


THE MIDDLESEX LAW ASSOCIATION **Snail**



Risks of Relying on AI for Note Taking

PAGE 16

Issue Highlights

SNAIL Bench & Bar Report

6

Immigration Forecast: Mainly
Gloomy w/ Rising Pressure Systems

10

Milestone 20th Annual MLA Wills,
Trusts and Estates Conference

22

Inside this issue

- 03** **PRESIDENT'S MESSAGE**
by Nicola Circelli
- 04** **PRACTICE RESOURCE CENTRE NEWS**
by Cynthia Simpson and Shabira Tamachi
- 06** **SNAIL BENCH & BAR REPORT**
by John A Nicholson
- 10** **IMMIGRATION FORECAST: MAINLY GLOOMY
WITH RISING PRESSURE SYSTEMS**
by Elena Alexis Ashford
- 13** **ADVICE FOR YOUNG LAWYERS FROM HONEST ABE**
by Dan Mailer
- 16** **RISKS OF RELYING ON AI FOR NOTE TAKING**
by David Canton
- 20** **CELEBRATING 2024 IN STYLE: MLA'S ANNUAL
HOLIDAY PARTY BRINGS MEMBERS TOGETHER**
by Gregory Willson
- 22** **MILESTONE 20TH ANNUAL MLA WILLS, TRUSTS
AND ESTATES CONFERENCE**
by Conor Culverhouse
- 23** **MIDDLESEX LAW ASSOCIATION HOSTS
SUCCESSFUL CPD EVENT FOR SMALL FIRMS,
SOLE PRACTITIONERS, AND IN-HOUSE COUNSEL**
by Nicole Rogers
- 24** **EVENTS**
- 26** **BOARD OF TRUSTEES 2024-2025**
- 27** **NEW SNAIL AD RATES**



December 2024 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
March 25, 2025

Send submissions to:
admin@middlaw.on.ca

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

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

Middlesex Law
Association Newsletter

EDITOR
Geoff Snow
geoff@snowlawyers.ca

ADVERTISING
admin@middlaw.on.ca

DESIGN
Neufeld Designs
www.neufelddesigns.com

www.middlaw.on.ca

President’s Message



Contributed by:
Nicola Circelli / Nicola Circelli Law and MLA Board President

As we begin a new year, I am delighted to reflect on the dynamic and engaging Fall we experienced as an association. The past months have been marked by exceptional events, professional growth, and a deepened sense of community among our members.

Our 196th Fall Opening of the Courts was a great success. It was an honor to welcome Chief Justice Morawetz. The Real Estate Update, held on October 28th at the London Club, was both informative and thought-provoking. Special thanks go to Anita Osmani for organizing the session. On November 20th, the Sole Practitioners and Small Firms CPD, organized by Nicole Rogers and Leslie

Jack, provided insights and strategies tailored to the unique challenges faced by smaller practices.

December ushered in the Wills and Estates Conference, coordinated by Erin Rankin-Nash, Ian S. Wright, and Lou-Anne Farrell. A special thank you is owed to the Honourable Justice Cook for her invaluable participation, which enriched the discussion and offered critical perspectives on this important area of law.

We wrapped up the year in style with our Holiday Party on December 12th at Chaucer’s. The evening was a joyous celebration, complete with music from the talented and always entertaining Jim Chapman.

It was a perfect way to cap off a busy and productive year. Looking ahead, we are thrilled about the return of Courthouse Rocks in 2025. The musical preview by Rob Farrington, Jim Zegers, Dan Mailer, and David Kirwan has already generated great excitement for what promises to be a fun event.

As we enter 2025, there are several key events to mark on your calendars. On January 14th, we will host our inaugural Wellness Summit, co-chaired by Jacob Damstra and Erin Rankin-Nash. This initiative underscores our commitment to the well-being of our members and will provide practical tools to enhance both personal and professional resilience.

Additionally, the Annual Civil Bench and Bar will take place on February 4th—an essential for fostering dialogue and collaboration between the judiciary and the bar.

I also encourage you to consider stepping into a leadership role within the MLA by submitting a nomination to become a Trustee of the Board. This is a unique opportunity to help shape the future of our association, expand your professional network, and contribute to the vibrancy of our legal community. Please also plan to attend our Annual General Meeting in February 2025, where we will celebrate our collective achievements and outline the year ahead.

On behalf of the MLA Board and Community I want to thank Tracy Fawdry for her time and hard work as our Executive Director and wish her the best in the future.

As we move forward, I hope everyone has had a chance to rest and recharge over the holiday season. Let us approach this year with renewed hope and determination, ready to meet the challenges and opportunities of our profession with resilience and purpose. Thank you for your ongoing support and commitment to the Middlesex Law Association. Here’s to another year of growth, connection, and success.

Nicola Circelli, MLA
President

Practice Resource Centre News



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

Research Services – Ask Us!

It's a new year and a good time to remind our members that we can help you with your research needs.

Are you having trouble finding something and don't know where to look? Well, ask us! We are here to assist you with your reference questions. We have access to the full [LiRN Electronic Suite of Legal Resources](#) if you don't have time to come to the library and search those resources yourself. You can reach us by email at library@middlaw.on.ca.

We prefer if our members email us their requests as it is easier to formulate a search strategy if the individual has laid it out succinctly in writing. Here is what we have available:

Case Law and Legislation – we have access to Westlaw Canada, Lexis Advance Quicklaw, vLex with Vincent AI, plus Hein Online, CanLII, and other freely available website sources. Looking for an old piece of legislation from the 1950's or need to know how a current day section read in 1992? Maybe you need a British case or even an Australian one. We love those questions.

Texts and Loose-leaf Titles – We have online access to our Thomson Reuters loose-leaf titles through Westlaw's Topical Texts and Annotations collection, plus any titles already part of the three source platforms CriminalSource, Estates&TrustsSource, and FamilySource. We also have titles through Lexis Advance Quicklaw including the leading texts in various areas of law.

In addition, we have e-access to the entire Irwin Law text collection, and a new resource as of this year (see the next item of our newsletter article below). Finally, we have a document delivery service amongst the county & district law association libraries, plus the Great Library at Osgoode Hall, and can access resources not part of our local collection.

Precedents – The newest resource to the system is Lexis Practical Guidance which has a wealth of precedents. We still subscribe to several modules of the O'Brien's Encyclopedia of Forms collection through Westlaw, and we have access to Canadian Forms & Precedents and Williston & Rolls Ontario Court Forms through Lexis Advance Quicklaw. There are also precedents available in the Source collections in Westlaw Canada. Another pro tip is to check the LSO's AccessCLE portal for precedents available in their CPD seminars going back to the mid-2000's.

