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THE MIDDLESEX LAW ASSOCIATION Snail



A Legacy of Service: The Honourable Justice Lynne Leitch Receives Honorary LLD

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the MIDDLESEX LAW ASSOCIATION

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Autumn 2026 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 **December 30, 2026**

Send submissions to: admin@middlaw.on.ca

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Middlesex Law Association Newsletter

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Message from the Editor



Contributed by:
Nicole Rogers

Welcome to the Autumn 2026 edition of *The Snail*. Our issues will now carry seasonal titles of Autumn, Winter, Spring and Summer to better reflect our publication schedule.

This is a particularly full issue, with contributions from across our legal community, including a brief word from The Honourable Justice Lynne Leitch on her receipt of an honorary LLD at the most recent local Call to the Bar. Our contributors have been generous with their time, knowledge and experience, and I am pleased to share their work with you.

Earlier in September, I had the pleasure of representing the MLA at Western Law's Induction Ceremony, welcoming the Class of 2029 to law school and our legal community. Returning twenty-five years after my own graduation from Western Law gave me an opportunity to reflect on how much a legal career is shaped by the people around us. The MLA continues to play an important role in helping lawyers at all stages of their careers find their place in the profession, through mentorship, shared learning and even just the simple willingness to make an introduction.

In keeping with that spirit, congratulations are due to this year's MLA award recipients, recognized at the Opening of the Courts: Geoff Snow, recipient of the Access to Justice Award; Matthew Wilson, recipient of the Distinguished Service Award; Steve Keyes, recognized as Distinguished Paralegal; and David Isaac, recipient of the Rising Star Award. Our thanks to each of them for their contributions to our community and the profession.

The issue highlights how much life our members bring to our community through strong attendance at events like Straight From the Bench, the Women's Networking event, the Annual Golf Tournament, and the Opening of the Courts ceremony. Thank you for making time to support these occasions!

Thank you also to our contributors, volunteers, staff and advertisers for making this issue possible. I hope you enjoy the Autumn Edition and find something to share with a colleague.

- Nicole Rogers

Practice Resource Centre News




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

After-Hours Access

Did you know that MLA members have 24/7 access to the practice resource centre? This is especially helpful if you arrive at the courthouse early before the doors unlock to the public at 8:30am. Simply go to the far-right door at the Queens Ave entrance, normally only accessible by building staff, and ring the buzzer there. Security staff will then let you in once you identify yourself. You should have either your MLA membership card plus a piece of photo ID or the LSO's photo ID card to present if requested. You can unlock the door to the MLA PRC with the door code. If you do not remember the code, you can find it by logging into the member portal through the MLA website.

LiRN Reference LiNK

The Legal Information and Resource Network (LiRN) has launched Reference LiNK, a new centralized reference service which forms part of the overall LiRN LiNK platform. LiRN hired Jennifer Walker, who had worked for almost two decades within the Ontario law association library system, to implement the Reference LiNK platform and promote it to legal professionals across Ontario. Reference LiNK will be available Monday-Friday from 8:30-4:30 and can assist legal professionals virtually with their research needs. Some lawyers and paralegals practice in areas where the local library is not staffed full-time, is some distance from their office, or their question falls outside of the scope of coverage available in a particular library.

While we applaud this equity of access service for Ontario legal professionals, we also want to assure our MLA members that they can absolutely continue to contact us directly for research assistance!

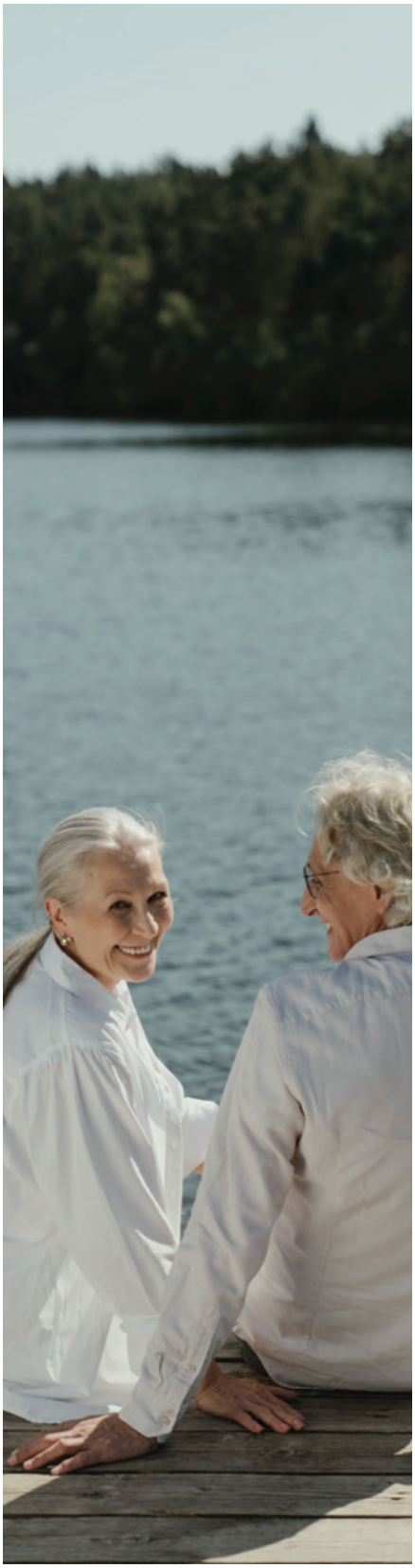
Later this fall, LiRN LiNK will also launch Family Law LiNK and Criminal Law LiNK which will be practice-specific toolkits that include access to e-LiRN resources, training, and links to additional resources.

Planning to Retire – Let us know!

The MLA PRC also manages the MLA's membership database. This is the time of year when we often get news of the impending retirement of some of our members. If you are considering retirement, please let us know! We can review your profile to ensure that there are no outstanding administrative tasks you need to finalize before you begin your well-deserved retirement. Things to consider:

- Advising us of the location of your client files after retirement
- Switching to our lower Retired Member category
- Locker at the MLA-PRC – clearing out and returning the key
- Donation of any laundered court attire to assist new members to the bar
- Payment of outstanding invoices for social/CPD events or photocopying
- Retirement announcement ad in *The Snail*.

