

THE
MIDDLESEX LAW
ASSOCIATION

Smail



Young Lawyers & The Business of Law: What We Need to Know

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April 2025 Issue

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Middlesex Law Association Newsletter

EDITORS

Nicole Rogers
Pamela Lee

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President's Message



Contributed by:
Jacqueline Fortner / MLA Board President

After many years as a Trustee on the MLA Board of Trustees, I am delighted to be the MLA's incoming president. We have started 2025 off strong with the inaugural Wellness Summit, chaired by Jacob Damstra and Erin Rankin Nasha; the Civil Bench and Bar Meeting on February 4th 2025; and, the MLA's Annual General Meeting on February 26th, 2025. Over the course of the coming year, I am excited to bring new CPD and social programming to

our membership. We have a large new Board of Trustees who I am very excited to be working with this year.

This year's Board of Trustees are: Anita Osmani;Carolynn Conron; Rasha El-Tawil; Gregory Willson; James Zegers; Jessica Cacciavillani; John Nicholson; John Brennan; Kimberly Cura; Leslie Jack; Mark Simpson; Nicola Circelli; Nicole Rogers; Shane Roberts; Tahwila Husaini; Waheedah El-Bagdady; and Claire Houston.

The Executive Committee for 2025 - 2026 is comprised of myself, Gregory Willson (Vice-President), Leslie Jack (Treasurer), and, Anita Osmani (Member-at-Large).

We are also delighted to have brought Pamela Lee on as our new executive director. Pamela has a wide range of experience and brings with her a bright new energy that I am confident will serve the Board and the membership very well.

I am thrilled that she has joined our team and look forward to working with her this year.

I want to thank our outgoing president, Nicola Circelli, for all of her hard work as President of the MLA since the Spring of 2024. Both the Board of Trustees and the membership as a whole has benefitted from her leadership and I look forward to continuing to work with her this year.

Finally, I would like to thank the MLA library staff, Shabira Tamachi and Cynthia Simpson. Both of these women work tirelessly to support the needs of our membership. More importantly, I would like to express my gratitude to Cynthia Simpson for over 35 years of service to the MLA. Cynthia has been a constant source of support and knowledge for all of our members. Please join me in congratulating Cynthia on this milestone.

I am looking forward to another great year ahead. Please do not hesitate to reach out to myself or Pamela Lee (pamela@middlaw.on.ca) should you wish to become more involved in any events, or with any questions or concerns.

Jacqueline Fortner, MLA
President

Practice Resource Centre News



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

New Product Alert: Lexis+ Canada

As reported in a recent MLA Update, we are excited to announce that we now have access to Lexis+ Canada on all the computers in the MLA Practice Resource Centre. Lexis+ Canada is a comprehensive integrated legal research and workflow tool providing a range of features designed to enhance legal research and practice. Lexis+ Canada allows you to:

- Access the vast collection of case law, editorial analysis, and data visualization with over 490 full-text textbooks and looseleaf publications in more than 30 different areas of law.
- Rely on the up-to-date practical material within Practical Guidance to support your day-to-day practice.
- Track upcoming legislative changes with the Legislative Pulse service.
- Extract any relevant information from Lexis+ Canada to make sure you cover everything mentioned in your document with Brief Analysis.

Our sincere thanks to the Legal Information and Resource Network (LiRN) who negotiated this contract with LexisNexis to provide Lexis+

Canada to the subscriptions available at all county and district law association libraries in Ontario.

ChatGPT Cases – London Edition

You have likely heard ad nauseum about the [2023 New York Federal Court case](#) where counsel submitted a brief to court containing fictitious cases generated from a ChatGPT search. We faced a similar situation recently when asked to pull cases for one of our members. The request came by email and the lawyer provided case names, the year each was decided, and case summaries that, in at least one instance, identified the court level. We assumed this had been pulled from a legal aid memo, or an article on the topic, where the full citations were either hyperlinked or in endnotes and were not captured in the information copied and sent to us. Imagine our surprise after searching several legal databases with variations of keywords and search filters and coming up empty with names even remotely close to the ones requested that we then found out the lawyer had generated that case list from a ChatGPT search.

We eventually abandoned the search for those particular cases and provided some decisions that did fit the fact situation of the matter. Ultimately, it was a learning experience and a reminder to employ our reference interview skills before spending too much time on a search request. So, if you are looking for reliable information on an issue, avoid ChatGPT and ask your trained MLA library staff to find helpful decisions and commentary for you!

Privacy in the PRC

We would like to remind those who use the research computers in the library that these are accessible by all, so any personal information, files, and login credentials should not be saved or left open on the computer. It is not uncommon to find a computer logged into someone's email account for all to see and access. Additionally, users will save a file to the desktop relating to a client matter and then forget to delete it and empty the system's recycling bin. Often, these files are left open on the screen. Please take a moment to log out of any sites you have opened on a user computer and delete files before leaving.

New Books

Feldman, Giselle, ed. **Practitioner's Ontario taxes annotated, 2024**, Thomson Reuters, 2024

Feldman, Richard. **Residential tenancies, 12th ed.**, Thomson Reuters, 2024

Goodis, David. **2024-2025 annotated Ontario Freedom of Information and Protection of Privacy Acts**, Thomson Reuters, 2024

Halfyard, Mark, et al. **Criminal appeals: a practitioner's handbook, 2nd ed.**, Emond, 2024

Harvey, Cameron. **Agency and partnership law primer, 6th ed.**, Thomson Reuters, 2024

Johnston, Michael A., **People's champion: trial by jury**, LexisNexis, 2024

Kain, Brandon. **Good faith in Canadian contract law, 2 vol.**, LexisNexis, 2024

Lavender, T. Stephen. **2025 annotated Ontario Human Rights Code**, Thomson Reuters, 2024

MacDonald, James C. **2025 annotated Divorce Act**, Thomson Reuters, 2025

Pun, Gregory, et al., **Law of nuisance in Canada, 3rd ed.**, LexisNexis, 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

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

Sells, Berkley D. **Motions Court practice and procedure, 2nd ed.**, LexisNexis, 2017 - **NEW**



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Meet Your 2025 Board of Trustees



Jacqueline Fortner
President

Jacqueline is a Partner at Dyer Brown LLP, practicing in Insurance Law. She was called to the Ontario bar in 2016 after obtaining her Juris Doctor from Western University in 2015. Jacqueline has been a Trustee of the Middlesex Law Association since 2018 and also serves on the Board of Directors for the not-for-profit, investing in Children. Jacqueline enjoys spending time with her children, searching for the best coffee in the city, and testing out new cookie recipes.