Quantum Searches – Need to know the notice period for a 45-year-old middle management employee who has been employed for 16 years? There's a Wrongful Dismissal Notice Searcher in Lexis Advance Quicklaw not to mention breach of contract, child and spousal support, medical negligence, and personal injury quantum services in both Lexis Advance Quicklaw and Westlaw Canada. We also have rangefindr for criminal sentencing ranges by offence.

So, [send us an email](#) today and let us help you!

New Resource Alert – Emond's Criminal Law Series on vLex

Our criminal law practitioners are familiar with Emond Publishing's excellent criminal law series covering over 15 topics including drug and sexual offences, youth criminal justice, impaired driving, and challenging expert evidence to name just a few. We are pleased to announce that this entire series is now available in every county and district law association library electronically through the vLex platform. This platform also houses the popular collection of Irwin Law titles, so there is a wealth of practical resources available for you to access at no charge on the library computers.

Donation

We extend our thanks to Justice Michael Carnegie for donating Martin Joldersma's court attire to us. Martin was his stepfather, and a long-time member of the MLA. They are in exceptionally good shape and came dry-cleaned to boot! These items have been added to our spare court attire collection that is available here for day use. The robe was desperately needed as some that we had in the closet appear to have gone on permanent loan.

New Books

Archibald et al. **Ontario Superior Court practice, 2025 ed.**, LexisNexis, 2024

Bowles, Brendan. **Conduct of lien, trust and adjudication proceedings 2024**, Thomson Reuters, 2024

Boyington, Darion. **Diversity and indigenous peoples in Canada, 5th ed.**, Emond, 2024

Cochran, Douglas. **Interviewing skills for legal professionals, 3rd ed.**, Emond, 2022

Dee, Garth. **Ontario Workplace Safety and Insurance Act and commentary, 2024/2025 ed.**, LexisNexis, 2024

Doorey, David. **Law of work, 3rd ed.**, Emond, 2024

Elderkin, Cynthia. **Behind a nd beyond boilerplate: drafting commercial agreements, 5th ed.**, Thomson Reuters, 2024

Fazakas, Derek. **Wills and estates, Revised 5th ed.**, Emond, 2023

Garg, Davin Michael and Anil Kapoor. **Detention, arrest, and the right to counsel**, Emond, 2024

Gold, Alan. **Practitioner's criminal precedents, 7th ed.**, LexisNexis, 2024

Handman, Suzanne. **Mediation for lawyers: a practical guide for effective representation of your clients**, Irwin Law, 2024

Hiltz, D'Arcy. **Guide to consent and capacity law in Ontario, 2025 ed.**, LexisNexis, 2024

Houlden, L.W. et al. **2024-2025 annotated Bankruptcy & Insolvency Act**, Thomson Reuters, 2024

Hull, Ian M. **Macdonell, Sheard and Hull on probate practice, 6th ed.**, Thomson Reuters, 2023

Kozlowski, Tracy and Joanne Stuart. **A proactive practitioner's guide to section 11(b) of the Charter**, Irwin Law, 2024

McCarney et al. **Comprehensive guide to legal research, writing & analysis, 4th ed.**, Emond, 2024

McLeod, Madsen, Fryer, Kilpatrick. **McLeod's Ontario family law rules annotated 2024-2025**, Thomson Reuters, 2024

Nastasi, Liz and Deborah Pressman. **Administrative law: principles and advocacy, 5th ed.**, Emond, 2024

Neyers, Jason. **Fridman's the law of contract in Canada, 7th ed.**, Thomson Reuters, 2024

Segal, Murray & Rick Libman. **2024 annotated Ontario Provincial Offences Act**, Thomson Reuters, 2024

Thiele, Stephen, et al. **Practical guide to the law of defamation**, LexisNexis, 2024

Wigmore, James G. **Wigmore on alcohol: courtroom alcohol toxicology for the medicolegal professional, 2nd ed.**, Irwin Law, 2024

Wilson, Darla. **Annual review of civil litigation 2024**, Thomson Reuters, 2024

Wrightson, Kellinde. **Decoding Canadian legal research, writing, and conventions: a guide for internationally trained lawyers**, Emond, 2024

Missing Books

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.

Fridman, G.H.L. **Law of contract in Canada, 6th ed.**, Thomson Reuters, 2011. - **NEW**

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 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.

Samfiru, Lior. **Termination of employment**, Emond, 2018

SNAIL Bench and Bar Report



Contributed by:
John A Nicholson, MLA Trustee – Partner, Cohen Highley LLP

2025 Annual Civil Bench and Bar Meeting

The MLA's Bench and Bar Committee is pleased to announce that the 2025 Annual Civil Bench and Bar Meeting will be held on **February 4, 2025 at 4:30 pm**. Regional Senior Justice Paul R. Howard and Local Administrative Judge Alissa K. Mitchell, as well as representatives from the Trial Coordination Unit and the Court Services Division, will be attending and answering questions from the local civil bar.

The MLA's Bench and Bar Committee Members, Rasha El-Tawil, Leslie Jack and John Nicholson will collate and anonymize questions submitted by the local bar. **Please send your questions** for the judges' consideration to John Nicholson at jnicholson@cohenhighley.com by **Wednesday, January 29, 2025**.

The Bench and Bar meeting is accredited with 30 minutes of Professionalism content, and 30 minutes of Substantive content by the Law Society of Ontario. Please register in advance by clicking on the button below. Zoom login details will be circulated in both your registration confirmation and event reminder emails.

Register Now

Recent Meeting with Justice Mitchell regarding court services concerns

Over recent months, the Bench and Bar Committee received questions from MLA members regarding specific court services concerns. The Committee therefore met with LAJ Mitchell, and Catherine Bates and Maryann Knetsch from the Court Services Division.

Unfortunately, CSD is experiencing significant issues with staff shortages and recruitment has been challenging. Obtaining adequate funding from the provincial AG to hire further fulltime staff has been an issue. Staffing appears to be the root cause of many concerns that have been raised by the local bar. The existing staff have been working very hard to try to keep up with the flow of work. The specific issues raised and the information we received in response to those concerns, are as follows:

1. Caselines bundles not being opened in a timely way prior to hearings

- CSD will ensure that a Master Bundle is opened when a defence is filed, or a motion is brought prior to filing of a defence.
- A separate bundle will be opened for each motion, when a motion is filed.
- If counsel find that a motion bundle has not been opened in a timely way, it is acceptable to file your motion materials to the Master Bundle as a back-up.
- Counsel are reminded to please be specific and detailed in your Motion Confirmation forms in listing, by title and date, the materials that the presiding judge should review in advance of your motion.
- This is especially important in cases where multiple motions have been brought. Where there are multiple motion bundles in a file, listing the motion bundle in which your material has been filed would be helpful.

