

# THE MIDDLESEX LAW ASSOCIATION **Snail**



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## December 2023 Issue

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

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Middlesex Law Association Newsletter

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# President's Message



Contributed by:  
**Jake Aitchison / Lerner LLP and MLA Board President**

**A**s 2023 draws to a close, I'd like to highlight some of the work the MLA Board has accomplished over the past 11 months. It has been impressive to say the least.

At the Annual General Meeting in February, new by-laws were adopted by the MLA that will help guide and shape the Association over the next decade. At that time, the MLA expanded its membership to include paralegals, and we subsequently welcomed several new members into the fold. An election was conducted in the fall, which resulted in Stacey Pipicelli being elected by our paralegal member to sit on the MLA Board. In November, the MLA Board welcomed Stacey at her first meeting. We look forward to working with Stacey, and all the paralegals, over the next year to develop programs and

events that are of interest to our new members.

Throughout the year, the MLA Board has been committed to ensuring the bench and bar maintain a dialogue to help each other overcome the post-pandemic realities facing our judicial system. The MLA Board successfully organized the Straight from the Bench Conference in May (the first in-person SFTB since 2020) and the Opening of the Courts Ceremony in September. Both events provided an opportunity for the bench to connect with the bar and provide insights into the issues confronting the administration of justice locally.

The Practice Area Committees built upon their successes from last year and once again organized a variety of unique and interesting legal conferences and socials for

our members. In addition, the MLA Board has also continued to strengthen ties with Western University. In an effort to attract talented lawyers to this region, the MLA Board sponsored a student led moot program this fall and hosted a social event for Western law students, providing them an opportunity to discuss the practice of law in Middlesex County with some local practitioners.

Lastly, the MLA Board has been committed to providing additional supports to our members to help them reach new heights in their practice. We installed pods for virtual court appearances, restructured our technical infrastructure within the Practice Resource Centre, and continued to investigate other technologies which could better serve our members. Finally, (and perhaps most importantly for many of our members), we began offering complimentary coffee at our coffee station within the Practice Resource Centre.

The MLA Board has worked tirelessly over the year. As should be obvious from the above, we have accomplished a lot in a very short period of time. I want to thank and commend all of our Trustees this year who have dedicated their energy and time to enhancing the practice of law in this community: Jennifer Wall, Nicola Circelli, Jacqueline Fortner, John

Nicholson, Rasha El-Tawil, Hilary Jenkins, Grace Smith, Anna Szczurko, Jennifer Hawn, Greg Willson, Geoff Snow, Leslie Ibouily, and Natalie Carrothers. All of these individuals reflect the very best in our community. If you're interested in becoming a Trustee, I encourage you to put your name forward in 2024. Being a Trustee is an incredible opportunity to work with creative and dedicated individuals to improve the community around you. If you have any interest in applying, please don't hesitate to connect with me to discuss the role and its expectations.

The MLA Board would not have been able to achieve its goals in 2023 without the support and dedication of our incredible executive director, Tracy Fawdry. Not only has Tracy supported and offered advice to the MLA Board on governance and operational issues, she has brought innovative ideas to the MLA Board, been instrumental in the management of every MLA program and event, and has worked relentlessly to fulfill the mandate of the MLA Board to its members. Through her exceptional work, she's set a high standard for our entire association. Last, but certainly not least, to our staff, Cynthia Simpson and Shabira Tamachi, I want to take a moment to express my sincere gratitude to each of them for their outstanding contributions to



the MLA. Their hard work, dedication, and commitment have not gone unnoticed by the Board. We are truly grateful for their willingness to go above and beyond, and it has been a pleasure to work alongside such an excellent team during my time on the Board.

Lastly, in November, the MLA saw the retirement of the Honourable Justice Grace. On behalf of the members of the MLA, I want to express our deep gratitude and appreciation to him for his years of service to this region. Since arriving in London in 2012, Justice Grace has worked tirelessly to

improve the administration of justice. We were all fortunate to have had him at the helm of our court for nearly a decade. He is the standard to which all others are judged moving forward.

With that, on behalf of the Board, I wish each of you a peaceful holiday season and the very best for 2024.

**Jake Aitcheson**

*President*

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# Federation of Ontario Law Associations (FOLA) Fall Plenary 2023 Wrap-Up



Contributed by:

**Tracy Fawdry / Executive Director, Middlesex Law Association**

**F**OLA hosted their Fall Plenary on November 8th-10th in Windsor this year, welcoming Law Association board and staff leaders from across Ontario. The agenda was an exceptional mix of presentations, panels, updates, and facilitated discussions followed by brainstorming with very diverse Law Associations.

Topics were incredibly timely and on trend in addressing important themes and key issues within the justice sector and the legal professions. Highlights included: insights from government leadership, Indigenous legal orders led by the incredible Beverly Jacobs, official languages and related rights in legal proceedings, AI and the practice of law, new pathways to the profession

experiential structures, and navigating Legal Aid Ontario. Many of the agenda themes overlapped substantially with the work of FOLA to solicit feedback and advocate for input on formal consultations being led by various justice partners.

Presentations focused on supporting the management and governance of Law Associations including: ONCA, memberships (including paralegal professionals), and funder updates and new initiatives from the Legal Information & Resource Network (LiRN). Networking opportunities among regional hubs allowed lawyers and Association staff to understand changes, needs, and issues within local courthouses and broadly,

in the administration of justice. Leadership within the Courts Digital Transformation Initiative brought updates on their progress against plans as well as the announcement that Thomson Reuters has been awarded the contract for a new digital justice platform.

Sincere thanks to FOLA President, Douglas Judson, the FOLA Board of Directors, and FOLA staff Kelly Lovell, for organizing an exceptional Plenary, all during a period of staffing transition for the organization. The opportunity to network, brainstorm, and learn, not only from expert presenters, but from other Law Association leaders across the province, was invaluable for me and our MLA President, Jake Aitcheson.