Greg Willson
Vice President

Greg Willson is a partner at Lerner and works exclusively in their personal injury department. As a personal injury lawyer, Greg works on serious injury and fatality cases involving adults, children and their families. Greg was recognized by the 2024 edition of Best Lawyers: "Ones to Watch in Canada" in Personal Injury.

Greg is an experienced speaker and lecturer; he has spoken at a number of seminars and has been an invited speaker with treatment and health care providers across Ontario on numerous occasions. Greg is a multi-year board member of the Brain Injury Association of London and Region and is the Vice President for the Middlesex Law Association. Greg's love for football has developed into his dedication to the London Junior Mustangs, he is a dedicated Board member and Head coach of the U 18 OSFL Champions! Greg is a dedicated husband and father to his three young children, Lily, Xavier, Valerie and dog dad to Sonny!



Leslie Jack
Treasurer

Leslie Jack is an Associate Lawyer at Shillington McCall LLP where she specializes in insurance defence, including matters related to accident benefits, breach of fiduciary duty, and tort claims. Fully bilingual, Leslie holds a Bachelor of Laws (LL.B.) from the University of Toulouse 1 Capitole and two Masters of Laws (LL.M.) degrees—one from the University of Ottawa and the other from Osgoode Hall Law School.

Outside of her legal practice, Leslie is a committed community volunteer, currently serving as a Board Trustee for the Middlesex Law Association, Wellkin Child & Youth Mental Wellness, and Leads Employment. She is also an active member of the Canadian Black Lawyers Association, L'Association des juristes d'expression française de l'Ontario, and the Canadian Defence Lawyers Association. In her personal time, Leslie is an enthusiastic long-distance runner, and enjoys the balance running provides to her busy professional life.



Nicola Circelli
Past President

Nicola is the founder of Nicola Circelli Law, focusing on the areas of criminal defence, mental health and estates. She has appeared at all levels of court within the province and has successfully defended clients at trial. Nicola is passionate about her client's cause and works hard to seek the best resolution possible for them. Nicola is Vice-President of the Criminal Lawyer's Association of London, a member of the

Provincial Criminal Lawyer's Association, the Law and Mental Disorder Association, the Women in Canadian Criminal Defence and regularly volunteers in the London community.

Having previously completed a Masters in International Human Rights Law, Nicola represented her University in the International Criminal Law Trial Competition in The Hague and was a member of the University of Leicester Women's Soccer team.



Anita Osmani
Executive Committee Member

Anita Osmani is a Family Lawyer at Harrison Pensa with a broad family practice, representing clients in litigation and negotiations. Anita's practice encompasses parenting issues, child and spousal support, division of property, and child protection. She assists clients with both litigation and in preparing domestic contracts, including marriage contracts, co habitation agreements and separation agreements.

Anita is mindful that every family situation is unique and personal and understands the need to have dependable and compassionate counsel. She is committed to helping her clients navigate the legal system while helping them achieve their best interests.



John Brennan
Board of Trustee

John Brennan is a dedicated lawyer and principal of JBrennan Law, a practice specializing in Commercial Litigation, Shareholder and Partnership Litigation,

and Property Disputes. With extensive courtroom experience, John is known for his strategic insight, expertise, and strong commitment to advocating for his clients' best interests.

Prior to establishing JBrennan Law, John was a Partner at a large full service regional law firm, where he provided representation in complex business disputes, commercial tenancy matters, estate litigation, employment disputes, construction litigation, intellectual property cases, and defamation claims, among others. His advocacy has seen him appear before numerous courts and tribunals, including the Ontario Superior Court of Justice, Divisional Court, Ontario Court of Appeal, and Ontario Human Rights Tribunal. John has also contributed to legal education, serving as a Special Lecturer and Sessional Instructor in Economic Torts at the University of Windsor, where he enriched students' understanding of tort law with practical insights drawn from his professional experience.

Outside the practice of law, John maintains diverse interests including horticulture, art, and following current events, which he believes bring balance and perspective to his professional life. When not in the office you can find him hanging out with his son, travelling or enjoying an art gallery or concert.



Jessica Cacciavillani
Board of Trustee

Jessica Cacciavillani is the owner and principal lawyer at JC Criminal Law, which she established in 2024 after being licensed to practice law in 2021. With a strong academic background, she holds an Honours Bachelor of Arts from the University of Toronto, a Masters of Environmental Studies from York University, a Graduate Diploma from the Schulich School of Business, and a Juris Doctor from Bond University.

This year, Jessica Cacciavillani is honoured to serve her first term on the MLA Board of Trustees in London, Ontario. She is excited to contribute to such a respected

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organization and work alongside individuals dedicated to making a positive impact in the community. As a passionate advocate for justice and service, she looks forward to bringing her diverse experiences and skills to her role on the board.



Carolynn Conron
Board of Trustee

Carolynn Conron is the owner and operator of Conron Law Professional Corporation, a boutique criminal defence practice in London, Ontario. She graduated summa cum laude from McMaster University with a double major in philosophy and communication studies and a minor in psychology. She then attended law school at the University of British Columbia, where

she worked at the UBC First Nations Legal Clinic in her third year, developing a passion for criminal law.