We would love to have you tie up these administrative issues so you can concentrate on what you are going to do in the next exciting stage of your life.



New Books

Bessner, Ronda and Susan Lightstone. **Public inquiries in Canada: law and practice, 2nd ed.**, Thomson Reuters, 2024

Chan, Gerald et al. **Digital evidence, 3rd ed.**, Emond, 2026

Chow, Grace. **Taxation of trusts and estates: a practitioner's guide 2026**, Thomson Reuters, 2026

Gold, Alan D. **Defending drinking, drugs and driving cases 2026**, Thomson Reuters, 2026

Gourlay, Matthew et al. **Modern criminal evidence, 2nd ed.**, Emond Publishing, 2026

Green, Stephen et al. **Temporary entry into the Canadian labour market, 2nd ed.**, Emond, 2026

Greenspan, et al. **Martin's annual criminal code 2027, 2 vol.**, Thomson Reuters, 2026

Hanson, Suzanne. **Death of a taxpayer, 14th ed.**, Wolters Kluwer, 2025

Hilliker, Gordon. **Liability insurance law in Canada, 8th ed.**, LexisNexis, 2026

Isaac, Thomas. **Aboriginal law, 6th ed.**, Thomson Reuters, 2024

Knight, Patricia & Olga Leyenson. **Small Claims Court: procedure and practice, 6th ed.**, Emond, 2026

Lavender, T. Stephen. **2026-2027 Annotated Ontario Employment Standards Act,** Thomson Reuters, 2026

Libman, Daniel R. and Justice Rick Libman. **Handling summary conviction offences 2026-2027**, Thomson Reuters, 2026

Lipson, Barry D. **Art of the real estate deal, 5th ed.**, Irwin UTP, 2026

MacDougall, Bruce. **Law of estoppels, election, and waiver by abandonment, 3rd ed.**, LexisNexis, 2026

McLaren, Richard. **2026-2027 annotated Ontario Personal Property Security Act**, Thomson Reuters, 2026

Milward, David & Jonathan Rudin. **Indigenous law and Canadian criminal justice,** Emond, 2025

Mullin, Robert. **Condominium law in Ontario: a contemporary guide**, Irwin UTP, 2026

n/a. **Martin's Ontario criminal practice 2027**, Thomson Reuters, 2026

n/a. **Canadian Income Tax Act with regulations, annotated 118th ed**. 2026, Wolters Kluwer, 2026

Oosterhoff, A.H. **Oosterhoff on wills and succession: text, commentary and cases, 10th ed.**, Thomson Reuters, 2026

Oosterhoff, Chambers, McInnes. **Oosterhoff on trusts, 10th ed.**, Thomson Reuters, 2024

Segal, Murray D. **2026 Annotated Ontario Highway Traffic Act**, Thomson Reuters, 2026

Sharpe, Robert. **Charter of Rights and Freedoms, 8th ed.**, Irwin UTP, 2026

Smith, Adrienne. **Family class sponsorship in Canadian immigration law, 2nd ed.**, Emond, 2025

Sookman, Barry. **Computer, Internet and electronic commerce terms: judicial, legislative and technical definitions 2025**, Thomson Reuters, 2025

Sossin, Lorne. **Boundaries of judicial review: the law of justiciability in Canada, 3rd ed.**, Thomson Reuters, 2024

VanDuzer, J. Anthony. **Law of partnerships and corporations, 5th ed.**, Irwin UTP, 2026

Walker, Janet & Sossin, Lorne. **Civil litigation, 2nd ed.**, Irwin UTP, 2026

Watson & McGowan. **Ontario civil practice 2027**, Thomson Reuters, 2026

Watt & Fuerst. **2027 Annotated Tremeear's Criminal Code, 2 vol**., Thomson Reuters, 2026

Zuker, Marvin. **Ontario Small Claims Court practice 2027**, Thomson Reuters, 2026

Missing Books

Bathgate, Benjamin. **Essential guide to settlement in Canada**, LexisNexis, 2013

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

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

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

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

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

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

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

Report on Past CPD Programs

Contributed by:
Paula Puddy / MLA CPD Director

The 21st Annual Straight from the Bench Conference

The MLA held its 21st annual Straight from the Bench conference on Thursday, June 25, 2026 with 150 judges, lawyers and sponsors in attendance.

Thank you to committee chairs, Rasha El-Tawil, Dara Lambe, and John Nicholson, for their hard work, hosting and commitment to this premiere civil litigation conference.

We appreciated the learning from our excellent speakers: Associate Justice Sherry Kettle, Rob Danter, Jory Garibaldi, The Honourable Justice Helen Rady, Kristen Dearlove, Victoria Edwards, The Honourable Justice Cary Boswell, Jacob Damstra, Jacqueline Fortner, Associate Chief Justice J. Michal Fairburn, Natasha Persaud, The Honourable J. Paul R. Howard, The Honourable Justice Sharon Hassan, Chelsea Hishon, Genevieve Samuels, Karen Simpson, Tahwila Husaini, Sarah Kirshin-Neilans, Sarah McGuire, Natalie Kuehn, Tyler Makinen, and Cassandra DeMelo.

The Middlesex Law Association is pleased to make a donation to London Lawyers Feed the Hungry on behalf of the co-chairs and presenters.

Thank you to our generous sponsors for their support.

Here is a summary of the presentations:



Motions Panel: Best Practices from the Bench and Bar for Civil Litigation

This panel discussion with Associate Justice Sherry Kettle, Ontario Superior Court of Justice Rob Danter, Jory Garibaldi, and moderated by Dara Lambe, provides practical guidance on motions practice, with a focus on preparation, clear written materials, proper use of Case Center, accurate motion confirmations, affidavits, draft orders, oral submissions, and costs. It highlights common procedural issues, including associate judge jurisdiction, evidence in motion records, virtual court practice, and dealing with self-represented litigants. The discussion offers useful, practical tips for presenting motions efficiently, professionally, and persuasively.