# Practice Resource Centre News



Contributed by:  
**Cynthia Simpson and Shabira Tamachi**  
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## The Legal Singularity - How AI Can Make Law Radically Better

This was one of the sessions we attended at the spring Canadian Association of Law Libraries conference. The speakers of this session, Abdi Aidid and Benjamin Alarie, are the authors of a book by the same name, *now available at the MLA library*. They began the session by defining legal singularity as a future state in which technology facilitates the ongoing functional completeness of the law. Their company, Blue J Legal, uses artificial intelligence (AI) and large language models (LLMs) to predict how courts will decide based upon current precedent.

Benjamin provided an overview of the development of AI in the legal profession, with the switch from analog to digital beginning around 1950. The conversion of analog resources to digital may have started, but computers were still only in larger centres such as QUIC at Queens (where Quicklaw began), and there was still a strong reliance on paper-based research. By 2015, computational developments such as predictive text supercharged legal analysis, but we are still at Day 0 of this era. Even Oliver Wendell Holmes in the 1890's saw prediction as law's long-held aspiration - "The prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law."

So, what do we stand to gain from legal singularity? Benjamin noted five benefits:

- Better dispute resolution - judging will become more normative and policy-oriented and will better meet society's needs,

- Universal legal literacy - the law will be knowable everywhere and on-demand. Individuals will have a real-time sense of their legal rights and obligations,
- Evolved lawyering - lawyering will become more pervasive but will change in ways that will demand more creativity and dynamism,
- More rigorous debate - the proliferation of AI technology will require grappling with law's deep shortcomings and possibilities, and
- Fairer and better law - law will become more complex and specified, but also fairer, clearer, and better calibrated.

Law firms and courts are already adapting to the emergence of AI, with large firms creating in-house AI teams, accountants investing billions into generative AI technology, and even some judges using ChatGPT to draft court decisions. However, the drawback on this reliance is that, if not monitored correctly, it can result in AI hallucinations like the famous 2023 American case.

Demands on researchers are going to increase as there will be even more resources than before - demographics, social science information, economic forecasts, etc. - and researchers will need to focus on the best approaches and tools to get reliable information. Ask for Benjamin and Abdi's book, *The legal singularity: How AI can make law radically better* the next time you are in the library if this emerging development in the law interests you.

## PRC Holiday Hours

The Practice Resource Centre and library will be unstaffed for the 3 business days between Christmas and New Year's Day plus the statutory

holidays. This year, the days we will be unstaffed are:

- Friday, December 22nd (remote assistance available until noon)
- Monday, December 25th (statutory holiday)
- Tuesday, December 26th (statutory holiday)
- Wednesday, December 27th
- Thursday, December 28th
- Friday, December 29th
- Monday, January 1st (statutory holiday)

The main entrance to the library will be locked on these days and members will need the code to open the door. If you do not remember the code, please call 519-679-7046 or [email us](mailto:email us).

## AccessCLE

Have you checked the library catalogue and found an LSO CPD chapter that looks perfect, but you don't have the time to come to the library to check out the book? Luckily, you don't have to! The Law Society's CPD portal, [AccessCLE](#), holds all LSO CPD papers going back to the mid-2000's. We love it here because it's nicer than photocopying the chapter from the binder, or if our copy of the title is missing or signed out.

The benefit of [AccessCLE](#) over the catalogue is that it searches the contents of the chapters, not just the titles themselves. So, a search in the catalogue for the term "resulting trust" finds 31 records because there are 31 books or papers with those words in the title. However, in [AccessCLE](#) there are currently 287 hits to chapters that contain the phrase. The results display in reverse chronological order and can be downloaded or printed using the PDF icon link in the record.

We always love to see our members in the library, but this is a great way to access a resource if the weather is bad or you don't have the time to come here in person.

## New Books

Aidid, Abdi and Benjamin Alarie. **The legal singularity: how artificial intelligence can make law radically better**, University of Toronto Press, 2023.

Archibald & Echlin. **Annual review of civil litigation 2023**, Thomson Reuters, 2023.

Houlden, L.W. et al. **2023-2024 annotated Bankruptcy & Insolvency Act**, Thomson Reuters, 2023.

LSO. **24th employment law summit**, 2023.

LSO. **6th motor vehicle litigation summit**, 2023.

LSO. **Practice gems: administration of estates 2023**, 2023.

LSO. **Practice gems: Probate essentials 2023**, 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

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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# MLA Awards Profile (Part III of IV)

## Philanthropy Award - Anju Fujioka



The MLA Philanthropy Award recognizes exceptional contributions and/or dedication by MLA members to the community by supporting not-for-profit organizations and/or performing charitable services.

**Anju Fujioka** is a lawyer at Beckett Personal Injury Lawyers, where she specializes in representing survivors of sexual and gender-based violence (SGBV). She also works as a Canadian SGBV Expert for a Global Affairs Initiative and Supervises the Legal Information for Sexual Assault (LISA) program at Western University. Anju serves as the Board Vice Chair of Anova and is a Board Member of the Women's Legal Education and Action Fund (LEAF).

**What drew you to become an advocate for survivors of sexual and gender-based violence?**

Hearing about and living through

experiences of SGBV always left me with many complicated and contradictory feelings, including helplessness. Advocating for survivors helps me channel these feelings into something productive. I can walk with survivors in their anger and despondence, but also empower them to take back their control, strength, and hope.

**How would you describe practicing law in Middlesex County?**

In a word, "balanced". Compared to larger cities, lawyers in Middlesex County have more freedom to define their own "balance" and maintain it. For many, balance is having a 9-5 job and

prioritizing time with children. For me, it's balancing my job at Beckett with my other projects and passions.