After being called to the bar in British Columbia in 2010, Carolynn returned to her hometown of London, Ontario, and was called to the Ontario bar in 2011. She earned a Master of Laws from Western University in 2012, focusing on Canada's Medical Marijuana Access Regulations, while also working as review counsel at Community Legal Services. In April 2013, she launched her own criminal law practice. Since 2018, she has been recognized as one of London's Top Three Rated defence lawyers and, in 2020, was named one of London Inc.'s Top 20 Under 40. Carolynn has served as the London Director of the Ontario Criminal Lawyers' Association and Vice President of the London Criminal Lawyers' Association. She was previously a board member for The Meal in support of Diabetes Canada and currently sits on the boards of the Downtown London Business Association and London Lawyers Feed the Hungry.

Beyond law, Carolynn is an avid yogi, a vocalist in the band The Soldiers of Disappointment and emerged victorious in a charitable boxing match for the Fight to End Homelessness. She is also the proud mother of a 14-year-old son and a 9-year-old daughter.



Kimberly Cura
Board of Trustee

Kimberly Cura is a partner at Lerner LLP. She maintains a litigation and dispute resolution practice focused on estates and trusts law, commercial disputes, and appellate advocacy. She has appeared in all levels of court in Ontario, including the Court of Appeal, on estate and power of attorney disputes, as well as contractual and commercial disputes, including injunctions. Kim has worked with families through Pro Bono Ontario at Children's Hospital, London Health Sciences Centre to appeal their denial of Assistance for Children with Severe Disabilities, and is on the Governance and Board Development Committee for Ronald McDonald House Charities Southwestern Ontario. Outside of her profession, Kim is a photographer, budding pickleball enthusiast, and a devoted mom of two little girls and a standard poodle named Oreo.



Waheedah El-Bagdady
Board of Trustee

Waheedah is a licensed paralegal, having graduated from the Paralegal Program at Fanshawe College in 2024. She currently serves as a Litigation Law Clerk at Harrison Pensa LLP, where she works in the Restructuring, Insolvency, and Bankruptcy department. The department advises and represents creditors, trustees and receivers with bankruptcy and insolvency proceedings, enforcement of security and priority

disputes. Before transitioning to civil litigation, Waheedah gained extensive experience as a Legal Assistant for both the Provincial and Federal Crown's offices in London, Ontario. Her background in criminal law has provided her with a well-rounded understanding of legal procedures and the justice system. Raised in London, Waheedah values community engagement and professional networking. She is dedicated to enhancing her legal expertise while fostering trust and respect within the legal profession. She is also committed to advocating for the growth and recognition of the paralegal profession. This is Waheedah's first term as a Trustee of the Middlesex Law Association. She is honoured to contribute to the MLA and support the legal community in her hometown.



Rasha-El-Tawil
Board of Trustee

Rasha takes great pride in her ability to help her clients achieve the results they seek, while also being cognizant of the emotional support required to truly help them heal. Rasha is a recognized leader within and outside Siskinds Rasha has been selected by her peers for inclusion in The Best Lawyers™ in Canada 2022 to 2025, and was recognized as a recipient of the London Inc. "Top 20 Under 40 Award" in 2020.

She is well-versed in all areas of personal injury law and represented clients in all levels of court and tribunals. Rasha's practice also includes appellate litigation. Rasha is a native Londoner who also speaks Arabic.



Tahwila Husaini
Board of Trustee

Tahwila Husaini is a lawyer at Shillington McCall, practicing in insurance law with a focus on tort and accident benefits litigation. She was called to the Ontario bar in 2024. Originally from London, Ontario, she is excited to be practicing in her hometown. Tahwila earned her law degree from the University of Victoria after completing a Bachelor's degree at Western University and a Master's degree at Wilfrid Laurier University. Outside of work, she enjoys exploring local cafés, playing sports, and searching for the best hiking spots.



John Nicholson
Board of Trustee

John is a partner with Cohen Highley. He is a seasoned litigator who has represented clients at all levels of court in Ontario.

John has a diverse civil litigation practice with a particular emphasis on medical malpractice lawsuits. John also practices in the areas of estate litigation, personal injury, commercial and insurance litigation, and professional regulation matters. John has represented his clients on appeals in the Court of Appeal for Ontario and the Divisional Court. John was the recipient of numerous awards in law school before being called to the bar in 2006, and bringing his analytical focus into practice for his clients.

John was born in Burlington, and has now lived in the London area for 20 years. When not practicing law, John's focus is on being dedicated parent to his three children.

Since 2020 John has been pleased to serve the London legal community as a Trustee of the Middlesex Law Association (MLA), and as a Bench and Bar representative of the MLA. John holds a

history degree from Carleton University (graduated with highest honours) and law degree from Western University (Dean's Honour List, top 10% of his class).



Shane Roberts
Board of Trustee

Shane is an associate at Beckett Personal Injury Lawyers with a specialty in advocating for victims of sexual assault and abuse. Born and raised in London, Ontario, Shane earned his Bachelor of Arts and Masters of Arts in History from the University of Western Ontario in 2016 and 2018. During his time at Western, he competed on the varsity cross country and track & field teams. Following his undergraduate and graduate studies, Shane obtained his Juris Doctor from the University of Windsor in 2022. Shane was called to the Ontario bar in June 2023 after completing his articles with Beckett.

Outside of the office, Shane is an avid golfer and long-distance runner. In the evenings, and on weekends, you can often find him on the golf course or a running trail.



Nicole Rogers
Board of Trustee

Nicole Rogers is Associate Practice and Senior Litigation Counsel in the London office, having joined Aviva Trial Lawyers in 2019. Nicole leads a team of exceptional junior lawyers in the London and Oakville offices, in the practice area of civil litigation with a focus on motor vehicle accidents, property damage and municipal matters. Nicole received an undergraduate degree (with distinction) in Philosophy from Western University in 1998. She went on to obtain an LL.B. from Western in 2001, where she worked as student editor on the Canadian Journal of Law and Jurisprudence and earned the highest standing in

jurisprudence in her graduating class. Nicole is a member of the Advocates' Society, Canadian Defence Lawyers, and the Ontario Bar Association. She most recently received the City of London City Manager's Award of Excellence for Collaboration in Strategic Planning, and sits on a number of committees including as a Trustee of the Middlesex Law Association where she co-chairs the personal injury committee. Nicole is a question writer for the LSO's Bar Admissions Examination – Civil Section, maintains a keen interest in teaching and mentoring, and is a frequent speaker at continuing education programs.

