issues

Panel – Carrying the Mental Load of a Wills and Estates Practice

- Social worker, grief professor, and lawyer perspectives

Estate Administration

- Who is Your Client & Estate Administration Intake
- Valuing Unusual Assets
- Intestate Issues

REGISTER TODAY!

Courtroom Etiquette, Procedure & Decorum

In-person November 22nd, 4:00 – 6:30

Committee Chairs, Hilary Jenkins (McKenzie Lake Lawyers) and Natalie Carrothers (Lerners LLP), invite you to join this after-work CPD and are pleased to welcome our exciting line-up of speakers!

Keynotes:

Local Administrative Judge of the SCJ, **Justice Alissa K. Mitchell**

Local Administrative Judge of the SCJ (Family Branch), **Justice Kiran Sah**

Speakers:

Danielle Douek, Lerners LLP

Matthew Villeneuve, McKenzie Lake Lawyers

Justices Mitchell and Sah will share their invaluable advice, insights, and recommendations with attendees. Danielle and Matthew will share their experience with best courtroom practices and answer questions that attendees may have on approaching specific scenarios. This session will be helpful to Family and Civil litigators as well as any lawyer seeking a refresher on expected practices in the courtroom – both in-person and virtual.

REGISTER TODAY

Personal Injury Conference

Thursday December 7th, 2023
9:00 a.m. – 3:00 p.m.

Speakers:

Vicki Edgar and **Alexa Duggan**, Cohen Highley LLP

Craig Wilkinson, MEA

Mary-Anne Strong, Beckett Injury Lawyer

Dale Edens, Eden Dales Social Work

Stephanie Greenwald and **Cala Mitra**, RSM

Victoria Edwards, Siskinds LLP

Greg Willson, Lerners LLP

Committee Chair, Anna Szczurko, welcomes you to join this year's re-booted Personal Injury Conference, in-person at Ivey Spencer Leadership Centre. Lunch and refreshments throughout the day will be provided in the amazing training space with easy access to a break hub for needed work check-ins. Some highlights of the agenda include:

- McCurdy et al v Maille et al: A discussion with Vicki Edgar and Alexa Duggan

- Engineering Data and its use at Discovery
- The Trauma Informed Practice with Dale Edens (EDI) with MEA
- Quantifying Sexual Abuse with RSM
- LAT Rules Changes and LAT Decision Updates

REGISTER TODAY!

MLA Annual Holiday Party

Thursday, December 14th

5:00 – 8:00 p.m.

**Toboggan Brewing Co.,
585 Richmond St.**

Please join your colleagues including the MLA Board of Trustees for our annual holiday party to celebrate 2023. Enjoy a drink and appetizers as you connect with members of the Middlesex legal community. Victoria Park lights will be on full display!

This event is complimentary but you **must** register to attend!

REGISTER TODAY!



Member Updates

The 2023-2024 print MLA Members' Directory is now available for pickup from the MLA Practice Resource Centre. You can always access the up-to-date membership details through our [online members' directory](#). Please [let us know](#) if you move.

Amin, David – his email has changed to damin@menearlaw.com

Croft, Christine – new paralegal member at Croft Radan LLP, 310V-341 Talbot St., London N6A 2R5, ph: 519-914-4331 x1, christine@croftadanllp.com

Fahreen, Nazia – New Call who can be reached at 519-857-8885, fahreen.nazia@gmail.com

Forrest, Theresa – new paralegal member at Croft Radan LLP, 310V-341 Talbot St., London N6A 2R5, ph: 519-914-4331 x3, dir ph: 519-902-4223, theresa@croftadanllp.com

Joudrey, Micheal – new paralegal member at Neighbourhood Legal Services London & Middlesex, 200-717 Richmond St., London N6A 1S2, ph: 519-438-2890, fax: 519-438-3145, micheal.joudrey@nlsim.clcj.ca

Mansour, Chelan – is now at MD Financial Management, 1000-150 Dufferin Ave., London N6A 5N6, ph: 519-432-0883 x3550, chelan@md.ca