Navigating Discrimination and Harassment in the Legal Profession

This presentation by Natasha Persaud, Discrimination and Harassment Counsel, explores the DHC's role in supporting lawyers, paralegals, students, legal workplace employees, and the public with concerns involving discrimination, harassment, accessibility, professional culture, and power imbalances. It highlights confidential services, professional obligations under conduct rules and the Ontario Human Rights Code, recurring complaint themes, and potential avenues for recourse, including workplace processes, regulatory complaints, human rights applications, mediation, conciliation, civil litigation, and independent legal advice.

How to be a Good Lawyer in Turbulent Times

In this presentation, Associate Chief Justice J. Michal Fairburn of the Court of Appeal for Ontario explores how lawyers can support the rule of law during turbulent times by strengthening public legal education, defending judicial independence, countering misinformation and disinformation, maintaining ethical standards, and promoting access to justice. The presentation situates these themes within key legal frameworks, including the Canadian Charter of Rights and Freedoms, Supreme Court of Canada principles on the rule of law, access to justice, and the World Justice Project Rule of Law Index. It also addresses practical and emerging concerns for the profession, including AI misuse, hallucinated case law, the cautionary example of *Zhang v. Chen*, 2024 BCSC 285, and the growing body of decisions responding to unreliable AI-generated legal materials. With a clear focus on professionalism, collegiality, public confidence, and everyday advocacy for legal institutions, Associate Chief Justice Fairburn offers timely and practical guidance for lawyers seeking to serve as constructive defenders of justice and democratic stability.

Civil Rules Reform Panel: What Comes Next for Ontario's New Rules

This presentation featuring The Honourable Justice Cary Boswell, Ontario Superior Court of Justice Jacob Damstra and moderated by Jacqueline Fortner examines Ontario's Civil Rules Review Project and the ongoing effort to modernize civil procedure. It focuses on proposed reforms intended to reduce delay, lower costs, improve access to justice, and make better use of court resources. The discussion addresses major reform ideas such as pre-litigation protocols, upfront evidence, streamlined originating processes, revised discovery, expanded mediation, a three-track process model, and sequenced implementation. It also highlights practical concerns for litigators, including consultation, regional differences, court technology, front-loaded costs, and the need for reforms that are meaningful, workable, and responsive to the realities of civil practice across Ontario.

Post-Mortem of a Trial: Civil Litigation Lessons from the Courtroom

This panel discussion with The Honourable Justice Helen Rady, Superior Court of Justice Kristen Dearlove, Victoria Edwards and moderated by Rasha El-Tawil, examines practical trial advocacy through preparation, case theory, pre-trial planning, trial management conferences, joint document briefs, courtroom technology, Case Center, jury communication, demonstrative aids, civility, and the effective use of trial teams. The discussion is practice-focused rather than centred on new case law developments, with practical takeaways on preparing witnesses, streamlining evidence, managing exhibits, anticipating motions, using second chair effectively, and helping judges and juries understand the case clearly and efficiently.

2026 Ontario Southwest Regional Update: Superior Court Operations, Caseloads and Practice Changes

This presentation by The Honourable J. Paul R. Howard, Regional Senior Justice (Southwest Region), provides a 2026 update on the Ontario Superior Court of Justice, Southwest Region, including judicial complement, upcoming departures, regional caseload data, active homicide and cause-death matters, Civil Regional Long Trial Sittings, London Family Court Rule 39 scheduling changes, in-person and virtual hearing practices, court digital transformation, and Case Centre obligations. It is procedural and operational rather than case-law focused, with practical takeaways for Ontario counsel on regional scheduling, document upload requirements, virtual hearing expectations, and the risk of adjournment if properly filed materials are not uploaded to Case Centre.

The Tort of Intimate Partner Violence: Ahluwalia v. Ahluwalia

This panel discussion with The Honourable Justice Sharon Hassan, Superior Court of Justice – Family Court, Chelsea Hishon, Genevieve Samuels, and Karen Simpson examines the recognition of the new tort of intimate partner violence in *Ahluwalia v. Ahluwalia*, 2026 SCC 16, and places it in context with existing torts such as battery, sexual battery, assault, and intentional infliction of emotional distress. It highlights the Supreme Court of Canada's framework for coercive control, the elements of the new tort, limitation issues, damages principles, family law implications, and practical considerations for counsel handling claims involving intimate partnerships, settlement, releases, recovery of damages, and related civil or family proceedings.

Disclosure of Partial Settlements: Urban Electrical Contractors v. Welland

This presentation by Tahwila Husaini examines partial settlement disclosure in multi-party litigation through the shift from the Handley Estate rule to the more precise framework reflected in 1086289 Ontario Inc. (Urban Electrical Contractors) v. Welland (City), 2026 ONCA 352. It highlights Rule 49.14 of the Rules of Civil Procedure, the broadened disclosure obligation for partial settlement agreements, and the move away from an automatic stay as the sole remedy. The presentation emphasizes abuse of process as a flexible, contextual doctrine focused on fairness, prejudice, judicial discretion, and proportionality, while offering practical guidance that timely disclosure remains essential and stays are reserved for the clearest cases of serious prejudice.

Rule 7.08 Amendment: Approval of Settlement

This presentation by Sarah Kirshin-Neilans reviews Rule 7.08 settlement approvals for parties under disability, including minors and mentally incapable individuals, and explains the court's role in ensuring settlements are in their best interests. It highlights O. Reg. 50/25 amendments to Rules 7 and 49 of the Rules of Civil Procedure, including written approval motions, filing requirements, redaction procedures, fee review, litigation guardian materials, and related Rule 49.14 partial settlement disclosure obligations.

Solicitor-Client Privilege: R. v. Fox

This program by Natalie Kuehn examines the Supreme Court of Canada's decision in *R v Fox* and the innocence-at-stake exception to solicitor-client privilege. It reviews the core principles of solicitor-client privilege, the strict McClure application framework, Charter fair trial protections, and the Court's finding that a lawyer charged with a criminal offence may seek access to a client's privileged communications for use in their own defence. The presentation offers practical guidance on the limits of privilege, the need to follow the proper evidentiary procedure, and the importance of understanding both a lawyer's rights and professional role.

Criminal Law Update: How Much Do You Really Have to "Browne v. Dunn"?