**You became a founding member and the supervising lawyer for LISA (Legal Information for Sexual Assault), a pilot project launched in 2023 in collaboration with Community Legal Services supported by Western Law. What impressed you about students looking to enter the legal profession?**

I am always impressed by their genuine compassion and desire to be part of something bigger than themselves. LISA would not exist without every single student who has volunteered their time. I want to specifically acknowledge Chanèle Rioux-McCormick who developed the idea for LISA, brought our core team together, and worked tirelessly during her articling year to lay the groundwork for the program. Despite her busy schedule as a first-year class actions litigator, she continues to dedicate so much energy and time as a project manager and lawyer at LISA. She is a remarkable woman, a cherished friend, and truly represents the best of our profession.

**You have a lengthy resume of volunteer work. What advice do you have for lawyers looking to start volunteering with any organization?**

First, be intentional about volunteering. Not all organizations will be the right fit, so take the time to understand whether the values of the organization align with your own and whether you can contribute in a meaningful way. Second, make humility your guiding light. Listen, learn, and serve genuinely and you can make a profound impact in our community.



# MLA Awards Profile (Part IV of IV)

## Distinguished Service Award - Alfred (Alf) A. Mamo



The MLA Distinguished Service Award recognizes exceptional career contributions and/or achievements by MLA members to the legal profession and/or a law-related benefit to the community including mentorship related to the profession of law and/or leadership roles in the community. Those who will receive the award will have made a significant contribution to the profession of law, whether as a solicitor in effectively performing services in that position, as a barrister in attaining an excellent reputation in the courts, as an academic, or for a single act of notable distinction and/or innovation in the practice of law that advances the ideals of the profession.

**Alf Mamo** has practised family law for 50 years during which period he has made various contributions to the profession and the administration of justice, including : serving as the senior instructor in the family law section of the bar admission course for a period of 35 years; acting as the

representative of the chief justice on the family law rules committee for 17 years and serving as adviser to the Ontario, Attorney General on family law matters, including the expansion of the unified Family Court.

### What drew you to a career in family law?

After my call to the bar, I had a general litigation practice. At that time Judge Maurice Genest was the family court judge in London and St. Thomas. He lamented the lack of lawyers, who had an interest in family law and encouraged me to do more family law cases, especially child protection work. I enjoyed the combination of law and social work, and I really liked working with children. Nobody else wanted those cases at the time and lawyers were happy to refer the cases to me.

### How has the practice of law changed since you began your career as a lawyer?

In the early 1970s the bar was much smaller and as a result there was more collaboration between lawyers and trials rarely went on for more than three days and we did not have the volume of the motions that we do now. Now most trials are gauged in weeks rather than days. Litigation is much more aggressive than it used to be, and process has taken over the conduct of an action rather than focusing on the substance of the dispute. Generally, there seems to be a lot less meaningful communication between members of the bar. We used to spend a lot more time on the telephone talking to each other about resolving cases. Now contact between lawyers often is restricted to terse accusatory emails. The business aspect of the practice has become predominant with this emphasis on the professional elements. These are of course, generalities, and there are a lot of very good lawyers who would not be included in the manner of practice I'm talking about.

**Law can be a challenging profession. What has brought you professional satisfaction and happiness?**

This might sound corny, but I found that professional satisfaction and happiness does not come with dealing with big money cases, but with helping those who are less fortunate in life and are vulnerable. It comes with coming up with creative solutions to difficult problems. It comes with taking a chance on taking on a trial for a deserving client, who might not have the money to pay you. Those are the cases where you feel that you have

made a difference in people's lives. After all, many family law lawyers are "do-gooders" !!!!

**What advice would you give to new calls to the bar as they begin their own legal careers?**

The most important and obvious advice I would give to young people embarking in the profession of law, or any other endeavour frankly, is

to be true to yourself. There will be times when you have to make tough decisions and having a core set of values and principles to guide you will make those decisions a lot easier. Have a good friend to share the good times and the bad times. Do not be afraid to say I don't know and seek the advice of others. So, we come back to where we begin "be true to yourself".



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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:

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# Protecting Children's Online Privacy



Contributed by:  
**David Canton / Lawyer and Trademark Agent**

**P**rivacy regarding children in Ontario is not expressly dealt with under the Personal Information Protection and Electronic Documents Act — the Federal privacy law that applies to the commercial use of personal information.

The Privacy Commissioner has dealt with this by issuing guidance documents regarding how children's privacy should be handled. "[Putting best interests of young people at the forefront of privacy and access to personal information](#)" is a resolution of several privacy commissioners that sets out some expected practices.

Those include:

- Doing privacy impact assessments and building children's privacy by design.
- Being transparent with privacy risks and providing privacy info in a clear manner.
- Set default settings to the most privacy-favourable settings.
- Limit tracking and profiling.
- Limit disclosure of personal info.

The proposed [Consumer Privacy Protection Act](#) that will eventually replace PIPEDA has a few provisions that refer to "minors", but it has been criticized for not going far enough.

Contrast this with the approach taken in the UK, which created the [Children's code](#) that "sets standards and explains how the General Data Protection

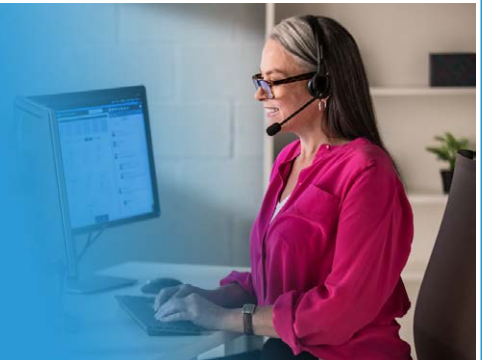
Regulation applies in the context of children using digital services." It is about keeping children safe and not exploiting them, rather than age-gating them off the internet.

Elizabeth Denham, the UK Privacy Commissioner who was instrumental in developing the Children's code, explains the age-appropriate design rules in this article titled "[Kids' and teens' online privacy and safety: 8 compliance considerations](#)." She also refers to legislation in a few U.S.