2. Routine basket motions are taking an inordinate amount of time to get processed.

The timeframe for CSD to process

a basket motion that can be signed by a Registrar rather than a judge is expected to be one week. The CSD's statistics show that this timeframe is generally being met. If counsel find that their basket motion has been inordinately delayed, they are invited to email Ms. Knetsch at maryann.knetsch@ontario.ca.

- CSD recommends refraining from filing materials via both email and via JSO – please only file materials via JSO. There is a high volume of duplication which impacts CSD's timeliness and effectiveness.

3. There have been delays in receiving orders and endorsements from Friday motions court.

- The CSD's goal, which is usually met, is for all orders from Friday motions court to be processed and emailed to counsel by the following Wednesday.
- There are occasions when the presiding judge does not send their endorsement or order to the court staff on the same day, which can cause delay. If receiving the endorsement or order is a matter of urgency, counsel may raise that with the judge when the matter is being heard in motions court.
- Ms. Knetsch can be contacted if your matter is inordinately delayed and is becoming a matter of urgency.

4. Delays in the issuing of originating processes after filing through the electronic portal with concern that this may cause a limitation period to be missed.

- Originating processes are received and stamped by an automated process. There is no staff involved in screening. Immediately upon filing, and automated message is generated evidencing the electronic filing. The date on which the originating process is electronically filed (provided ►

it is before 4:30 and not on a weekend or holiday), should be the date shown on the electronic stamp when the document is issued. If counsel find this system is generating a date on the originating process that is different than the date of filing, Justice Mitchell would like this brought to her attention. You are welcome to contact one of the Bench and Bar representatives for assistance with that.

5. Probate applications (including the original wills and probate tax cheques contained in those) being delayed and in at least one case, going missing for a period of time.

- Unfortunately, probate applications have fallen behind due to staff shortages.
- Priority is given to urgent matters when flagged, and when probate is required for the transfer of real property

We look forward to seeing members of the civil bar at the Bench & Bar Meeting on February 4, 2025. If you have any questions about these matters, or any other concerns or questions about civil litigation in London, please do submit your questions to John Nicholson at jnicholson@cohenhighley.com by January 29, 2025. See you at the meeting!



Wharton Woods Family Law is pleased to announce that

Lisa Walters

has joined us to open our London Ontario Office

300-365 Talbot Street, London, ON N6A 2R5

Email: lisa@whartonwoodsfamilylaw.com

<https://whartonwoodsfamilylaw.com>

Tel: 519 200-4197



Family Law Associate / Association Opportunity

After practising family law for over 30 years together, my colleague is retiring and there is now a great opportunity for a family law lawyer to take over her space in our shared heritage building facility.

Excellent location near downtown featuring free parking for staff and clients, experienced reception / law clerk, waiting room, boardroom, private office, kitchen and systems set up as a turnkey operation.

Arrangements may be flexible for the right candidate, from working as an associate to sharing expenses. Mentoring and file referrals available from experienced family lawyer who's slowing down his practice.

Please contact Mike Nyhof at:

E: michaelnyhof@on.aibn.com

P: 519-642-4015

BUILD A SUCCESSFUL LAW PRACTICE WITH US

Harrison Pensa is an established full-service law firm experiencing growth in a number of practice areas. We are actively recruiting Associates with 3 to 8 years experience to join our growing team of over 60 lawyers.

Corporate Law
Insolvency Law
Insurance Litigation
Personal Injury Law

If you are ready to take the next step in your legal career, click **Learn More** for details. Send your cover letter and resume confidentially to recruitment@harrisonpensa.com indicating your practice area in the subject line.

[Learn More](#)

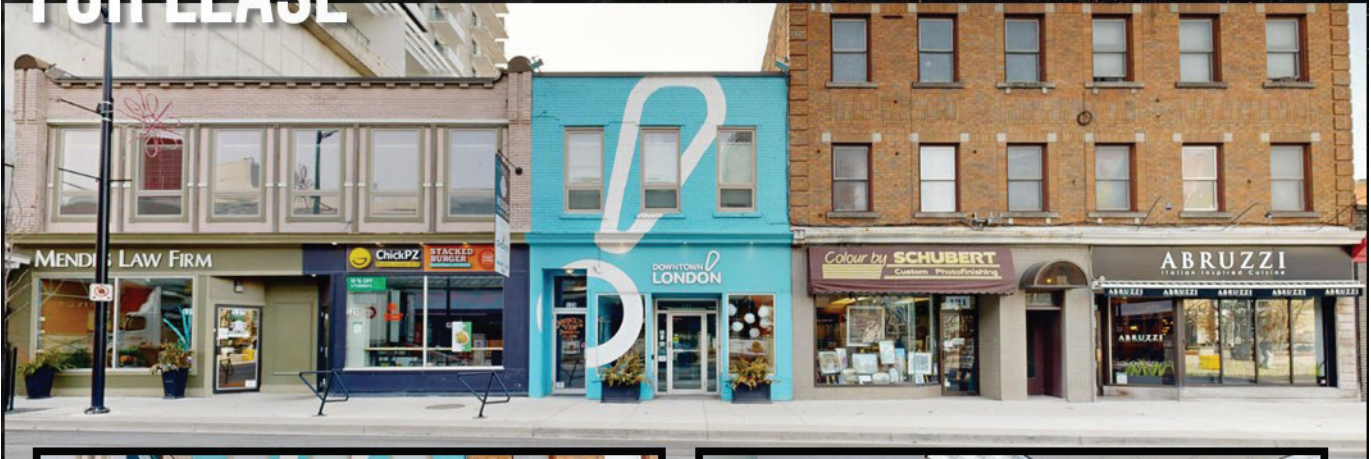
130 Dufferin Avenue, Suite 1101
London, ON
519-679-9660

harrisonpensa.com

**Harrison
Pensa**
LAWYERS

123 KING STREET, LONDON FOR LEASE

LAW PROFESSIONALS



- 3,600 sf
- 16.50/sf net
- 7.00/sf additional rents

- Plus utilities
- Plus HST
- In the heart of London



Maria G. Mendes

Barrister and Solicitor | Mendes Law Firm

519-438-0808
mendes@mendeslawfirm.com



Immigration Forecast: Mainly Gloomy with Rising Pressure Systems



Contributed by:

Elena Alexis Ashford – Siskinds LLP

Leader of the immigration law group at Siskinds LLP

Canada has progressively become one of the most desired destinations for newcomers. According to results of the 2021 Census of Population (the latest population census data), the number of immigrants in Canada reached over eight million people, which represents 23 percent of total Canadian population.