Nicole's personal interests include coffee, red wine, and music. An avid traveler, she spends her free time exploring beaches, museums, and restaurants.



Mark Simpson
Board of Trustee

Mark Simpson exclusively practices family law with his law firm, Simpson Law Professional Corporation. His firm is located in a building on Hamilton Road across from the Coffee House, an outreach building for Canadian Mental Health Association. He graduated from Ottawa University law school, and his undergrad from Western University focused on philosophy. He completed his articles in Trenton, Ontario, and frequently attended the Belleville courthouse. He was called to the Bar in 2004, and has practiced family law since 2005. He's really excited for the opportunity to serve the Middlesex Law Association Board as a Trustee for the 2025-2027 terms. He has lived in London, ON since 1989, and has experience on his first Board with the Learning Disabilities Association of Ontario, with thanks to Susan Carlyle for that opportunity. He has also served on the Hamilton Road Business Improvement Association Board and currently sits on the Oakridge Optimist Baseball Board (OOBA). He spends a great deal of time during summer months on the baseball diamond coaching baseball.

He's involved as Trustee because he felt it time to give back to the local legal

community which he has incredibly fond memories of from many, many colleagues, and experiences since being called in 2004. So far from the short time on the Board, he's really intrigued with how enthusiastic and dedicated our trustees are to serving the Board. He'll be interested in hearing from the members what they feel is really going strong, what new additions for events or programs may be welcome, and what if any feedback members may have for us. He can't wait to get to work this term and he's going to try to interject the importance of health and fitness wherever possible given his passion for the gym and fitness. There's an immense importance between maintaining a healthy active lifestyle and being able to sustain a reasonable approach as counsel while practicing on cases. Beyond law, Mark is an avid fitness and gym (weights) enthusiast including some kickboxing experience. He has three boys, ages 16, 14 and 12, who are heavily involved in sports and athletics.



James Zegers
Board of Trustee

James Zegers received his law degree in 1993 from the University of Western Ontario. In his final year he attended at the University of Leiden and received a certificate in European Community Law. He is a Past President of the Middlesex Law Association, and in 2020 won the Federation of Ontario Law Associations President's Award for demonstrating leadership, creativity, and innovation through his work with the Association. He is a member of the Ontario Criminal Lawyers Association, the Advocates' Society, and the London Criminal Lawyers' Association. A former teacher, James Zegers served as an adjunct professor at Brescia College, where he taught Criminal and Business Law. Born and raised in rural Oxford County in the heart of southwestern Ontario, James Zegers understands real people and the problems they face. His wide-ranging interests give him a unique perspective and a wide breadth of knowledge, both of criminal law and life, which he regularly applies in his criminal law practice.

James is also active as a volunteer in his community. He is a past and founding member of the organizing committee for Court House Rocks, an annual fundraising event that has raised over \$500,000 for London Lawyers Feed the Hungry. He was a member of the Middlesex Law Association Board of Trustees from 2015 to 2021 and served as president from 2019 to 2020. More recently he served as Treasurer for the London Criminal Lawyers Association.



Claire Houston

Western University Representative

Professor Claire Houston joined Western Law in 2018. She teaches and researches primarily in family law and children's law. Her scholarship explores the rights of children in family law disputes, feminist legal theory and family law, and access to family justice. Professor Houston was the 2021 recipient of the Western Law Dean's Research Fellowship. In 2023, Professor Houston received Western Law's Award for Teaching Excellence.

Professor Houston's work has been published, or is forthcoming, in the McGill Law Journal, Canadian Journal of Family Law, Michigan Journal of Gender and Law, Georgetown Journal of Gender

and the Law, and Family Court Review. Her scholarship has been supported by grants from the Social Sciences and Humanities Research Council of Canada (SSHRC), Law Foundation of Ontario, and University of Western Ontario. She is co-editor (with Mary-Jo Maur and Nicholas Bala) of the casebook *Family Law: Text, Cases, Materials & Notes, 10th Edition*. Professor Houston is a frequent presenter at judicial education seminars and professional education programs for family lawyers.

Professor Houston completed her S.J.D. at Harvard Law School where she was a Byse Teaching Fellow and Julius B. Richmond Fellow at Harvard University's Centre on the Developing Child. She also holds an LL.B. from Queen's University and a B.A. (Hons) from Trent University. She articulated at the Ontario Office of the Children's Lawyer before clerking for Justices Goudge, Laskin, Rosenberg, and Simmons of the Ontario Court of Appeal.



Pamela Lee

Executive Director

Pamela Lee is a results-driven Executive Director and senior leader with over 14 years of experience across multiple sectors. She holds an MBA

and a Master's in Human Resource Management. Pam has served as the Executive Director for three Not-for-Profit organizations and as a sessional lecturer at University Canada West and the University of Lethbridge, teaching MBA and undergraduate business courses. As a Management Consultant at 7V Consulting, she specializes in crisis management and strategic operations, helping organizations navigate complex challenges and optimize performance.

Pam's career includes managing over 385 large-scale projects with a combined budget nearing \$1B. Notably, she supported over 72 psychosocial oncology research initiatives at the University of Calgary and co-facilitated a 4-year service plan and budget for the Calgary Police Service. Her efforts were instrumental in securing a \$38.5M budget increase during a time of intense public scrutiny in government.

Known for her collaborative leadership style and innovative problem-solving, Pam is committed to creating efficient, people-centric solutions. She is excited to work with the Board of Trustees at the Middlesex Law Association to deliver impactful programs and services that meet the evolving needs of its 900 members.



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.