States that take various approaches to children's privacy. California has a law similar to the Children's code. The 8 considerations are:

1. Conduct youth impact assessments.
2. Implement age estimation, verification or assurance mechanisms.
3. Set "high privacy" by default.
4. Make legal language clear, concise and comprehensible.
5. Adopt data minimization practices.
6. Use algorithms and artificial intelligence responsibly.

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7. Provide parental controls.

8. Implement robust security measures.

Come to think of it, some of these would be good practices in general.

The Irish Data Protection Authority recently [rendered a decision](#) against TikTok for infringing "... the GDPR's principle of fairness when processing personal data relating to children between the ages of 13 and 17." They

imposed a fine of €345 million. If you want to wade through the 126-page decision you can follow the link above.

It's interesting to note that "[A third of GDPR fines for social media platforms linked to child data protection.](#)"

Several Canadian Privacy Commissioners are currently investigating TikTok's privacy practices. It will be interesting to see the result of that investigation.

[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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# One Year Alcohol-Free: Takeaways from a Lawyer Who Never Swore Off Drinking



Contributed by:  
**Sam Puchala / Criminal Lawyer and Founder of  
Velox Law Professional Corporation**

**“T**wo roads diverged in a wood, and I—I took the one less traveled by, and that has made all the difference.”  
—Robert Frost

I remember the last time I drank vividly: I had two stiff cosmos prepared by one of my favourite bartenders at a swanky spot in London. They were perfect: pink, refreshing, and just the right amount of zest—a dangerously tasty combination.

It was 5:00 PM on August 29, 2022, but this was no ordinary Monday evening. I had just received the news that I won the [MLA Rising Star Award](#) and went out to celebrate. I was so caught up in all the excitement that I unintentionally skipped dinner. By 7:00 PM, I was back at home, and I was tipsy enough that I had to nap it off. At 8:00 PM, I woke up with a hangover.

I was no stranger to that unpleasant feeling: the week before, I had been in Montreal at a Rammstein concert. After enjoying the generous pours of complimentary wine on the VIA train from Toronto (business class perks!), I was ready to rock for the evening.

Around midnight after the concert was over, I had to run outside of the A&W. I was trying to get food at downtown to throw up. Or so I thought: nothing came out, not even bile. While leaned over in that alleyway, I dry-heaved so hard that it felt like my abs were on fire.

In both of these more “recent” instances, I felt fine the next day. I had no more than a handful of drinks and they were all consumed several hours before I went to bed. I never once in my life drank to the point of saying: “I’m never drinking again!” But August 29, 2022—that would be the last time I would feel the effects of alcohol, and the last time I would be hungover. I just didn’t know it yet.

Within days of consuming those two final cosmos, I came across a news article stating that [Canada’s Guidance on Alcohol and Health](#) were going to be updated. The CBC headline revealed that the new guidelines would dramatically reduce what was considered low-risk drinking, ultimately suggesting no amount of alcohol was safe.

“Two drinks a WEEK?” I exclaimed as I read on. I was a social drinker who mostly indulged on weekends, but I was generally drinking a lot more than two standard drinks a week. I took some time to go through the guidelines and process what I was reading.

Although I had never considered quitting alcohol, it’s true that I had already been [sober-curious](#) and cutting back. Suddenly, everything clicked. While others became defensive at the announcements or joked about them, I saw the proposed guidelines as an invitation to improve my well-being, and I knew deep down

from that moment that I would never be a drinker again.

For a while, I told friends that I was sticking to what felt good. Some asked if I’d ever drink again. I skirted the truth to avoid judgment from the [almost 77% of Canadians who drink](#), and stuck to the observable facts: “I haven’t drank in a while and it’s improving my digestion, so I’m sticking with that right now” and “I stopped drinking a few weeks ago and I sleep so much better, so I want to keep that going” were some of my common lines.

Most people were silent or hesitant. Some even made negative or disapproving remarks: “What’s with the non-alcoholic drinks?” I stuck to the facts. “But you’ll be “good” (aka drinking) for your Halloween party, right?” I felt surprised and slightly annoyed as to why it would matter to others whether I drank or not. As with most things, I have realized that these types of judgmental reactions have more to do with other peoples’ own insecurities than with me.

According to the [Canadian Bar Association](#), lawyers are about four times more likely to suffer from mental illness than the general population. In my experience, alcohol is normalized

**“I’m a lawyer, I’m sober, and I cannot wait to seize the rest of my life.”**

– Sam Puchala



in the legal profession to the point that the act of quitting meant that I was taking the path less travelled. And I was fine with that because I knew that even if in the short-term, things seemed harder at times, in the long-term, I'd feel a million times better.

New me is happier and thriving more than ever, and now you know my secret. So, take it from me: you don't have to hit a "rock bottom" to make a life-changing decision. I decided to stop drinking during a time I considered myself to be doing well in many areas of my life. Now though, I sleep better, I am less anxious, my skin glows, my relationships improved, and so much more.

This journey isn't for everyone. It can feel extremely dark and isolating at times. It's no surprise then that a significant amount of people who try to quit alcohol will drink again within the first year. Alcohol is a depressant and affects our [hedonic set point](#) over time. Life becomes harder to enjoy naturally without all those extra hits of



dopamine. It can take up to two years for our brains to fully reset. In a culture of instant gratification, it's no wonder people continue to reach for a drink instead of putting the hard work in to reset their brain chemistry.

I was up to the challenge, and it paid off. I'm mad I didn't realize how detrimental alcohol was to my life and how much better off I would be by not drinking it, but I also recognize there's

no point in dwelling on the past. I am grateful that everything lined up for me the way it did. I have grown so much in the past year, but the real work is now just beginning.

I'm a lawyer, I'm sober, and I cannot wait to seize the rest of my life.

The full version of the story, originally published on August 29, 2023, can be found on [Sam Puchala's LinkedIn](#).