This criminal law update by Cassandre DeMelo revisits the rule in *Browne v. Dunn* through *R. v. McDonald*, 2025 ONCA 807, with a practical focus on fairness in cross-examination and credibility challenges. The discussion explains that counsel does not always need to use exact wording or expressly accuse a witness of fabrication, provided the substance of the challenge is clear from the overall tenor of the questioning. It also highlights practical options where a concern arises, including recalling a witness or asking the trial judge to address the issue through an appropriate instruction on weight.

Use of Business Records and Double Hearsay

This presentation by Sarah McGuire examines the treatment of hospital records, business records, hearsay, double hearsay, party admissions, opinion evidence, and causation in *Gumbley v. Vasiliou*, 2025 ONCA 851. It highlights section 35 of the Evidence Act, the use of ICU notes from a non-testifying physician, and the distinction between admitting a record and relying on statements within it for their truth. The presentation offers practical guidance on medical records, Joint Briefs, party admissions, and how documentary evidence may support key clinical findings and the "but for" causation test on appeal.

Commercial Litigation Update

This presentation by Tyler Mäkinen examines *Royal Bank of Canada v. Peace Bridge Duty Free Inc.*, 2025 ONCA 54, with a focus on the limits of the duty of good faith contractual performance in contractually mandated negotiations. It highlights risk allocation in lease drafting, regulatory change clauses, failed negotiations, judicially imposed rent abatement, and the principle that subjective intentions cannot override clear contractual language. The presentation offers practical takeaways for drafting, negotiating, and litigating commercial agreements, including the need to define available relief, plan for failed negotiations, bargain for proper purposes, maintain a fair process, and create a clear negotiation record.

These videos are available for purchase via a calendar year subscription, or individual video purchases via our partner CPDonline.ca via this link On-demand Law CPD CPE CLE Videos | CPDonline.ca

Harrison Pensa welcomes

Caitlin Reid

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Caitlin brings to Harrison Pensa 15 years of family law experience and an established practice serving London and area, St. Thomas and Elgin County, Woodstock and Oxford County, and Lambton.

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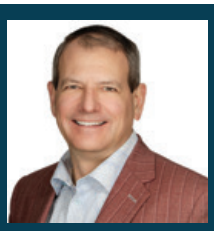
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A Legacy of Service:

The Honourable Justice Lynne Leitch Receives Honorary LLD



Contributed by:
Nicole Rogers

In June of 2026, the Law Society of Ontario conferred an honorary Doctor of Laws upon Justice Lynne Leitch at the Call to the Bar Ceremony in London. The honour, bestowed each year by the LSO to distinguished individuals in recognition of outstanding achievements in the legal profession, the rules of law or the cause of justice, offers an opportunity to reflect on what Justice Leitch's years of service have meant to our legal community as she approaches retirement this fall.

Justice Leitch's career is deeply rooted in this region. After graduation from Western Law in 1978, she practiced commercial law before her appointment to the bench in 1992. She went on to serve as Regional Senior Judge for the Southwest Region from 2003 to 2009. She was, notably, the first female judge appointed in our region, the first female judge to serve as RSJ, and 36 years old, was the youngest judge appointed.

Her service reached well beyond our region, and even beyond Canada. She served as President of the Canadian Superior Courts Judges Association and President of the Commonwealth Magistrates' and Judges' Association, where she chaired the Gender Section, working to advance the interests of woman jurists and woman's equal access to the law. In 2018, she was appointed to the Advisory Board of the Global Judicial Integrity Network – UN Office on Drugs and Crime. She has worked to improve judicial systems in Ukraine, Mexico, Peru, Jamaica, Dominican Republic, and Colombia.

Justice Leitch's long career has combined the daily work of a judge with the wider responsibilities of helping to lead the institutions through which justice is delivered, connecting her work in our local court rooms with international efforts to advance women in the judiciary and judicial integrity. As a two-term Chair of the Judicial Appointments Advisory Committee for the Southwest Region, she helped shape the bench we all appear before today.

Reflecting on the occasion, Justice Leitch offered these words to the local legal community:

"It was a privilege to be appointed a judge 34 years ago and the legal community in our region, particularly London, deserves credit for my appointment. That community wanted to see a female appointed to what was then named the Ontario Court of Justice (General Division) and they signaled their trust and confidence in a young lawyer practicing corporate commercial law who was an active volunteer in the community. I will forever be grateful for that trust and confidence, and I have worked very hard to ensure it was not misplaced".

For many practitioners in this region, particularly women, Justice Leitch's presence on the bench gave practical meaning to civility, fairness, and justice. These standards encountered when appearing before her shaped our understanding of what it means to be an advocate in a courtroom.

For many female litigators in this region, her presence carried additional significance, allowing us to direct our attention to advocating for our clients without the burden of wondering how gender might affect the reception of our advocacy. To say that we have the luxury of taking for granted women's equality in our regional courtrooms is a testament to the quiet and steady work of Justice Leitch to foster that equality from the bench.

Justice Leitch's words remind us that we are a legal community with an early history of supporting women in the legal profession, including on the bench, and that we have been fortunate to have in return women like Justice Leitch who met the community's confidence with sustained leadership.