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Bob Dylan and the Law



Contributed by:
Dan Mailer – Dan Mailer Law

It was icy cold on New Years Day when three lawyer friends, Rob Farrington, James Zegers and myself, converged on the Silver City movie theatre in north London. We were there to see *"A Complete Unknown"*, a movie about the iconic singer songwriter, Bob Dylan. The movie documents the meteoric rise of the vagabond gypsy guitar slinger to superstardom as a cultural icon during the years 1962 to 1967. We all loved the film which has a remarkable 96% viewer approval rating. It's also been nominated for eight Academy Awards.



The movie got me thinking about the music and lyrics of Bob Dylan and what he might have said about the law. Since Dylan has become a modern day, poet philosopher and winner of the Nobel Prize in literature in 2016, it's a question worth asking.

The three of us, Zegers, Farrington and I, once had a band called *"The Wyld Stallions"* and one of the staples of our early performances at Courthouse Rocks, was Dylan's song *"Knocking on Heaven's Door"*. That ominous song about approaching death's door, was written about the death of frontier law man, Slim Pickens for the film *"Pat Garrett and Billy the Kid"*.

I dug further into Dylan's song lyrics and noticed a tendency to highlight injustice and how the law, judges and the courts can sometimes go astray. Like some musical, modern day prophet crying in the wilderness, Dylan warns us that perverting the law is one of the greatest social injustices.

In his song, *"Hurricane"*, Dylan sings *"Here comes the story of the Hurricane, the man the authorities came to blame for something he never done"*. Hurricane Carter was a real person, wrongfully convicted in the United States. The Dylan song inspired a group of Canadian legal eagles to take up his cause and eventually helped obtain his freedom. That group became *"The Association of the Wrongfully Convicted"*. Justice Mike McArthur, who until recently was a sitting Justice in our local court, was one of the early reviewers of cases for the group and met Hurricane at a Toronto conference after Hurricane's release from prison. How cool is that?

As for Dylan, no other musician's lyrics have been quoted more often in court filings and decisions. As of 2007, the musician had been cited a total of 186 times in legal briefs and court filings. But does it really matter what some pop star says? Harvard professor of Classic literature, Richard Thomas certainly thinks that it does. He has written a book titled *"Why Bob Dylan Matters"* and places Dylan on the same level as some of the great poets in antiquity, along with Virgil, Dante and others.

A 2011 study by the University of Tennessee found that Dylan lyrics have been quoted in hundreds of legal decisions and briefs and the song most often quoted in those, was *"Subterranean Homesick Blues"*. For instance, a Judge in ruling on whether a jury needed to hear expert evidence, quoted Dylan saying *"You don't need a*



weatherman to know which way the wind blows". Dylan has also been quoted in U.S. Supreme Court decisions including one by the great jurist Antonin Scalia. In discussing the issue of fast changing technology and its impact on the expectation of privacy, the Honorable Scalia quoted Dylan, cited *"The times, they are a changing"*. Likewise, Justice John Roberts quoted a line from *"Like a Rolling Stone"* in one of his decisions.

In 2011, a lawyer symposium titled *"Bob Dylan and the Law"* was held at Fordham Law School. Professor Alex Long also wrote *"The Freewheeling Judiciary, A Bob Dylan Anthology"* in January 2025. Other publications such as the one by New York law school Professor Michael Perlin *"Tangled up in the law, the jurisprudence of Bob Dylan"* can be found online for further consideration.

Let me close. In 2006, as part of the Courthouse Rocks series of concerts put on by local lawyers to raise money for London's poor (an event that we hope to continue), we held a concert on *"The Music of Bob Dylan, Greenwich Village to the electric era"*. We packed out the London Music Club with about 120 patrons. That event was one of the most exciting, musical highlights of my life. I had intended on recording the performances for later release on CD to sell and raise money for charity but my hired sound engineer, forgot to hit the *"record"* button at the beginning of the show. I was heartbroken. The performances that evening will live on for a while in our fading memories but fortunately the music and important social messages in some of Bob Dylan's music will continue to influence generations for decades to come. Dylan reminds us that the pursuit of justice, equality and equal treatment before the law, must remain one of our most cherished goals.

Young Lawyers & The Business of Law: What We Need to Know



Contributed by: **Dominika Zwerello**

One of the biggest factors shaping a young lawyer's transition from articling to practice is *who* they learn from. The lawyer I work for has a structured and organized approach to managing her caseload and seeing this system in action has given me confidence in handling multiple files, court appearances, and deadlines. However, conversations with newly called lawyers—particularly those starting out as sole practitioners—have shown me a very different perspective. Many of them express concern about expanding their client base or practice areas, not due to a lack of knowledge, but because they fear becoming overwhelmed by the workload, especially with managing in-person court appearances. While many new lawyers fear an unmanageable workload, my fear is the opposite: *Will I have enough work to sustain a practice?*

Having observed an efficient system for managing files, scheduling court dates, and staying on top of client matters, I know that the workload itself is manageable with the right structure in place. Instead, as a young lawyer, my

concern is attracting enough clients. While legal aid panels and duty counsel work provide some opportunities, they are limited to family, criminal, and immigration law. This leaves those seeking private clients or working in other practice areas to navigate client development on their own, raising the question: *How do young lawyers successfully establish a client base?*

This is where mentorship from experienced lawyers becomes invaluable. The business side of law can vary significantly depending on who you work for. Many young lawyers receive little guidance on the business side of law—how to attract and retain clients, build a professional network, and develop a practice that is sustainable in the long term. Without these insights, new lawyers may either struggle to take on enough work or become overwhelmed by taking on too much without the right systems in place. I have found immense value in discussing these topics with both fellow young lawyers and senior practitioners. I encourage lawyers at all levels to share their experiences—what

they wish they had known, what worked for them, and how they've adapted to an evolving profession.

By sharing insights across generations, we can better prepare new lawyers for long-term success in the profession. As I navigate the transition from law school to legal practice, I have realized how many pressing questions young lawyers face—questions that are not always covered in formal education or training. To help bridge this gap, I am launching *Ask & Answer* on my website, a space dedicated to compiling and exploring common challenges faced by new lawyers.