Neighbourhood Legal Services London & Middlesex – has moved to 200-717 Richmond St., London N6A 1S2. This address update applies to Justin Chong, Allison Darling, Sabreen Ghenniwa, Michael Laliberte, Kristie Pagniello, James Simpson, Maninder Singh, and Monica Wolf

Riley, Sudine – New Call at Aitken Robertson Professional Corporation, 151 York St., London N6A 1A8, ph: 519-930-7586, dir ph: 289-987-7662, sudine@aitkenrobertson.com

Roos, James – is now at the Public Prosecution Service of Canada, Crown Counsel, 465 Richmond St., 2nd fl., London N6A 5P4, ph: 519-645-2650, dir ph: 226-385-7420, fax: 519-645-2446, james.roos@ppsc-sppc.gc.ca

Woods, Emily – New Call at MD Lawyers, 500-285 King St., London N6B 3M6, ph: 519-672-1953 x5231, fax: 519-672-6689, ewoods@md-lawyers.ca

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jenniferh@sperolaw.ca

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519-633-2638

leslie.ibouily@eolc.clcj.ca

Hilary Jenkins

519-672-5666 x7301

hilary.jenkins@mckenzielake.com

John A. Nicholson

519-672-9330

jnicholson@cohenhighley.com

Grace Smith

519-661-2489 x4709

grsmith@london.ca

Geoff Snow

519-434-7669

geoff@snowlawyers.ca

Anna Szczurko

519-660-7784

anna.szczurko@siskinds.com

Gregory R. Willson

519-672-4131 x 6340

gwillson@lerner.ca

BENCH AND BAR

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Wills, Estates, Trusts

MLA STAFF

Executive Director

Tracy Fawdry

519-679-7046

tracy@middlaw.on.ca

Library Staff

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

Will Notices

Allan Troy Firus

Anyone knowing of a Last Will and Testament for Allan Troy Firus, born September 12, 1969 and died September 18, 2023 of London, Ontario, please contact Sue Carlyle at 519-432-0632 x 222, scarlyle@cplaw.com.

James Calvin Henry Matheson

Anyone knowing of a Last Will and Testament for James Calvin Henry Matheson, born February 12, 1941 and died October 4, 2023 of Listowel, Ontario, please contact Diane Matheson at 519-444-4462, email: ddmatheson5@gmail.com.

Edward O'Dwyer

Anyone knowing of a Last Will and Testament for Edward O'Dwyer, born January 15, 1926 and died November 9, 1991 of London, Ontario, please contact Eric and Shelley (O'Dwyer) Mallari at 226-600-1199, ericmallari10@gmail.com.

Harald Roehm

Anyone knowing of a Last Will and Testament for Harald Roehm, born July 28 1960 and died October 5 2023 of Strathroy/Caradoc and London, Ontario, please contact Ingrid Roehm 365-889-6701, email: ingridroehm13@gmail.com.

Robert William Sneddon

Anyone knowing of a Last Will and Testament for Robert William Sneddon, born November 30, 1942 and died July 26, 2023, please contact Marian Geerlinks at Nesbitt Coulter, 519-539-1234 ext 225, mgeerlinks@nesbittlaw.com.

Corey Douglas Wright

Anyone knowing of a Last Will and Testament for Corey Douglas Wright, born August 5th, 1975, and died September 28th, 2020 of Plympton-Wyoming, Ontario, please contact Chad Wright at 519-402-2323, email: chadwright2020@outlook.com.

Flora Lillian Margierite Turple

Anyone knowing of a Will of the late Flora Lillian Margierite Turple, also known as Flora Marguerite Turple, born March 26, 1932, and died September 13, 2023, of London, Ontario, please contact Erin Naylor at Scott Petrie LLP, 200 – 252 Pall Mall Street, London, Ontario, N6A 5P6 or call 519-433-5310 ext 225 or via email at enaylor@scottpetrie.com.



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