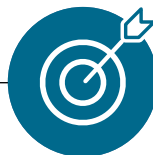
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# ALL RISE... Justice Grace Has Left the Courtroom



Day 1 of retirement. November 18, 2023, Vienna Switzerland

The Honourable Justice Duncan A. Grace received his L.L.B from the University of Western Ontario in 1980, and his L.L.M. from the University of Melbourne in 1990. He practiced in London Ontario and his practice area was Commercial Insolvency and related litigation. On February 10, 2010 he was appointed to the bench initially serving in the Toronto region until March 31, 2012. On April 1, 2012 Justice Grace was transferred to the Southwest Region where he remained until his retirement on November 17, 2023. Justice Grace served as the Local Administrative Judge from August 2014 until January 1, 2023, and most recently sat as the interim Regional Senior Justice from June 1, 2023 until October 7, 2023.

## **Why did you transition from practice to the bench, and with hindsight, was it everything you expected it to be?**

I'm not sure I can put my finger on the "why". The role seemed challenging and important. I was struck by the range of personalities and to the extent I could tell, abilities of judges I appeared before. I thought/hoped I could contribute and was excited at the

prospect of expanding my substantive and procedural knowledge of other areas of the law and more importantly, trying to resolve disputes fairly.

The job was everything I expected it to be and more. More demanding, more challenging, at times more frustrating but overall more rewarding than I thought possible.

## **What advice would you give to a young lawyer for the first trial?**

Would depend on who that young lawyer was and what experience they'd had.

For example, while their first trial, had they participated in one in some capacity before? I would hope they'd at least had that experience before -ideally more than once.

The chat would be a long one because there is a lot to cover. The most important points that jump to mind are these: (i) do you (the lawyer embarking on their first trial) know and are you able to articulate the issues and your theory (both legal and factual) at a high and easily understandable level; (ii) remember, facts matter. What facts are essential to your theory, who bears the burden of proof and what evidence (oral, documentary or other) must be introduced for your theory to carry the day; (iii) are you ready to introduce all of that evidence and have all required notices/summons to witness been issued, where necessary, served etc.; (iv) have you assembled all of the relevant authorities; (v) are you comfortable that your presentation will be as smooth and efficient as possible.

If not familiar with the publication Ontario Courtroom Procedure, I'd hand them a copy and tell them to thumb through it with regular stops along the way.

## **What can a lawyer do that will most impress you? Conversely, what are your top three annoying things done that counsel can avoid?**

1. Be well prepared - make the argument concisely and efficiently and thoroughly know the underlying factual and legal material.





Justice A. Duncan Grace & wife, Amy Metzger

2. Be concise - make the strong arguments and shelve the weaker ones. Throwing everything at the wall is a self-defeating strategy.
3. Be ready to engage. Scripts/chronologies etc. are important primers but lawyers able to answer questions on the fly always impress.

**What change from the pandemic do you think will be most lasting and impactful in the future?**

Many more virtual hearings. Virtual elimination of paper files.

**Other than the changes of the past year due to the pandemic, what has been the most significant change in the practice of law in your career?**

I started practicing in 1982 and so, the internet.

**What was the most meaningful part of being a judge for you?**

The people - in-court staff, out-of-court staff, security/special constables, cleaning staff, summer students, articling students, lawyers - whether brand new or senior, law clerks, my colleagues - in every court and of course, the members of the public all of us serve. What a ride it has been.

**What was the most rewarding part (or moment) of your career?**

The people. In-court staff, out-of-court staff, security/special constables, cleaning staff, summer students, articling students, lawyers (whether brand new or senior), law clerks, my



LSO Treasurer, Jacqueline Horvat, Justice A. Duncan Grace, Justice Bruce G. Thomas

colleagues (in every court) and of course, the members of the public all of us serve. What a ride it has been.

**Looking back on your legal career, what is the most difficult thing you have accomplished?**

I don't know. I think I have benefitted from widespread support and had more than my share of luck. This isn't an accomplishment but I am so happy that after more than 40 years, I still love the law and the justice system, as imperfect as it is. Entering a courtroom still gives me a rush.

**How has the Courtroom changed in your tenure as a judge?**

Well into my legal career, courtrooms were only in courthouses and court files consisted of paper. Many, if not most, courtroom are now virtual and none of the court files are paper unless I choose to print part of one.

**If you had a magic wand, what one thing would you change?**

The state of the world.

**What is the most meaningful lesson that you learned from your time on the bench?**

Two things come to mind:

- Self-improvement is a constant and elusive goal.
- Learning never stops and valuable lessons can come at the most unexpected times and from the most unexpected sources.

**What is one thing you will miss about being a judge?**

Being in the middle of things.

**Are there any new hobbies that you want to pick up?**

I want to try and get far more fit.

**What are the key things you want to do in retirement?**

See my family, including my extended family, more and strengthen/renew friendships that have, at least to some extent, been sacrificed or compromised during my career.

**What opportunities does retirement offer you?**

Unplanned, closer to worry free time.

**What is the one single thing you are not doing now that if you started, would make a positive difference to your retirement?**

I don't have an answer.

**From either the past or present, who would you invite to your (virtual) dinner party? What is on the menu?**

Not sure how many guests I could invite but the list would start with the members of my family who are deceased - my Mum, Dad, brothers Bob and John and then if I could add more guests, I'd pick others from those suggested by my spouse and children.

The menu would be beside the point. Time with each one of them is all that would matter to me.

# COURT HOUSE ROCKS

London Lawyers Feed the Hungry and Courthouse Rocks XVIII want to thank all the great performers and sound crew, and all the people who came out to cheer them on, for a great evening in support of **London Lawyers Feed the Hungry**.

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**Courthouse Rocks turns XIX in 2024! Get Ready!**

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# Science Reporting During a Time of Misinformation



Contributed by:  
**David Canton / Lawyer and Trademark Agent**

**T**he [end of Popular Science magazine](#) after 151 years struck a nerve for me. While in part it is a victim of the transition from print magazines, it may also be a bellwether for a decreased interest in science. IMHO that doesn't bode well for the future and issues like climate change and artificial intelligence. Not to mention well-intentioned but flawed attempts at government regulation in these areas.