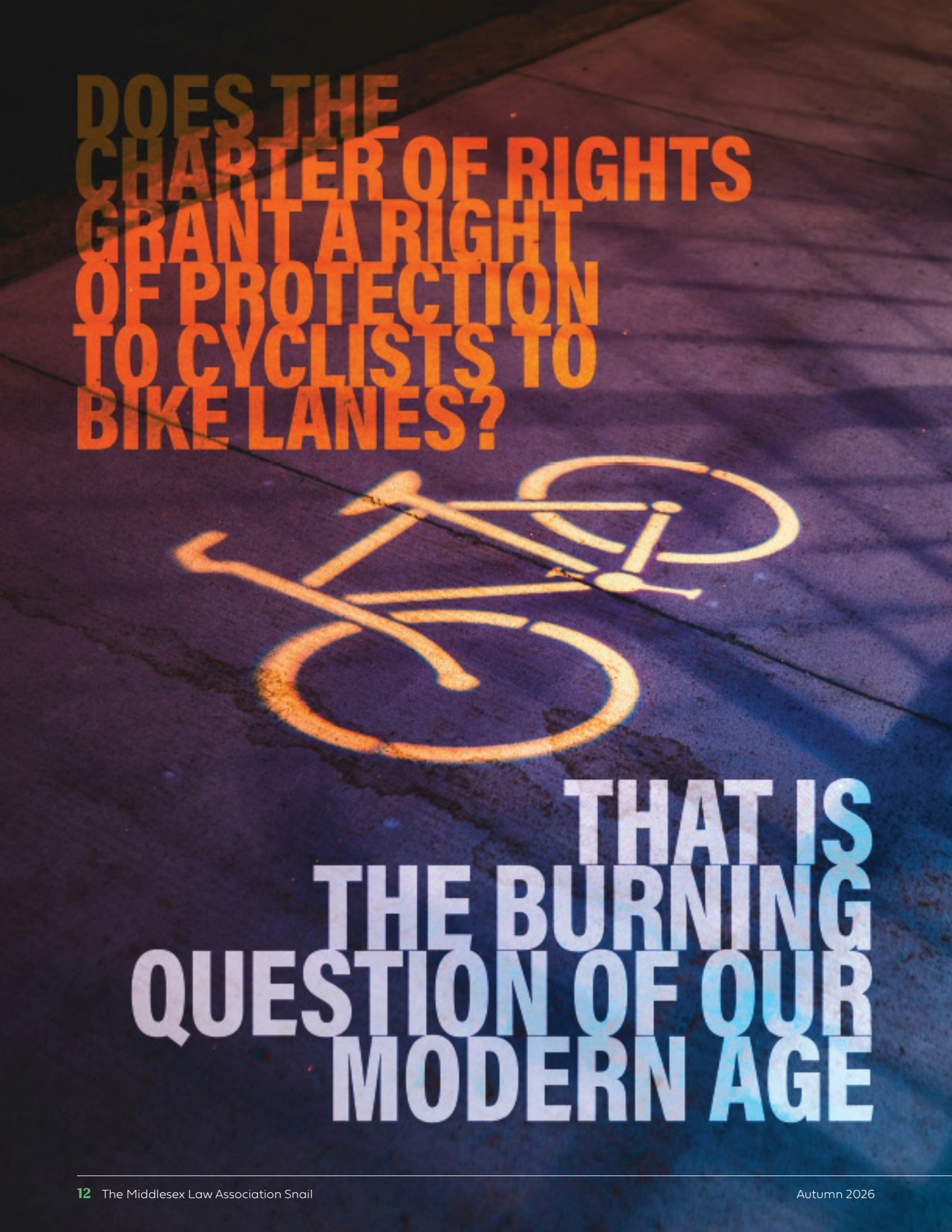
Justice Leitch may be retiring this fall, but her legacy will continue in the way that we conduct ourselves, the expectations we set for younger counsel, and the care we take with people who come before the courts.

On behalf of the MLA and the many litigators from this region who had the privilege of appearing before her: congratulations to Justice Leitch on your receipt of this distinguished award and thank you for your years of tireless service.



Photo credit: the Law Society of Ontario

DOES THE CHARTER OF RIGHTS GRANT A RIGHT OF PROTECTION TO CYCLISTS TO BIKE LANES?



THAT IS THE BURNING QUESTION OF OUR MODERN AGE



Contributed by:
Daniel Mailer

It was a historic moment for Canada. On a rainy Ottawa morning, April 17th, 1982, I along with thousands of other Canadians stood in the cold Ottawa rain on Parliament Hill to witness Prime Minister Pierre Elliott Trudeau and Queen Elizabeth the Second sign our Charter of Rights and Freedoms into law.

My law school friend from Sarnia, Blake Morrison and I were political junkies. He was a die-hard liberal and I considered myself a conservative. Our political differences did not dampen our friendship. Between law school classes we sometimes hung out at the Conference Center watching the Prime Minister and the various provincial Premiers stream in and out as they hammered out details of what came to be known as the Canada Act 1982. The first 34 sections of the newly proclaimed Act became known as our Charter of Rights and Freedoms and the balance consisted of protection of aboriginal rights, an amendment formula for our constitution and the like.

Blake and I dispersed with the rest of the soggy crowd from Parliament Hill feeling cold and wet but exhilarated by what we had witnessed. We pondered how Canada's legal future would unfold and were excited about the prospects of a new constitution. The question of whether cyclists had a constitutionally protected right to bike lanes never entered our imagination but that's the question that came before the court recently when the Premier of Ontario and legislature decided to shut down Toronto bike lanes to ease traffic congestion. After a lower court judge decided there was such a right protected by the Charter, the matter recently came before the Ontario Court of Appeal for consideration. Their decision on what at first, might appear to be a rather trivial issue, had important significance for Ontario law and placed legal restrictions on what is commonly referred to as "activist judges", that is, judges who use judicial decisions to influence or reshape public policy.

In *Cycle Toronto v Ontario (Attorney General)* 2026 ONCA 582, by unanimous decision, the Court overturned the decision of the lower court and by sidestepping the issue of whether bike lanes are a good idea instead focused on limitations on judges in matters of this nature. The key take away in the decision was that it was illegitimate for courts to involve themselves in matters of legislative public policy. The ruling was considered a victory for common sense and for the division of powers. It was a reminder that in our democracy there are clearly defined and distinct roles for the legislature and the executive branch and the courts. Although there may be a great temptation for judges to impose their opinions on matters of public policy that temptation should be resisted. The focus should always remain on the constitutionality of a question.

I can't recall whether on that rainy day in April 1982, Blake and I thought about or debated issues like this. We were more concerned at the time about getting into some drier clothes and rushing back to class at Ottawa U. The future of Canada's legal landscape would for the time being, have to wait.

"The ruling was considered a victory for common sense and for the division of powers."