While I actively research these topics, I recognize that the most valuable insights often come from those who have already navigated these challenges firsthand.

I invite anyone with knowledge, advice, or answers to the questions posted in my column to contribute and share their expertise. Your experience could be the guidance a new lawyer needs to take their next step with confidence.

For those interested in contributing or exploring the questions I am compiling, please visit www.legallabyrinth.ca

Title Searching Refresher



Contributed by: **Michael J. Lamb, J.D. / Counsel Cohen Highley LLP
Adjunct Professor, Real Estate Law, Western University, Ontario**

On February 3rd, 2025 I was invited to participate in a Middlesex Law Association C.P.D. program and my topic was

title searching. Unfortunately, years ago the Law Society of Ontario in its wisdom decided to do away with the practicum section of the Bar Admission

Course resulting in some lawyers never having the opportunity to explore title searching. So, here is an abbreviated version of what I presented.

It is certainly the case that searching the title to a subject property to ensure the client is receiving a marketable title is one of the major responsibilities

► of the real estate lawyer (*Clements v. Wyatt (1979) 9 R.P.R. 1 Ont. H.C.*) The Residential Real Estate Transactions Practice Guidelines of the Law Society of Ontario found on its website also offers some guidance regarding title searching especially the requirement that the lawyer cannot delegate responsibility for the title review. I also have to mention that in order to secure a policy title insurance companies require lawyers to confirm that the title has been investigated in accordance with Law Society requirements. We start of course by obtaining a copy of the parcel register so we can start an analysis of the information shown.

Deleted Instruments

You should always ask the system to produce the parcel register showing all deleted instruments. That not only provides a more comprehensive history of the title but enables a lawyer to check for suspicious transfers with short term value inflation which may be justified by renovations or additions but can also be a red flag of fraud.

Description

First, confirm that the land is described in accordance with the Agreement of Purchase and Sale and/or mortgage instructions. Perhaps the transaction involves only a portion of the land owned by a vendor or borrower in which case you have to consider the application of the Planning Act and whether a consent is required. The property description may also include reference to other interests to which the title is subject such as easements or rights of way. That information should be compared to the title qualifications set out in the Agreement of Purchase and Sale (typically paragraph 10 of the OREA form of agreement). It should be noted that the description of land on the register is not conclusive as to the boundaries of land but is only the best description the Land Titles office has available. See Section 140 of the Land Titles Act and consider the advisability of a client securing a survey as recommended by the Law Society.

Also consider that a title insurance policy has limited coverage for boundaries or fence lines.

Where land is not a lot on a plan of subdivision a search of adjoining lands may be appropriate to confirm no encroachments or where adjoining title is held in the same name merger may have occurred which raises Planning Act considerations.

Title

The next item to review is the estate which the registered owner holds. It may be freehold fee simple but it could also be possessory title or leasehold title (Sections 36 and 38 Land Titles Act respectively). The fee simple title is either Land Titles Qualified or Absolute (Sections 44 and 45 Land Titles Act respectively). These sections of the Act should be reviewed to determine the quality of the title being obtained especially Section 44 which lists many issues and qualifications to which the title is subject to such as adverse possession.

Registered Owner

Confirm that the registered owner(s) is one and the same as in the Agreement and the manner in which title is held. If title was held as joint tenants and one owner has died a Survivorship Application will have to be registered. If the title was held as tenants in common registration of a Transmission will have to be registered. A registered owner may have changed a name due to marriage or for other reasons in which case an Application to Change Name should be considered or affidavit evidence as an alternative if appropriate.

Encumbrances

The next step is to review the various instruments listed on the register which may include mortgages, rights of way, easements, liens and restrictive covenants. Municipal subdivision agreements, bylaws and notices may be shown. All of these should be considered and in some cases it is necessary to download a copy of the instrument to fully understand its

impact on title. If the reader is obtaining a title insurance policy from Stewart Title Guaranty Company he or she will know that the application lists dozens of possible title qualifications that it requires to be disclosed before a policy can be issued and serves as a good checklist.

Note that the Law Society Real Estate Guidelines remind lawyers that the state of the title should be discussed with the client and what if any coverage will be included in the title insurance policy.

Requisitions

Once you have completed the analysis you can formulate your objections to title or requisitions as they are commonly called. It should be noted that requisitions should be specific in nature and not general.

So, as an example, asking for a vendor to delete all mortgages or charges on title is not a good requisition. The reader may want to review the decision in *Stykolt v Maynard 1942 CanLII 95 (ON SC)* which deals with that issue.

Resolution

When there is disagreement as to the validity of a requisition or the response to one we can turn to Section 3 of the Vendors and Purchasers Act which allows us to put the matter before the Court for adjudication. That is certainly a better avenue to follow than to advise a client to abort a transaction and possibly face a Court determination at a later date that the client did not have a right to do so. However, such applications to the Court under this section have to be brought before the closing date so the parties may at least have to agree to extend the closing date if necessary.

My full Power Point presentation is available from the Middlesex Law Association for anyone who is interested.

Happy title searching!