This ties into the spread of misinformation becoming easier through social media and artificial intelligence. The spreading of propaganda throughout society has always been an issue. Using social media as a propaganda tool and to meddle in the business of others makes that propaganda more widespread, more effective, and more difficult to spot.

AI hallucinations make this worse. We now have AI making stuff up in addition to people making stuff up. This [Wired article](#) says "Chatbot Hallucinations Are Poisoning Web Search. Untruths spouted by chatbots ended up on the web — and Microsoft's Bing search engine served them up as facts. Generative AI could make search harder to trust."

Add to that conspiracy theories and confirmation bias that exaggerates and enables fringe opinions based on things that simply are not true. And people who will do and say anything to advance their agenda or beliefs without regard to facts or science.

## OpenAI

Another factor is a growing tendency to speculate without knowing the facts. The recent OpenAI firing and rehiring of CEO Sam Altman — and the replacement of the OpenAI board is a good example. There was a lot of hype over the thought that this situation arose because OpenAI created a new AI tool called Q\* that is so smart it is dangerous. While that is perhaps possible, it doesn't seem to be [supported by the facts](#).

It is easy to say we have to fact-check social media and AI sources and output before accepting it as true. But we don't always have the time, expertise, or desire to do that. Many people are happy to accept certain things as true regardless. And what happens if between social media and AI the sources we rely on to fact-check get poisoned?

Adding all this together can lead to serious consequences. Decisions, opinions, and laws need to be based on facts. When false information is disseminated for whatever reason it can have a huge effect on forming cultural and political perspectives and on decisions based on those falsehoods. And add to distrust, political incivility, bias, disrespect, hate, and violence.

## Censorship & bias

Social media platforms have a role to play in this, as have companies providing AI products. They need to stop prioritizing engagement over reliability. But they can't do it alone. A challenge the platforms have is that the minute they

try to remove disinformation they get accused of censorship, being biased, or offending free speech.

AI laws might help if they are done right. But those won't help the social media toxic swamp issue. AI laws are in the early stages. Frankly, I'm not convinced that governments will get laws on these issues right. They have, IMHO, a history of getting tech-related laws wrong. And one country alone can't solve the problem.

Somehow we need to advocate for truth, facts, and logic, and think more like Mr. Spock, who once said "[Insufficient facts always invite danger, Captain](#)". The question is, of course, how we do that.

[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](#).

*Re-printed with author permission from [Harrison Pensa Blog](#)*

**"Using social media as a propaganda tool and to meddle in the business of others makes that propaganda more widespread, more effective, and more difficult to spot."**

**- David Canton**

# Lawyers Care Campaign for London Food Bank

The London legal community has formed "Lawyers Care" through the Business Cares Food Drive to collect monetary donations for the London Food Bank! The campaign brings together local law firms, lawyers and paralegals to collectively make a difference in our community. Supporting the community that supports us is a core value of London lawyers and paralegals.

The 2023 drive runs from December 1 – 20. Your donation helps the London Food Bank and other local agencies provide fresh and canned food, hot and cold meals to those on the streets of London, green house



farming, and food reclamation from the grocery stores (to name a few projects). Your support is integral to addressing the food insecurity in our community. Donations can be made by visiting <https://www.canadahelps.org/en/charities/londonfoodbank/p2p/lawyerscare23/>

If your firm or office is interested in participating in a friendly competition to raise the most per capita food and monetary donations, please contact Alysia Christiaen at [achristiaen@lanners.ca](mailto:achristiaen@lanners.ca) for more information.

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# Western Law Alumni – Student Networking Event



Contributed by:  
**Christina McCreery (she/her) / Solicitor I**  
**City Solicitor's Office, City of London**

**O**n November 16, 2023, the MLA hosted its first Western Law Alumni and Student Networking event, hosted by Western Law and the MLA. The event was held in the Garden Room at Somerville House on Western University campus and offered an opportunity for current law students to learn about career opportunities outside of large law firms, including in-house, government, small firm and satellite firm options.

We are very grateful to all of the lawyer attendees, who included criminal,

family, wills and estates, real estate, in house and social justice lawyers, among others. It was great to catch up with fellow alums and share stories with students about the experience of practicing in London. Western Law students from all years of law school attended the event to learn about career options that many of them had not yet considered or heard about. They came to the session prepared with excellent questions about how lawyers found their area of practice, and the unique demands of these smaller-firm options. We will be lucky

to welcome many of these students into the London bar!

The event was made possible by the amazing planning by Grace Smith, Tracy Fawdry from the MLA, and the supportive partnership with Western Law, including Claire Houston, Shawna Ferguson, Dean Erika Chamberlain, and Robyn Marttila. Our sincere thanks to Western Law staff, who helped sources such a fantastic location. The Garden Room was beautifully decorated and appetizers were enjoyed by all. We look forward to continuing this event into the future, and continuing to partner with Western law on future events!

# CPD Summaries

## Navigating the Halls of Justice: A Guide to Courtroom Etiquette CPD



Contributed by:

**Natalie Carrothers/ Partner, Leners LLP**

**Hilary Jenkins, Lawyer/ McKenzie Lake LLP**

**Katrina Wieggers / Articling Student, McKenzie Lake LLP**

**S**tepping into a Courtroom can be an intimidating experience, whether you are a seasoned legal professional or a first-time advocate. However, being familiar with key Courtroom etiquette principles is one way to ensure that you are prepared for Court. Courtroom etiquette plays a crucial role in maintaining order, respect, and fairness within the judicial system.

On November 22, 2023, the MLA hosted a CPD event focussed on Courtroom etiquette, procedure, and decorum. We were extremely privileged to have an incredible panel comprised of Local Administrative Judge, The Honourable Madam Justice Mitchell, Local Administrative Judge for the Family Court, The Honourable Madam Justice Sah, Matthew Villeneuve (Managing Partner, McKenzie Lake Lawyers) and Danielle Douek (Partner, Leners LLP).