Queen Elizabeth II with Prime Minister Pierre Elliott Trudeau, signing the patriated Constitution, on 17 April 1982.
(courtesy Robert Cooper/Library and Archives Canada/PA-141503)

Truth and Reconciliation in the Legal Profession



Contributed by:
Danielle D'Alonzo

For more than a century, the Canadian government operated residential schools for Indigenous children with the goal of separating them from their families, cultures, languages, and communities and assimilating them into the version of Canadian society defined and deemed acceptable by colonizers. Thousands of First Nations, Inuit, and Métis children were taken from their homes and forced to attend these schools, where many experienced neglect, abuse, poor living conditions, and the loss of their language and cultural traditions. Many children never returned home, and the effects of the residential school system continue to affect survivors, their families, and Indigenous communities today.

The experiences and lasting impacts of residential schools led to growing calls for justice and accountability, contributing to the establishment of the Truth and Reconciliation Commission of Canada (TRC). The TRC documented survivors' experiences and issued 94 Calls to Action to address the ongoing effects of residential schools and advance reconciliation between Indigenous and non-Indigenous peoples.

National Day for Truth and Reconciliation was established in response to Call to Action 80. Since 2021, September 30 has served as a day to honour residential school survivors, remember the children who never returned home, and recognize the ongoing work of reconciliation. For those of us in the legal profession, this raises an important question: **how can we, as lawyers, contribute meaningfully to Indigenous reconciliation?**

An important first step is education. Lawyers can deepen their understanding of Indigenous history, including the history and legacy of residential schools, treaties, Indigenous rights, and the ways in which Canadian laws and legal institutions have affected Indigenous peoples. Indeed, Calls to Action 27 and 28 identified lawyers and law students as groups in need of appropriate cultural competency training, including education concerning the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations.

Skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism can equip lawyers with the knowledge and practical skills to recognize systemic barriers, engage respectfully with Indigenous clients and communities, address conflicts in culturally informed ways, and better understand the impact of historical and ongoing discrimination.

Listening to Indigenous communities can deepen our understanding of the experiences of Indigenous peoples within the justice system and better support respectful relationships and reconciliation. For lawyers, listening means approaching these conversations with humility and an openness to learning, rather than assuming that our professional knowledge provides all the answers. By creating space for Indigenous voices and perspectives, lawyers can build more respectful relationships, challenge assumptions within the legal profession, and help ensure that legal processes respond to the people they are intended to serve.

Reconciliation invites us to reflect on how our own practices, workplaces, and interactions with clients and justice system participants may reinforce barriers to justice. This might include asking whether our services are accessible and culturally responsive, whether we are creating meaningful opportunities for Indigenous clients and colleagues to be heard, and whether there are ways our workplaces can better support inclusion and respect.

Where our work provides opportunities to advance reconciliation, we should be attentive to those opportunities and take meaningful action; for example, by supporting culturally appropriate and community-based resolutions, advocating for alternatives to incarceration for Indigenous persons, keeping Indigenous children connected to family and community, ensuring Indigenous perspectives and legal traditions are meaningfully considered, or helping to address barriers that Indigenous people encounter in accessing justice. We must ensure that our commitment to reconciliation is reflected not only in words, but in meaningful and sustained action. By holding ourselves and our profession accountable, lawyers can contribute to restoring relationships, addressing disadvantages, and repairing harms that continue to affect Indigenous people and communities.

National Day for Truth and Reconciliation offers an important opportunity for reflection, but the work of reconciliation extends far beyond September 30. As lawyers, we are entrusted with a profession that has significant influence within Canada's legal systems. With that role comes an opportunity and a shared responsibility to understand the past, reflect on the present, and contribute to a more respectful and inclusive future.

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When Does Child Support End in Ontario?



Contributed by:
Sahar El-Kotob / Lawyer at Lerners LLP

Child support requirements can be difficult to understand. As circumstances change, these obligations carry significant financial and emotional weight. Understanding the factors that may alter child support can provide comfort and relief as you navigate this process. This blog provides a comprehensive overview of the law surrounding child support in Ontario, detailing the factors that can impact obligations.

Essential Points – What You Need to Know

- The *Family Law Act* and the *Divorce Act* are the governing statutes.
- Child support is largely concerned with the child's level of dependency.
- There is no automatic "off switch" for child support at a child's 18th birthday in Ontario.

What the Legislation Provides

It may come as a surprise that child support in Ontario does not automatically end when a child turns 18. Although 18 is the age of majority, the Ontario *Family Law Act* and the federal *Divorce Act* indicate that the key question is the child's dependency, not their age alone.

Section 31(1) of the *Family Law Act* states:
Every parent has an obligation to provide support, to the extent that the parent is capable of doing so, for his or her unmarried child who,

1. is a minor;
2. is enrolled in a full-time program of education; or
3. is unable by reason of illness, disability or other cause to withdraw from the charge of his or her parents.

Additionally, section 15.1(1) of the *Divorce Act* dictates:
A court of competent jurisdiction may, on application by either or both spouses, make an order requiring a spouse to pay for the support of any or all children of the marriage.

Which Statute Matters?

Which law applies can matter procedurally, but it rarely changes the outcome on this question, because both frameworks protect dependent children. Married parents generally proceed under the *Divorce Act*, while unmarried parents commonly proceed under the *Family Law Act*. In either route, the presence or absence of real dependency is what counts. Neither statute fixes a firm end date, and both require every parent, to the extent they are able, to support their dependent child.

What Does Dependency Look Like?

In practice, support often ends when a young person becomes genuinely selfsupporting. For example, if a child turns 18, completes high school, and moves into full-time paid work, that may amount to the kind of change that justifies termination. Similarly, when a student finishes a post-secondary program and begins full-time employment, the dependency that sustained entitlement during studies typically falls away. These are illustrations rather than automatic rules, and the facts still matter in each case.

Support can continue past 18 in several familiar situations captured by the legislation. A child engaged in full-time post-secondary studies commonly remains dependent for support purposes while pursuing the program, particularly where they continue to live at home and remain under parental charge.

Child support obligations may also continue beyond a child's academic pursuits. If a child opts to pursue further post-secondary education and remains dependent, child support will extend. However, this is conditional on the surrounding facts, and certain actions may justify termination of support. For example, a child who unreasonably pursues multiple degrees without a clear career plan may be considered. Again, this determination will depend on the specific facts of each case.