Although the COVID-19 pandemic affected most of the world negatively, when it came to Canadian immigration, foreign nationals physically located in Canada saw a blue sky of opportunities. The Canadian government implemented multiple special measure programs for temporary residents of Canada (international students, foreign workers and visitors), which permitted many foreign workers to become permanent residents. Post-graduate work permit holders were allowed to renew their permits that are normally issued only once. The immigration forecast projected sunny days despite continuous lockdowns, travel restrictions and extended processing times.

During COVID-19 and post-pandemic, Canadian colleges and universities kept accepting an increasing number of international students who paid high international student fees, while hoping to settle in Canada permanently upon completion of their studies. In 2023, Canada issued a record 510,361 study permits (excluding extensions); and the total number of study permit holders in Canada reached 1,040,984.

Most of those study permit holders entered the Canadian labour market, and many were supported by their Canadian employers with work permit renewals and permanent residence applications to facilitate long-term employment of these valuable workers.

The weather always changes though, and immigration regulations are never static. Canadian immigration officially entered in its seasonal change in September 2024, and as of November, skies are dark. For the first time in Canadian immigration history, the government's Immigration Levels Plan includes specific targets for temporary residents (visitors, international students and temporary foreign workers), as well as for permanent residents. Canada aims to reduce its non permanent resident volumes to 5% of the population by the end of 2026 on the grounds that as the country moves away from post-pandemic measures, *"there is a need to better align temporary and permanent resident immigration levels with community capacity."* The Levels Plan communicates the clear need for *"a well-managed migration system"*, which brings new uncertainty to temporary residents who have already spent several years studying or working in Canada.

International students and recent foreign national graduates are currently under extreme pressure which rises with every government announcement. The path to becoming a permanent resident of Canada is the narrowest it has ever been. Changes in immigration regulations will mean that a significant number of temporary residents will have to leave Canada in the next two to three years.

In other words, a storm is coming. It will wipe out all the building blocks towards permanent residency for many who will have no option to legally remain in Canada. Many foreign workers will lose their jobs due to inability to renew work permits and lack of ability to apply for permanent residence.

It will be cloudy for study permit applicants located outside Canada. For 2025, the government will cap the total number of approved study permits at 437,000. Those who will be granted study permits may not be able to be accompanied by their spouses. The work permit eligibility for spouses of international students will be limited to spouses of master's degree students whose Canadian study program is at least 16 months in duration. When it comes to spouses of foreign workers, the government will limit work permit eligibility to spouses of foreign workers in management or professional occupations or in sectors with labour shortages.

These sudden and rapid changes in the immigration forecast will put immense pressure not only on temporary residents but also on Canadian employers. The government's changes that came into force on September 26, 2024 significantly reform the Temporary Foreign Worker Program. One of the key changes is that the employers who pay their foreign workers a wage that is below provincial median wage are only able to support a one-year work permit (decreased from the previous two-year duration). Considering that it can take up to a year to process an application for a Labour Market Impact Assessment and a work permit, there will be little incentive for employers to support a work permit application for a foreign national paid below median wage.

► On November 8, 2024, Ontario's median wage increased from \$28.39 to \$34.07, and the median wage increased in all provinces and territories. When it rains, it pours.

The government acknowledges that *"Canada is experiencing more asylum claims as the number of displaced people worldwide continues to grow, and that contributes to growing temporary resident volumes."* My prediction is that we will see a growing number of asylum and refugee claims. Apart from individuals who have meritorious grounds to apply for asylum or refugee status, there will be a rising number of claimants who simply see no other option than cheating their way through the system. Many in both groups will have dependent children included in their applications. A 'dependent child' is defined as a child who is below age 22 and who has no spouse or common-law partner. Someone who is over 22 years of age but fully depends on their parent in day-to-day life due to a physical or mental impairment is also qualified as a dependent child.

Public opinion about immigration is low, and falling with a clear majority of Canadians feeling there is too much immigration. The government's efforts to limit the number of temporary residents in Canada seems to be approved by most Canadians so far, largely due to the perception that the housing crisis is caused, at least in part, by high immigration volume. My personal story is that of an immigrant who came to Canada with a Russian law degree as an international student when I was 20 years old.

I did not speak English and had no relatives or friends in Canada. I was ready to work hard and to build from scratch; and 11 years later, I was called to the bar in Ontario. Lately, I often hear negative opinions about immigrants, and yet, I am an immigrant helping other immigrants to build their life in Canada. While I am proud to help others with immigration matters, I respect the opinions of those who are concerned about high immigration levels seen in recent years.

It is a tough climate to practice immigration law. For those lawyers consultants just starting in the field, the learning curve will be as steep as ever. We have entered extreme immigration climate conditions; it is mainly gloomy and there is no sunshine in sight.

As an immigration law practitioner, I deal with any climate wherever the 'weather' takes me, and I firmly believe that every

cloud has a silver lining. I am also aware of the great responsibility and privilege to assist clients in the most difficult times. Many of my clients are Canadian companies and organizations currently struggling to sustain their workforce. All I can do is to keep diligently practicing law in this challenging environment.

Eventually, there will be a more optimistic forecast for newcomers who wish to build their future in Canada and for Canadian business owners who have a real need for employing foreign workers. Eventually, the seasons will change once again

Disclaimer: This article was originally published by Law360 Canada, part of LexisNexis Canada Inc.

<https://www.law360.com/ca/immigration/articles/2269155/immigration-forecast-mainly-gloomy-with-rising-pressure-systems>

Criminal Lawyers Needed



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

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

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

Successful candidates should:

- Be in Private Practice
- Have LawPRO coverage



Please send your resumé to:

Riyad Bacchus, Director - Legal Assistance Division

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



Only **\$499** for unlimited CPD hours!

CPDOnline offers a simple, affordable solution for legal professionals to meet their Continuing Professional Development (CPD) requirements.

It's like the Netflix of CPD!

With an extensive library of on-demand programs, CPDOnline allows you to learn at your own pace, on your own schedule, from anywhere. Our courses are crafted by experts in various legal fields, ensuring that every session delivers valuable, up-to-date insights.

Get a 2024 calendar year subscription, and enter the code '**CPD2024**' to fulfill your CPD requirements for just \$499!

With user-friendly navigation and excellent customer support, CPDOnline makes fulfilling your CPD requirements straightforward and stress-free.

 **WATCH**

REGISTER

CPDOnline

Advice for Young Lawyers from Honest Abe



Contributed by:
Dan Mailer – Dan Mailer Law

It's almost the Christmas holiday break and as I write this article for the Snail, I do so with some urgency. I am quoting from and writing about a book from the local Public Library and have been receiving emails from said institution reminding me that the book is long overdue and must be immediately returned!