This article provides an overview of the invaluable guidance, advice, and tips shared by our panelists during the CPD, to help you navigate the halls of justice with confidence.

### Dress the Part:

When entering a courtroom, it is essential to dress in a manner that conveys respect for the proceedings. Both legal professionals and spectators should opt for clean, conservative attire. Black shoes are a must, and robes and tabs are only to be worn in the Courtroom.

If you do not have your robes, or if you are an articling student, please advise the Court and seek permission to speak to your matter.

Review practice directions for each jurisdiction where you appear. Gowning requirements may vary based on the jurisdiction you are appearing in. Further, Courtroom procedure with respect to how matters are called may also vary.

### Punctuality Matters:

Time is of the essence in the legal realm. Always arrive early to Court proceedings to allow time for security checks and to settle into the environment. Punctuality demonstrates respect for the Court's time and showcases your commitment to the legal process.

### Silence is Golden:

Maintaining silence in the Courtroom is not just a suggestion; it is a requirement. Turn off or silence all electronic devices, including cell phones and smartwatches. Clients should also be counselled to be in a private and quiet space for virtual attendances.

Consider providing your client with a pad of paper and pen when they attend an appearance so that they can take notes and write down their questions. This encourages the client to be engaged in the Court proceeding without interrupting Counsel or the presiding Judge.

### Stand and Be Seated:

When the Judge enters or leaves the Courtroom, it is customary for everyone to stand and bow as a sign of respect. Additionally, you should stand when addressing the Judge or jury. When not addressing the Court, remain seated, and avoid unnecessary movement or fidgeting.

### Addressing the Court:

Refrain from interrupting others and wait for your turn to speak. Be respectful to other counsel and any self-represented parties.

When Counsel has an objection, they should stand and announce their objection. When one counsel is standing, the other should be seated. The Judge will hear the objection and then provide the opposing counsel with an opportunity to respond before making a ruling on the objection.

Counsel should not speak directly to each other during Court appearances and all communication should be directed to the Court.

### Respectful Behavior:

Maintain a calm and composed demeanor in the Courtroom. Avoid gestures, facial expressions, or comments that may be perceived as disrespectful. Treat everyone in the courtroom with courtesy, from opposing counsel to witnesses and especially court staff.

### Proper Courtroom Decorum:

Refrain from eating, drinking, or chewing gum in the Courtroom. Additionally, avoid bringing unnecessary items, such as large bags or backpacks, into the courtroom. Keep the space tidy and focused on the legal proceedings.

### Be Prepared:

Preparedness is an important hallmark of persuasive and effective advocacy. Ensure you know your file and are prepared to receive questions from the Bench. Practice your submissions and consider video taping yourself practicing submissions to work on your technique and presentation. Litigants of all vintages are encouraged to sit in on Motions and Trials for observation and learning opportunities.

### Helpful Resources:

The following materials were identified as helpful advocacy resources:

- [A Judge's View: Things Lawyers do that Annoy Judges; Things they do that Impress Judges](#) by the Honourable Justice Quinn;
- [Best Practice for Remote Hearings developed by the Advocates' Society](#), the Ontario Bar Association, the Federation of Ontario Law Association and the Ontario Trial Lawyer's Association;
- [Ontario Courtroom Procedure](#) by Michelle Fuerst, Mary Anne Sanderson and Stephen Firestone; *\*Available through the MLA Practice Resource Centre*
- [Man of Law: A Model](#) by Morris Shumiatcher; *\*Available through The Great Library*
- [Advocacy: Views from the Bench](#) by Robert F. Reid and Richard Holland of the Superior Court of Justice; and, *\*Available through MLA Practice Resource Centre*
- The Art of the Advocate by Richard Du Cann, The Modern Law Review, Vol. 28, No. 6 (Nov., 1965), pp. 731-733. Available through [HeinOnline](#).  
*\*Available through The Great Library*

Courtroom etiquette is an integral part of maintaining the dignity and functionality of the judicial system. By adhering to these guidelines, you not only demonstrate respect for the Court but also contribute to a fair and orderly legal process. Whether you find yourself in the role of a litigant, attorney, or spectator, understanding and practicing Courtroom etiquette is key to navigating the halls of justice with grace and professionalism.

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## Real Estate Conference – October 30th, 2023

On October 30, 2023 the MLA hosted its first in-person Real Estate Conference since 2019!

The conference had a strong lineup of speakers which included: Professor Michael Lamb, counsel at Cohen Highly, providing an update on top cases from 2023; Anand Srivastava, associate from Willms & Shier, who provided an environmental update for real estate lawyers; Adam Miller, President at the London and St. Thomas Association of Realtors (LSTAR) who provided an overview of the housing market trends and predictions for the near future; and Karen Decker, Senior Vice President, Chief Underwriting Counsel – International Operations for Stewart Title Guaranty Company, speaking on her experiences with timing in the context of title insurance!

The event was hosted at the London Club with lunch provided and a social hour following the event. It was well attended, and many were excited to be back socializing and networking in-person again! The MLA would like to thank the Real Estate Subcommittee for its work organizing the event and everyone who attended!



## Mental Health Wellness Lunch & Learn – November 9th, 2023

The CPD was presented by Jason Ward, who recently “retired” from litigation at age fifty. Jason co-owns with his wife a twelve-lawyer, full-service firm in Central East, one of the largest regionally, and is certified by the Law Society as a Specialist in Civil Litigation.

During the CPD, Jason talked about how he was not aware of the depth of mental health issues in the legal world until he told his story of battling alcoholism and drug addiction. After hearing from other lawyers struggling with many of the same stresses he had while practising law, Jason launched his website, [Mentally Speaking](#), to support his efforts to increase awareness and promote the destigmatization of mental health issues in the legal profession.