Additionally, support can continue indefinitely where a child cannot be self-sufficient because of illness or disability. The law permits a contextual assessment of dependency so that courts can respond to real circumstances rather than birthdays.

What Happens When a Child's Situation Changes?

Support does not stop on its own when circumstances change. If you have a court order or a separation agreement filed with the court, the Family Responsibility Office will continue to collect and enforce payments until the agreement is amended or a judge issues a new order.

Under this legal framework, the court generally expects parties to establish a material change in circumstances warranting a review of the support obligations. Support for a change may include transcripts, a diploma,

evidence of full-time work, or medical and educational documentation showing ongoing dependency. Age alone is not decisive; the outcome will depend on the evidence presented. In practice, parties often try to negotiate an amendment to reflect a child's graduation or new employment through counsel.

Concluding Remarks

Determining when child support should end in Ontario is rarely a simple matter of age or a calendar date. Instead, the law directs parents and courts to focus on the child's actual circumstances. Key considerations include whether the child remains dependent, whether their educational path is reasonable, and whether any change in the family's situation justifies revisiting the existing support arrangement. Understanding these principles can help parents approach the process with clarity and realistic expectations.

Frequently Asked Questions

What counts as full-time studies for support purposes?

When considering a full-time program or education under the Family Law Act and the Divorce Act, courts will look at the actual course load and whether the child remains under parental charge. There is no single, universal number of courses that applies to every case, so the analysis is contextual.

Do my obligations continue if my child is taking a gap year?

It depends on whether the gap year results in genuine independence or whether the child remains under parental charge and financially dependent pending further education. If the circumstances amount to a change, you may need to seek a variation with supporting evidence.

How do I continue or stop support when circumstances change?

Support continues to be enforced by the Family Responsibility Office until an agreement is amended, a court order is varied, or terminated. If agreement is not possible, you will need to apply for a variation and file documentation of the change, such as proof of graduation and full-time employment or proof of ongoing studies or disability.

Sahar El-Kotob is a member of the Family Law Group at Lerners LLP in London, assisting clients with custody, marriage, and separation matters, including representation in court. She prioritizes regular, frank communication to help clients navigate difficult transitions with realistic expectations.



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"Women have always shaped this profession. For most of its history, they did it without being seen doing it. That is no longer true. We are visible, we are here, and we are leading."

ON THE DOORSTEP OF HALF

Reflections from the Middlesex Law Association's Women in Law Evening



Contributed by:
Nicola C. Circelli / Founder Nicola Circelli Law

On September 10th, members of the Middlesex Law Association gathered for our celebration of women in law. It was a full room, and a good one. What follows is some of what I said that evening — and some of what I have kept thinking about since.

Where we stand

Women have always shaped this profession. For most of its history, they did it without being seen doing it. That is no longer true. We are visible, we are here, and we are leading.

The numbers now tell part of the story. Women make up 48.4 per cent of the lawyers licensed in Ontario. We are, in other words, on the doorstep of half. Among those called to the bar in 2023, 57.4 per cent were women — the highest proportion the Law Society of Ontario has recorded, and up from 56.0 per cent the year before. Whatever else is true, the pipeline is not the problem.

However, representation is not the same thing as equity, and the same report makes that plain. Of the women practising in Ontario, 7.6 per cent are law firm partners. Among men, the figure is 18.0 per cent. Put plainly: a man practising in this province is more than twice as likely to be a partner as a woman is.

The gap compounds. Eight per cent of racialized lawyers are partners, against 16 per cent of white lawyers — again, half.

Racialized lawyers now make up 28.7 per cent of the profession, and 51.2 per cent of the 2023 call, the highest figure ever recorded. A profession that is diversifying quickly at the point of entry and barely at all at the point of partnership has a retention problem, not a recruitment one.

The question I posed to the room was not whether the doors have opened. They have. The question was why so many women walk through them and then, ten years on, are no longer in the room.

What the evening was for

Part of the answer — not all of it, but part — is what brought us together: connection, community, and mentorship.

Networking is not the exchange of business cards. It is the building of bridges: sharing what we know, amplifying each other's voices, and learning from the women who went first, so that the next one does not have to start from the beginning.

This work is demanding- intellectually, emotionally, and physically. The files are heavy, the hours are long, and the stakes for our clients, are somebody's life. None of us was ever meant to carry that alone.

I want to repeat the part of the evening I meant most, because I think it matters more than anything else, I said.

Be generous with one another.

The woman across from you at the table may be running a trial next week. She may be caring for a parent. She may be going home to a house where somebody needs her before she has had the chance to put her bag down. You will almost never know what a person is carrying when she walks into a room.

So, let us be slow to judge and quick to be kind. That is not softness. In a profession built on argument, choosing to be generous with each other is one of the strongest things we can do.

Our keynote

We were fortunate to hear from Karen Hulan. Karen is a partner at Beckett Personal Injury Lawyers, a bencher of the Law Society of Ontario, an adjudicator with the Law Society Tribunal and Vice-Chair of its Hearing Division, and a past president of this association. Before she was a lawyer, she was a teacher — which, on reflection, explains a good deal about how well she holds a room. We are grateful to her for giving us her evening.

What comes next

There is something particular about being a woman in the law: carrying strength and compassion, intellect and empathy, advocacy and the willingness to listen. Whether you are a judge, a litigator, in-house counsel, or you were called this year and are still finding your feet, you bring a perspective this profession needs.

The data tells us where the profession leaks. It does not tell us what to do about it. That part is local, and it is ours: who we mentor, whose name we put forward, which junior we call after a hard day in court, and whether the woman who is quietly thinking about leaving has anyone asking her to stay.

So, let us keep being deliberate about it. Lifting each other up. Holding the door for the ones coming behind us. Making sure that no woman in law feels she is doing this on her own.

My thanks to everyone who came.