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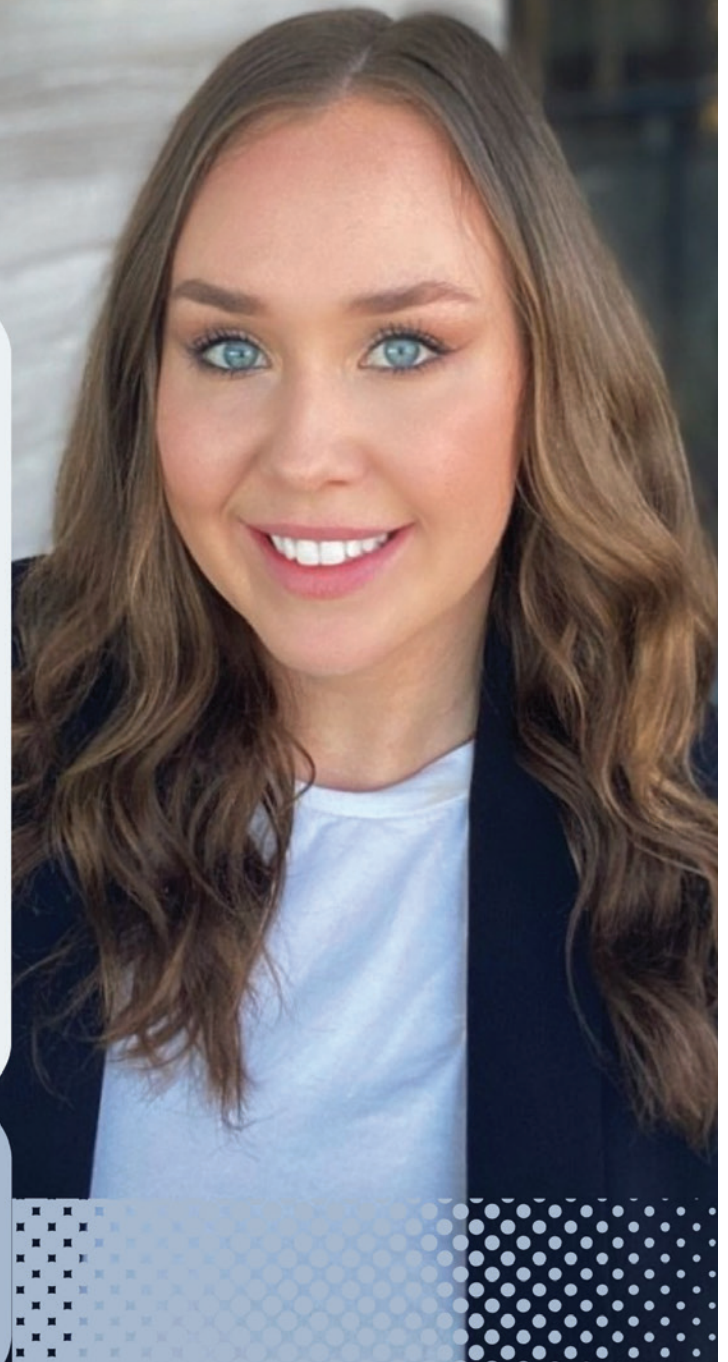
We're excited to welcome
Jacqueline to our team
as of April 2025!

Jacqueline can be reached at

jacqueline.m@valaw.ca

519-488-5263

www.valaw.ca



DeepSeek AI: Risks and Legal Insights



Contributed by:
David Canton / Lawyer and Trademark Agent

There has been a huge amount of chatter over the last couple of weeks about DeepSeek, a new AI product from China. We have waded through some of that, so you don't have to. Here is what you need to know.

DeepSeek is an AI research lab in China. On January 20, 2025, it released an open-source AI model called [DeepSeek-R1](#). They claim it gives better results than currently available AI.

While competing AI models tend to leapfrog one another in their abilities, the big deal with DeepSeek is its training efficiency. It was trained for a fraction of the cost, using a fraction of the computing resources than current AIs. It uses a different, [more efficient approach](#) than typical brute force models. Traditional AI models use huge amounts of energy — so much that it will require a [significant increase](#) in electrical production. A [nuclear reactor](#) at Three Mile Island is being restarted to power Microsoft's AI.

Some question whether the DeepSeek approach means the U.S. AI industry has totally [missed the mark](#) on how to develop AI.

DeepSeek apparently hallucinates as badly as other AI, so no advantage there. But it does suffer from heavy [Chinese government censorship](#). Testers report that many prompts that would deliver results that might differ from Chinese government views are met with canned

refusal responses. Sometimes it starts to provide an answer and [stops midway](#) to refuse to respond.

Risk of overlooking malicious prompts

Most AI language models include safety guardrails to prevent them from providing harmful content, such as hate speech and bomb-making instructions. Researchers tested DeepSeek with 50 malicious prompts, [and it didn't detect or block any of them](#).

A common issue with AI is some products retain prompts and information that is input for training purposes which means that it could be spit back out based on prompts from anyone. And it could possibly be used for other purposes such as collecting info on people and industrial espionage. This is a huge problem if anyone inputs any information that is sensitive, confidential, proprietary, or personal. [DeepSeek's privacy policy](#) clearly states that it keeps everything, and it keeps it in China. It also [automatically collects data](#) from users, who must sign on with an account. So from that perspective, it is not safe to use.

Third parties have [hosted DeepSeekR1 on servers in the United States](#), stating that data stays on those servers. While that helps, questions remain about what is done with the input, and whether the code contains anything that might phone home.

Controlling chip exports

The United States imposed export controls on AI chips to China a while back to try to slow Chinese advances in AI.

The question is whether those [export controls](#) had the intended effect, or whether they just forced the Chinese to innovate around it.

[OpenAI says](#) DeepSeek may have "inappropriately" used OpenAI data for training through a process called [distillation](#). That's rather ironic given the number of claims, including ongoing lawsuits, that OpenAI and others have trained their models using material scraped off the web without permission.

Expect businesses and governments to ban the use of DeepSeek. It is [no longer available on app stores](#) in Italy after Italian authorities questioned how it uses people's info.

DeepSeekR1 is available on app stores and on the DeepSeek website. Anyone can try it if they sign up — but be very careful what you do with it.

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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Straight from the Bench Conference 2025

Bridging Practice and Perspective: Conversations with Our Esteemed Judges

When: May 5, 2025 / 8am to 4:30pm

**Where: DoubleTree by Hilton
200 King St. London, ON N6B 1S2**

[REGISTER ON OUR WEBSITE](#)

Courthouse Rocks 2025

Hours of entertainment from bands formed among talented local musician-lawyers. All proceeds go to London Lawyers Feed the Hungry.

TBD

Golf Tournament 2025

An annual golf tournament that includes lunch, cart, golf, and a dinner.