Jason explained that he believes that the legal industry has failed to address what is widely considered an open secret. Heavy drinking affects anywhere from one in five to one in three lawyers, compared to just 12 per cent of other professionals. Alcohol is as much a part of the legal industry as overwork. Jason also explained that from the educational institutions that train lawyers to the firms that employ lawyers, there is nothing built into the legal industry to prepare lawyers for the conflict culture, demanding hours and competitiveness that pushes lawyers toward unhealthy and unsustainable lifestyles. On the contrary, Jason said that he received the most praise and admiration when he sacrificed his mental health to excel at work.

Jason concluded the presentation by sharing several resources (listed below) available to paralegals and lawyers struggling with mental health issues.

[Well Being Resource Centre](#)

[Member Assistance Program](#)

[Plan Information Hub](#)

[Crisis Support](#)



# Upcoming CPDs and Events

## LSO's New Virtual Identification Requirements Lunch & Learn

**December 14th, 12:00 – 1:00 p.m.  
(Virtual)**

*\*This session is accredited for 1 hour of substantive content.*

The virtual verification of identity without authentication – permitted as a temporary emergency measure – will end on December 31, 2023. Effective January 1, 2024 the Law Society of Ontario's new virtual verification requirements will come into effect.

How should lawyers and paralegals assess the authenticity of government issued photo identification? Are there ways to authenticate without physically being in the same room? What actions should be taken to comply with the new LSO requirements?

Hear from Matthew Wilson, lawyer at Siskinds LLP, as he answers these questions and explains the upcoming changes to ensure that you are in compliance come the new year.

**REGISTER TODAY**

## Personal Injury Conference

**Postponed: 2024 date to be released soon.**

### 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**, Lerner LLP

Committee Chair, Anna Szczurko, welcomes you to join our upcoming 2024 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



## 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!**

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**EDI/Professionalism**

**Family**

**Personal Injury**

**Real Estate**

**Small Firms/Sole Practitioners  
& In-house**

**Wills, Estates, Trusts**

## MLA STAFF

### Executive Director

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[tracy@middlaw.on.ca](mailto:tracy@middlaw.on.ca)

### Library Staff

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## 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

# 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.

**Bundgard, Paul** – has retired and can be reached at direct ph: 519-902-5232, [pmbundgard@gmail.com](mailto:pmbundgard@gmail.com)

**Crawford, Dennis** – has opened Crawford Lawyers at 61 Albert St., Stratford N5A 3K2, [dennis@crawfordlawyers.ca](mailto:dennis@crawfordlawyers.ca)

**Hassan, Layla** – phone number has changed to 902-978-1866

**Lin, Jonathan** – is now at Miller Thomson LLP, 2010-255 Queens Ave., London N6A 5R8, ph: 519-931-3523, fax: 416-595-8695, [jclin@millerthomson.com](mailto:jclin@millerthomson.com)

**Rajwani, Zoe** – New Call at McKenzie Lake Lawyers, 1800-140 Fullarton St., London N6A 5P2, ph: 519-672-5666 x7295, fax: 519-672-2674, [zoe.rajwani@mckenzielake.com](mailto:zoe.rajwani@mckenzielake.com)

**Yutronkie, Matthew** – new member at Kasi Law, 245-380 Wellington St., London N6A 5B5, ph: 519-266-3093 x106, fax: 844-661-1059, [matthew@kasilaw.com](mailto:matthew@kasilaw.com)

## Will Notices

### Nadia Brigida Faurlin

Anyone knowing of a Last Will and Testament for Nadia Brigida Faurlin, born June 15, 1954 and died October 30, 2023 of Mississauga, Ontario, please contact Melissa O'Halloran at (519) 433-8155 ext. 103, [mohalloransmglaw.ca](mailto:mohalloransmglaw.ca).

### David Ronald Maracle or David Kanatawakhon

Anyone knowing of a Last Will and Testament for David Ronald Maracle or David Kanatawakhon, born July 11, 1952 and died June 29, 2023 of London, Ontario, please contact Curtis Maracle at 613-920-9632, [tehanatoken@gmail.com](mailto:tehanatoken@gmail.com).

### Donald Bruce Nielsen

Anyone knowing of a Last Will and Testament for Donald Bruce Nielsen, born August 5, 1961 and died October 12, 2023 of London, Ontario, please contact D. Bradley Bennett - Gibson Bennett Groom & Szorenyi at (519) 842-3658, email: [dbennett@tillsonburglawyers.com](mailto:dbennett@tillsonburglawyers.com).

### Edmund John Raine

Anyone knowing of a Last Will and Testament for Edmund John Raine, born May 23, 1959 and died October 29, 2023 of City of London, Ontario, please contact Little, Masson & Reid Professional Corporation at 519-235-0670, email: [jenn@littlemassonreid.com](mailto:jenn@littlemassonreid.com).

### Adam Christopher Strom

Anyone having knowledge of a Last Will and Testament for Adam Christopher Strom, born March 25, 1978, died August 24, 2023, last known address Main Floor, 119 McClary Street, London, Ontario N6C 1P9, please contact Jody Stone at Siskinds LLP, direct at 226-213-7364 or email: [jody.stone@siskinds.com](mailto:jody.stone@siskinds.com).

### Sameeha Sweedan and / or Hassan Al-Naji

Anyone knowing of a Power of Attorney for Property and / or a Power of Attorney for Personal Care for Sameeha Sweedan and / or Hassan Al-Naji, both of the City of London, County of

Middlesex, please contact John Morrissey of Siskinds Law Firm at 519.660.7808, or [john.morrissey@siskinds.com](mailto:john.morrissey@siskinds.com).

### Waldemar (aka Walter, Waldek) Turowski

Anyone knowing of a Last Will and Testament for Waldemar (aka Walter, Waldek) Turowski, born Sept 21, 1970 and died November 2023 of London, Ontario, please contact Stephanie Marentette 226.781.2134, email: [smarentette@mccagueborlack.com](mailto:smarentette@mccagueborlack.com).



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