Recently one of our local Judges kindly invited me back into his chambers for a friendly chat. We talked about common interests including how the nonstop demands of the law can intrude upon such mundane interests like enjoying downtime, spending time with the kids or a good workout at the gym. For my part, I was excited to share with the friendly Judge, my excitement over a book I was currently reading titled *"Reflections on the Law, Faith and a Life Well Lived"* by United States Supreme Court Judge, Antonin Scalia. Justice Scalia sat on the Supreme Court from 1986 until his death in 2016 and is considered one of the most influential jurists in the history of the court. The book that I was excited about was a collection of his speeches on topics ranging from the American people and their culture, living and learning, faith, the law, virtue and the public good as well as on his heroes and friends.

One of Scalia's heroes was Abraham Lincoln and his was the life of a lawyer that is worth remembering. When Lincoln was elected to Congress, he was asked to identify himself and he humbly wrote, *"Education, defective, Profession, lawyer"*. As someone who barely got into law school myself, I quickly related to Abraham Lincoln. He never attended University but received his initial training from a copy of Blackstone's Commentaries which he discovered in an old barrel. There is no record of him sitting for the Bar Exam, but he was admitted to the Illinois Bar after a Judge considered him to be a person of good moral character. He was a frontier lawyer from a small town who would ride a horse or carriage from town to town arguing cases in one room log cabin courthouses for no fee or a modest fee in the range of \$5 to \$50. His first law office consisted of a table, some chairs, a lounge, a bench, an old wood stove and five copies of the Illinois reports along with 20 volumes of law books.

He practiced law for 23 years and argued 172 cases before the Illinois Supreme Court and probably tried more cases than any other member of the Bar of his day. He was legal counsel to a couple of railroads and eventually ran for the Senate and successfully for the Presidency of the United States where he guided the nation through the Civil War and the emancipation of the slaves.

What was of particular interest to me was Lincoln's *"Notes for a Law Lecture"*, giving advice to new lawyers and describing the more mundane aspects of being a lawyer. This advice included the following *"leave nothing for tomorrow which can be done today"*, *"closely examine legal documents"*, *"avoid overcharging for services"* and *"cultivate and practice extemporaneous speaking for it is the lawyer's avenue to the public"*. It's no surprise that Honest Abe also focused on the importance of practicing good professional ethics since it is an important key to your credibility with the public, other lawyers and with the Bench.

What also struck me about all of this was how we feel that today we live in a very complicated world full of what can seem like overwhelming issues and challenges at times. Reflecting on the life of Abraham Lincoln, is a good reminder that life has never been easy for anyone and simple basics can equip us for the challenge if we stay within the guardrails and do the best that we can with what we have.

As I excitedly told my Judge friend about the Scalia book like it was some newfound revelation, he calmly walked over to the bookcase in his chambers and pulled out his own copy of the Scalia book. I was instantly reminded of the reason why I liked and respected this Judge.



We are hiring

Personal Injury Lawyer

We are seeking a personal injury lawyer who works well both independently and within our team of highly skilled professionals.

We are a truly cohesive team. Being a team-player as well as having strong technical ability and a positive attitude will make you an ideal candidate.

We are looking for a lawyer who...

- has 1-4 years of relevant experience;
- has a passion for helping people;
- is in good standing with the Law Society of Ontario;
- possesses strong litigation skills;
- has excellent analytical and problem-solving abilities.



SISKINDS

The law firm

We offer a technologically advanced environment with specialized applications as well as comprehensive in-house training. We also offer competitive compensation and benefits.

Siskinds is an equal opportunity employer and will work with and accommodate persons with disabilities throughout the entire recruitment, selection, and on-boarding process.

To learn more about us, please visit our website at www.siskinds.com.



Scan for more
information
and to apply

NEW



Cognitive Functional Capacity Evaluations



Jennifer Steller

Jennifer Ferreira

***Could a Cognitive FCE help your client?
Could a Cognitive FCE help your case?***

Measure physical and cognitive capacity of your client's ability to perform tasks in the real world.

"A Cognitive Functional Capacity Evaluation (CogFCE) builds on the commonly used Functional Capacity Evaluation (FCE) and assesses cognition including more subtle abilities in the areas of executive function, such as attention, concentration, planning, organizing, and following directions.

A thorough two-day assessment, the CogFCE includes objective measurements, standardized assessments of physical and cognitive function, non-standardized assessments and direct observation of physical, cognitive, behavioral, and psychosocial functioning. This includes evaluating the impact of cognitive fatigue on skills and can also identify difficulties with emotional regulation and frustration tolerance.

The CogFCE can provide insight into overall tolerances for activities and can be modified to consider issues in real-world circumstances. Depending on the nature of the cognitive issues the CogFCE can be a stand-alone report or an adjunct to a neuropsychological assessment, providing real-world examples of issues identified.

Referrals are now being accepted. We are happy to discuss how this evaluation could add important perspective for your client and your case."

JFerreira@SpencerExperts.com
519.660.3639
(now accepting referrals)

Jennifer@SpencerExperts.com
519.660.3639
(now accepting referrals)

NEW



Future Care Costing/Life Care Planning and Reviews



Occupational Therapy Assessments and Treatment



Functional Capacity Evaluations



Vocational Rehabilitation Services



Cognitive Functional Capacity Evaluations

SPENCEREXPERTS.COM • 519 660 3639

London and Region | Southwestern Ontario | Windsor | Toronto/GTA | Hamilton-Niagara | Northern Ontario.

Risks of Relying on AI for Note Taking



Contributed by:
David Canton / Lawyer and Trademark Agent

We need to be cautious when using AI tools that summarize discussions or take notes during an online call or meeting, or at an event or lecture. Warnings on the output saying that AI summaries may make mistakes and should be reviewed should not be taken lightly.

From what I've seen these tools can do a fairly good job in summarizing the gist of what was discussed. Indicating the time certain things were discussed, summaries of highlights, and next steps are all useful.

Hallucinations = mistakes

The problem is they can get the details wrong. For example, it might assign agreed tasks differently than they actually were, might misinterpret financial details, and might misinterpret advice given.

Details, facts, and accuracy matter. The inaccuracies may not matter if the output is just a matter of convenience and is not relied on. But if it is being relied on, and it is wrong, it will matter. Bad output can lead to bad decisions, confusion as to who was to do what, getting test answers wrong, and even litigation.

We know that large AI language models hallucinate. They are not intelligent; they just pattern-match words. Perhaps calling it a hallucination is too kind, and we should simply call them mistakes. If AI is being used as a recommendation engine for things we might want to buy or music we may want to listen to, the acceptable error rate is higher than if the AI is producing things that matter.