TBD

Health Law Conference 2025

A session that promises an array of interesting and educational discussions, including key updates in the health field.

TBD

Holiday Party 2025

An annual party for the MLA Members and the Courthouse Staff to celebrate the season.

TBD

Opening of the Courts 2025

A historic occasion. Once a year, judges from all three levels of court come together to reaffirm our commitment to a strong and independent judiciary; to redouble our promise to enrich and enhance public confidence in the administration of justice; and to reassert our pledge to uphold the rule of law for the people of Ontario. We gather alongside the Attorney General, members of the bar, and the public to underscore the openness of the courts and to emphasize that the courts do not belong to us. We are their stewards, with a duty to serve the public.

TBD

Straight from the Trenches Conference 2025

Join us for our 1st ever Solicitor Conference Launch with a focus on Litigation in the practice areas of: commercial, real estate, and wills/estate.

TBD

Women's Symposium 2025

An insightful event on networking and socializing for our members. Stay tuned for more details.

TBD

Questions & Comments

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

Rasha El-Tawil

519-660-7712

rasha.el-tawil@siskinds.com

Leslie Jack

519-633-2638

ljack@shillingtonmccall.ca

John Nicholson

519-914-3358

johnicholson@cohenhighley.com

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519-633-2638

ljack@shillingtonmccall.ca

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nicola@nicolacircellilaw.com

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aosmani@harrisonpensa.com

TRUSTEES

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Lawyer / Founder, JBrennan Law
226-236-6306

john@jbrennanlaw.ca

Jesica Cacciavillani

Criminal Defence Lawyer / Founder,
JC Criminal Law
647-870-5322

jesica@jccriminallaw.com

Carolynn Conron

President, Conron Law
Professional Corporation
519-673-1881

carolynn@conronlaw.ca

Kimberly Cura

Partner, Lerner's
519-640-6392

kcura@lerner.ca

Waheedah El-Bagdady

Paralegal and Litigation Clerk,
Harrison Pensa LLP
226-273-0906

wel-bagdady@harrisonpensa.com

Rasha El-Tawil

Partner, Siskinds LLP
519-660-7712

rasha.el-tawil@siskinds.com

Tahwila Husaini

Lawyer, Shillington McCall LLP
519-645-7330 Ext.231

thusaini@shillingtonmccall.ca

John A. Nicholson

Partner, Cohen Highley
519-672-9330

jnicholson@cohenhighley.com

Shane Roberts

Associate, Beckett Personal
Injury Lawyers
519-673-6244 Ext.48

sroberts@beckettinjurylawyers.com

Nicole Rogers

Senior Counsel – Associate
Practice Counsel, Aviva
519-639-2741

nicole.rogers@aviva.com

Mark Simpson

Family Law Lawyer, Simpson Law
Professional Corporation
519-645-1200

masimpson@maslaw.ca

James Zegers

Criminal Lawyer, Zegers Law
Professional Corporation
519-673-0440

james@zegers.ca

Western University Representative

Claire Houston

Assistant Professor, Western Law

claire.houston@uwo.ca

MLA STAFF

Pamela Lee

Executive Director
519-679-7046

pamela@middlaw.on.ca

Opemipo Ogunfowora

Administrative Coordinator
519-679-7046

admin@middlaw.on.ca

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cynthia@middlaw.on.ca

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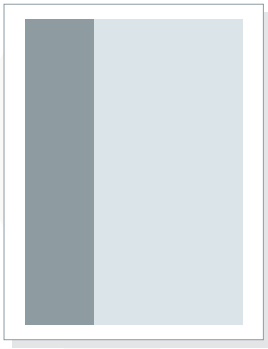
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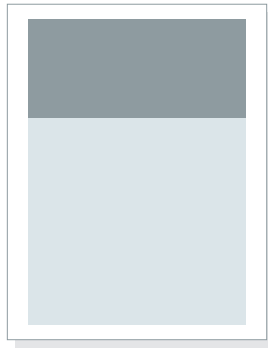
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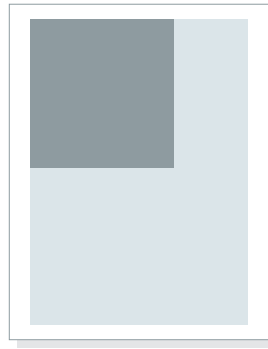
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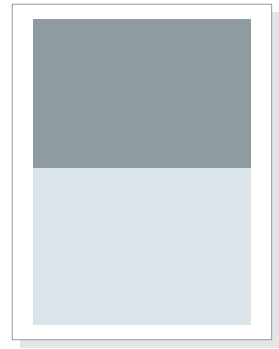
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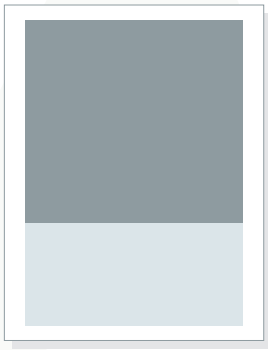
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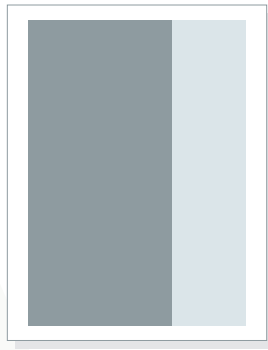
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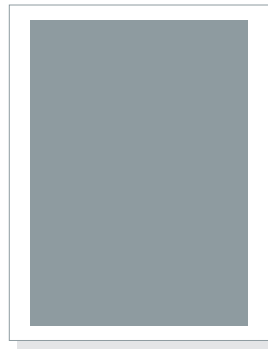
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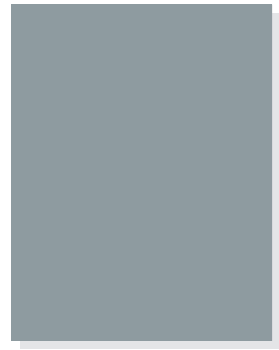
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