Draft quality

If the AI output is used as a draft that needs to be reviewed and corrected, it can save time and effort compared to manually keeping minutes, assigning tasks from a meeting, or taking notes. But something tells me that more often than not the output will be just saved without fixing it. Or people will take a quick read and say good enough. ►



“We know that large AI language models hallucinate. They are not intelligent; they just pattern-match words. Perhaps calling it a hallucination is too kind, and we should simply call them mistakes.”

► This will inevitably lead to disputes over what was said. For example, a student might try to argue about an exam question answer because their notes say the professor said X and try to use the AI output as proof.

Someone might assume another person is doing a task based on the AI output, when in fact they are not. That could lead to misunderstandings and missed deadlines.

Or someone might rely on advice given in a meeting by a lawyer or other professional based on the AI summary when the summary got it wrong.

Litigator's nightmare

The litigator's nightmare would be dealing with assumptions that if the notes say it, it must be true.

If it gets that far, it is probably a long time after the event, so attendees' recollections may be fuzzy especially if they relied on the note-taking AI and didn't pay enough attention at the time.

In an ideal world, AI summaries of things like meetings should be reviewed and corrected right away.

Nothing may turn on minor discrepancies in summaries that are shared with attendees. But if the AI summary is worth keeping, it's worth making sure that the important details are right.

If anyone gives advice in a meeting that might be relied on, they should review the AI output for accuracy, and confirm the correct advice if need be.

It has always been best to provide or confirm important details or advice in writing. But perhaps it is more important than ever considering that oral advice might be improperly summarized by an inaccurate tool.

***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](#).





Brian Suta, CPA

MAKE YOUR BEST IMPRESSION WITH
**PROFESSIONAL
HEADSHOTS**

Offering studio and lifestyle portrait packages to help you elevate your personal and professional brands.

www.neufelddesigns.com

FRANK NEUFELD
ART DIRECTION & PHOTOGRAPHY



**Your Trusted Partner
for Title Insurance**

Our industry-leading coverage helps you close residential and commercial transactions with peace of mind.

We also offer:

- ▶ Digital identity verification by Treefort IDV
- ▶ Closing protection endorsement with StewartPROTECT™
- ▶ CPD eligible education programs

Get in touch to learn more.
888.667.5151 | stewart.ca

 **stewart**
TITLE



Mediation Services



Anne Marie Frauts
BSc, LLB

- Employment law disputes including wrongful dismissal
- Canada Labour Code - Unjust dismissal remedies
- Shareholder disputes incl. oppression and derivative applications
- Breach of contract
- Insured building losses
- Failed real estate transactions for both seller and purchaser

For Availability and Fees:

Sophia Collier

519-679-4000 ext. 227

scollier@frautslawyers.ca

www.frautslawyers.ca

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](mailto:rasha.el-tawil@siskinds.com)

Leslie Ibouily

519-633-2638

[leslie.ibouily@
eolc.clcj.ca](mailto:leslie.ibouily@eolc.clcj.ca)

Hilary Jenkins

519-672-5666 x7301

[hilary.jenkins@
mckenzielake.com](mailto:hilary.jenkins@mckenzielake.com)

John Nicholson

519-914-3358

[jnicholson@
cohenhighley.com](mailto:jnicholson@cohenhighley.com)

Celebrating 2024 in Style: MLA's Annual Holiday Party Brings Members Together



Contributed by:
Gregory Willson – MLA Trustee,
Personal injury lawyer and Partner at Lerner LLP

The MLA celebrated 2024 at its Annual Holiday Party on Thursday, December 12 at Chaucer's Pub. There was a great turnout with over 40 members in attendance! The space was warm and comfortable. Chaucer's provided

an impressive spread of pub fare. There was live music from several of the MLA's very own members in collaboration with Court House Rocks, which included an entertaining jam session! Most importantly, it was a perfect space and time for members

to connect, mingle and celebrate all our achievements from 2024.

Many thanks to the MLA committee that made the event possible and we are looking forward to connecting again in 2025!





Milestone 20th Annual MLA Wills, Trusts and Estates Conference



Contributed by:
Conor Culverhouse – Ian S. Wright Law

On December 4, 2024, the London Club played host to the Middlesex Law Association's 20th Wills, Trusts & Estates Conference. This article will summarize the presentations and panel discussion with the Honourable Justice Cook.

The conference started at 9am with a discussion from Ian Wright of Ian S. Wright Law on the factors a trustee of a discretionary trust should consider when making a decision. Ian began with an overview of the general principles regarding discretionary trusts before moving on to discuss when a court can interfere with the trustee's decision.

Following this, I presented on the difference between mutual wills and mirror wills. Though a relatively settled area of law, the 2022 Court of Appeal decision in *Gefen Estate v Gefen* reiterated the need for clear and cogent evidence being needed to prove that mutual wills were intended to be such. Paul Morrissey of Siskinds then provided a comprehensive update of 2024 Court of Appeal decisions in matters pertaining to wills and estates.

The cases he discussed were:

- *Ingram v Kulnych* 2024 ONCA 678
- *Gomes v Da Silva* 2024 ONCA 792
- *Shannon v Hrabovsky* 2024 ONCA 120
- *Inhatowych Estate v Inhatowych* 2024 ONCA 142.

Paul concluded with a brief comment on the recent Superior Court decision of *Estate of William Roberts v Gillian*

Henry et al 2024 ONSC 4190: a case with contents every estates and trust lawyer should be familiar with.

Dr. Paul Ferner then explained how medical record reviews are utilized in litigation. Specifically, Dr. Ferner expanded on medical record reviews to determine mental capacity once the alleged incapable person is deceased. Dr. Ferner outlined the process he and his fellow experts undertake when conducting medical record reviews as well as records that assist them in their conclusions. Instructively, Dr. Ferner drew the conference's attention to the link between the activities of daily living, instrumental activities of daily living and mental capacity to execute estate planning documents.

After Dr. Ferner, Lou-Anne Farrell of Harrison Pensa gave the conference *"A Litigator's Perspective: Top 10 things drafting lawyers can do to reduce the risk of Litigation over their Wills"*. Lou-Anne ran through 10 practices to avoid when taking instructions and drafting wills. These practices included: allowing other people other than the client in the room; taking instructions from a family member; failure to consider previous wills; and destroying original wills which have been revoked.

Lou-Anne concluded with a concise list of tips for solicitors to avoid them having their files cross her desk. The conference was continued with Danielle Simard of Harrison Pensa providing a timely update on recent case law arising from section 21.1 of the Succession Law Reform Act.

Broadly, this legislation allows wills which do not meet the necessary formalities for execution to be "saved" if it can be shown that a document is authentic and contains *"a deliberate or fixed and final expression of intention as to the disposal of the deceased's property on death"* regardless of administrative shortcomings. The cases Danielle covered were:

- *Grattan v Grattan Estate* (unreported)
- *White v White* 2023 ONSC 3740
- *Vojka v Ostowski* 2023 ONSC 3894
- *Cruz v Public Guardian and Trustee* 2023 ONSC 3629
- *Groskopf v Rogers et al* 2023 ONSC 5312
- *Estate of Harold Franklin Campbell (Re)* 2024 ONSC 4315
- *Salmon v Romburgh* 2024 ONSC 1186
- *Haines v Kuffner Estate* 2024 SKKB 51.

The penultimate presentation was given by Gwen Spaulding, who works in the Estates department at the London Courthouse. Gwen gave a thorough account of Estate Administration documents and court filings. She discussed a wide range of topics from applications where there is no will to common errors to avoid in drafting various documents.

Gwen concluded her presentation with sample forms with tips on how to successfully file such forms with the court. Finally, Lou-Anne Farrell and Erin Rankin Nash were joined by the Honourable Justice Cook for a panel discussion.

Topics ranged from an update on the local judicial complement to more substantive issues including counsel appointed under section 3 of the Substitute Decisions Act.

► Her Honour made specific reference to counsel to seek to utilize Judicial Case Management for estate matters to streamline litigation and reap the

benefits thereof: lower costs and quicker resolutions to name a couple. A big thank you to the London Club for hosting, Erin Rankin Nash for

organizing the conference on short notice and Ope Ogunforwora from the Middlesex Law Association for helping the event run smoothly.

Middlesex Law Association Hosts Successful CPD Event for Small Firms, Sole Practitioners, and In-House Counsel



Contributed by:

Nicole Rogers, MLA Trustee - Associate Practice Counsel, Aviva Trial Lawyers

On November 20th, the Middlesex Law Association held a CPD event uniquely tailored to the needs of small firms, sole practitioners, and in-house counsel. Organized by Conference Chair Leslie Jack (Shillington McCall LLP) alongside Committee Members Christina McCreery (City of London), Kristen Dearlove (Aviva Trial Lawyers), and Kristen King (Wallace Smith LLP), the event delivered insightful sessions designed to address the challenges facing our members practicing alone and in smaller settings.

The program opened with **Session One: "Your Online Reputation: Marketing and More that Protects (and Promotes) Your Firm/Organization"**, presented by Lakin Afolabi (Lakin Afolabi Law PC), Laura M. Gurr (Cohen Highley LLP), and Philip Millar (Millars Lawyers PC and Third Eye Insights Inc).

Attendees gained valuable tips on safeguarding their professional reputation online while leveraging digital platforms for growth and visibility.

Session Two: "How to Effectively Handle and Prevent Cybersecurity and Privacy Breaches", delivered by Alysia Christiaen (Lerners LLP), Gordon Lee (Seneca College), and Savvas Dagnis (Siskinds LLP), tackled one of the most pressing issues in today's digital landscape. The presenters provided actionable strategies for mitigating cybersecurity risks and responding effectively to potential breaches.

Participants were engaged by **Session Three: "How to Better Serve Your Client/Organization and Manage Difficult Clients and People."**, where Brian Smith (Wallace Smith LLP), Nicole Rogers (Aviva Trial Lawyers), Samantha Puchala (Velox Law PC), and Tara Pollitt (City of London) shared practical (and amusing) advice

on navigating challenging interactions while enhancing client satisfaction.

The event concluded with **Session Four: "Mandatory Succession Planning – LSO New Requirements as of January 1, 2025"**, presented by Michael Lamb (Cohen Highley LLP). Attendees left with a clear understanding of the new Law Society of Ontario requirements coming into force in 2025 for succession planning, and some practical tools for how to navigate those requirements.

The Middlesex Law Association thanks all presenters, committee members, and attendees for making this event a success. The insightful discussions and actionable takeaways from this year's program underscore the value of CPD in fostering continuing excellence in the London legal community.

We look forward to seeing everyone at next year's CPD events!

Upcoming Events

Join us for
the Inaugural
Wellness Summit!

Wellness Summit
The London Club
Tuesday, January 14th
1:00-5:00 p.m.

with Networking Social
5:00-6:30 p.m.

Co-chairs Jacob Damstra and Erin Rankin-Nash invite you jump in for an incredible afternoon of Wellness

presentations. Overall wellness requires being attentive to a range of needs across various aspects of one's life. Prioritizing wellness and self-care and developing personal strategies takes both time and ongoing learning.

This broadly defined Wellness Summit has been designed with the unique needs and demands of lawyers and paralegals in mind. It will bring together experts from our local community to share the realities through data, to share expertise and strategies, and to highlight personal experiences for building and prioritizing wellness. Through

presentations, demonstrations, and expert panels, the following topics will be explored:

- The Why of Wellness
- Forging Physical Wellness
- Maintaining Mental & Emotional Well-Being
- Optimizing your Environment for Wellness
- LSO Member Assistance Program (MAP)
- Managing & Mentoring for Wellness

REGISTER TODAY!

LAW SOCIETY
OF ONTARIO
accredited

LAW SOCIETY
OF ONTARIO
accredited
EDI



EDI Accredited Content

 **the MIDDLESEX
LAW ASSOCIATION**

Wellness Summit

January 14, 2025 | 1 - 5 PM

+ Networking Social from 5 - 6:30 PM

Live @ The London Club



AJ MILLER

LOUISE POOLE

GARY PHELPS

RON MARTINDALE

JESSY HAWLEY

DANIELLE MARTENS



Business
Valuations



Insurance
Claims



Loss
Litigation



Personal
Injury

Reach out to our team

London - 785 Wonderland Road S. | t: 519.673.3141


Toronto - 20 Bay Street | t: 416.840.8050

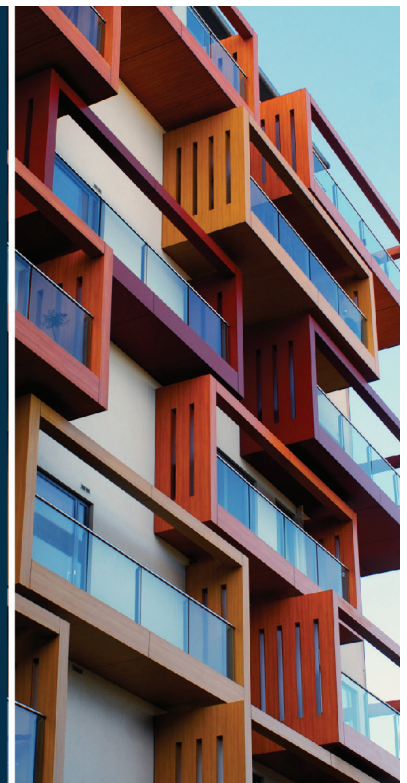
davismartindale.com



The TitlePLUS Difference
Legal Service Coverage is automatically
included in most policies

[Learn more](#)

 1-800-410-1013



Underwritten by Lawyers' Professional Indemnity Company (LAWPRO®). © 2024 LAWPRO
250 Yonge Street, Suite 3101, P.O. Box 3, Toronto, ON, M5B 2L7

Board of Trustees

2024-2025

EXECUTIVE

President

Nicola Circelli

519-601-9977

nicola@nicolacircellilaw.com

Vice President

Jacqueline Fortner

519-673-1100

jfortner@dyerbrownlaw.com

Treasurer

Gregory R. Willson

519-672-4131 x 6340

gwillson@lerner.ca

Past President

Jake Aitcheson

519-640-6396

jaitcheson@lerner.ca

TRUSTEES

Natalie Carrothers

519-640-6332

ncarrothers@lerner.ca

Rasha El-Tawil

519-660-7712

rasha.el-tawil@siskinds.com

Leslie Ibouily

519-633-2638

libouily@shillingtonmccall.ca

Hilary Jenkins

519-672-5666 x7301

hilary.jenkins@mckenzielake.com

John A. Nicholson

519-672-9330

jnicholson@cohenhighley.com

Anita Osmani

519-661-6768

aosmani@harrisonpensa.com

Nicole Rogers

519-639-2741

Nicole.rogers@aviva.com

Geoff Snow

519-434-7669

geoff@snowlawyers.ca

Anna Szczurko

519-660-7784

anna.szczurko@siskinds.com

Claire Houston – Western Rep

claire.houston@uwo.ca

PRACTICE AREA SUBCOMMITTEES

Corporate/Commercial

EDI/Professionalism

Personal Injury

Real Estate

Small Firms/Sole Practitioners

Wills, Estates, Trusts

MLA STAFF

Library Staff

Cynthia Simpson

519-679-7046

cynthia@middlaw.on.ca

Shabira Tamachi

519-679-7046

shabira@middlaw.on.ca

Opemipo Ogunfowora

519-679-7046

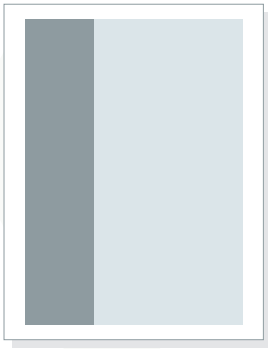
admin@middlaw.on.ca

Core Purposes:

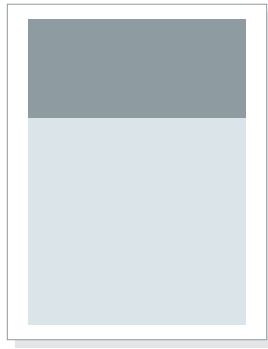
1. Providing information resources
2. Providing professional development
3. Providing professional networking
4. Advocating for lawyers' interests
5. Providing a physical space for lawyers

Newsletter Advertising Rate Card

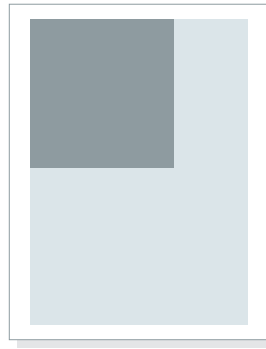
Rates effective April 1, 2024



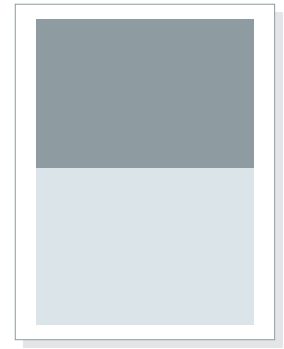
1/3 Page
2.25" x 10"
\$95 per issue



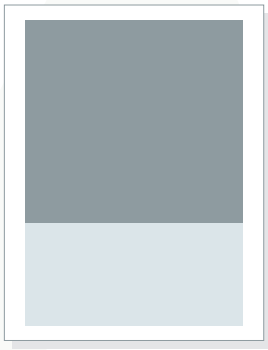
1/3 Page
7.125" x 3.25"
\$95 per issue



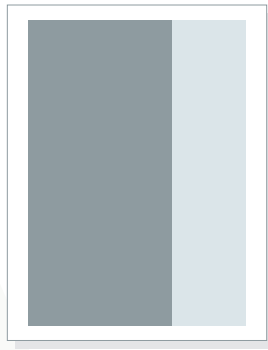
1/3 Page
4.6875" x 4.875"
\$95 per issue



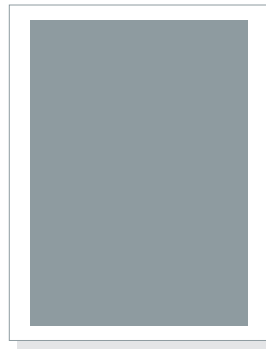
1/2 Page
7.125" x 4.875"
\$125 per issue



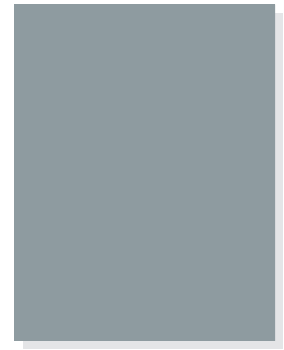
2/3 Page
7.125" x 6.625"
\$155 per issue



2/3 Page
4.6875" x 10"
\$155 per issue



Full Page - Margins
7.125" x 10"
\$210 per issue



Full Page - Bleed
8.5" x 11" with 0.125" bleed
\$210 per issue

Ads may be submitted in *.eps, *.pdf, or *.psd formats. JPEG images will be accepted but please note this is a lossy format and results may not be as expected. Ads that are not sized to the measurements listed will be scaled to fit the adspace which may result in unwanted results. Please proof all files prior to submission.

The MLA Newsletter is published 4 times per year. Distribution includes MLA Members (900+ current and retired), Law Association Presidents in SW Ontario, Chair of FOLA, Great Library Osgoode Hall, LiRN, Judges, Crown Attorneys, and the Court Offices.

All sizes available upon request. Rates are based on camera ready or digital artwork (.eps, .pdf or high resolution .jpg). If ad layout is required, a design rate of \$75/hour may apply. Quoted rates do not include HST.



www.middlaw.on.ca