[1] *Law Society of Ontario, Statistical Snapshot of Lawyers in Ontario from the Lawyer Annual Report 2023 (fact sheet, analysis by Michael Ornstein), online: lso.ca. All figures in this article are drawn from the 2023 reporting year, the most recent available at the time of writing.*

[2] *Ibid, Table 2a.*

[3] *Ibid. The report states that 7.6 per cent of women are partners, compared to 18.0 per cent of men.*

[4] *Ibid. The report states that 8 per cent of racialized lawyers are law firm partners, half the figure of 16 per cent for white lawyers.*

[5] *Ibid. Racialized lawyers account for 28.7 per cent of Ontario lawyers overall; among those called in 2023 the proportion was 51.2 per cent, described in the report as the highest-ever figure.*

The Women's Networking Event was held on September 10, 2026 at East Park London with 60 legal professionals in attendance including members of the judiciary, paralegals, lawyers, articling students, law students, paralegal students and foreign trained lawyers. A big thank you to committee chairs Nicola Circelli of Nicola Circelli law, Jesica Cacciavillani of JC Criminal Law, and Tahwila Husaini of Intact for supporting this event, and ensuring a fun and rewarding get together! We appreciated hearing from our local Law Society of Ontario bencher, Karen Hulan, on the latest news from the LSO. It was a memorable evening with lots of fun, laughter, a bit of mini putt, and networking. The Middlesex Law Association is pleased to make a donation to London Lawyers Feed the Hungry on behalf of the committee chairs and presenter. This program was accredited by the Law Society of Ontario for 15 minutes of Professionalism content.

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2026 MLA Award Recipients

At the Opening of the Courts held at Museum London on September 22, the Middlesex Law Association presented its awards to four outstanding members of our profession.



Contributed by:
Doug Ferguson



Distinguished Service Award

Matt Wilson

Matt Wilson is a Partner at Siskinds LLP, Head of the firm's Real Estate Department, and a Certified Specialist in Real Estate Law. An elected Bencher of the Law Society of Ontario, he has dedicated his career to serving the London and Middlesex legal community through professional leadership, mentorship, and education. Matt has also held leadership roles with London Health Sciences Centre and Western University. In 2026, he received the Ontario Bar Association Award of Excellence in Real Estate.



Access to Justice Award

Geoff Snow

Geoff Snow is a criminal defence lawyer and the principal lawyer at Snow Lawyers Professional Corporation. Geoff has devoted his entire career to defending the rights of individuals charged with criminal offences. His practice is particularly focused on complex trials and applications, including homicide cases throughout Southwestern Ontario. Geoff represents some of the most marginalized members of our community, and his practice reflects the fundamental principle that justice must be accessible to all.



Distinguished Paralegal Award

Steven Keyes

Steven Keyes started as a paralegal in 1993, practising in Small Claims Court, Landlord and Tenant matters, and Provincial Offences defence. For the last 20 years, his primary focus has been Provincial Offences defence. He has taught numerous courses at Fanshawe College and triOS College. He was grandfathered into the Law Society of Ontario in 2008 and has been a guest speaker for the Middlesex Law Association, the Ontario Police College, and the Ontario Trucking Association.



Rising Star Award

David Isaac

David Isaac graduated from Western Law with distinction in 2018 and was called to the bar in 2019. David started his career at Lerners and is now at the Professional Liability Program. He is a lecturer at Western Law where he has taught The Law of Urbanism and Public Healthcare Law and Policy. He frequently guest lectures at Schulich School of Medicine & Dentistry and Western's Schools of Nursing and Physical Therapy. David has served as a director at Changing Ways and London Cycle Link, and on the Policy Committee at Museum London.

Congratulations to all the recipients! I want to thank the members of the MLA Awards Committee for their work in selecting the well-deserving recipients: Hillary Jenkins, Michael Lamb, Kristen Dearlove, Danielle D'Alonzo, and Wendy Cavacas.



A Great Day on the Greens: MLA Annual Golf Tournament

The Middlesex Law Association's Annual Golf Tournament was held on August 25 at FireRock Golf Club, bringing together members of the legal community for a fun day of golf, networking, and camaraderie.

Contributed by:
Shane Roberts

This year's scramble tournament welcomed 58 golfers with plenty of friendly competition on the course. Taking top honours overall were Brian Worrad, Jacob Worrad, Conor Culverhouse, and Luke Switzer, representing Worrad Murray & Associates, Ian S. Wright Law, and Dyer Brown. The foursome successfully defended its title after also winning the tournament in 2025. Congratulations on the repeat victory!

Finishing second overall were Geoff Snow, Andrew Dale, Matthew Dale, and Matthew Villeneuve, representing Snow Lawyers, McKenzie Lake, and Lerners.

The top mixed team was Brian Smith, Caley Ross, Tatiana Hulan, and Brandon Bedard, representing Wallace Smith Lawyers, Dyer Brown, and Harrison Pensa.

The top women's team was Laura Groshok, Patty Duwyn, Katherine Gonzalez, and Silvia LeClair, representing Cohen Highley and Leclair & Associates.

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A successful tournament would not be possible without the generous support of our sponsors. We extend our sincere appreciation to our 16 hole sponsors: Harrison Pensa, Beckett Personal Injury Lawyers, Wallace Smith Mediations, Xpera, Closer, Zegers Criminal Law, MedPoint Healthcare Centre, Stewart Title, Davis Martindale, Williams C. Lewis Forensic Accountants, TitlePLUS, Mediation Centre Ontario Inc., CIBC, MDD A. Davies Company, McKenzie Lake, and Siskinds.

Their generosity and continued support of the Middlesex Law Association helped make the tournament an enjoyable and memorable experience for everyone involved.

Supporting London Lawyers Feed the Hungry

Thank you as well to everyone who participated in the 50/50 draw in support of London Lawyers Feed the Hungry. Proceeds from the draw, together with a portion of the tournament registration fees, will be used to make a generous donation to this important initiative.

Thank you to all of our sponsors and golfers for helping make this year's tournament such a success. We look forward to welcoming everyone back, along with plenty of new faces, for another great day on the course next year!



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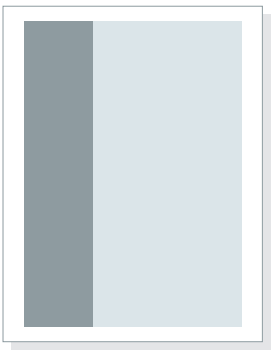

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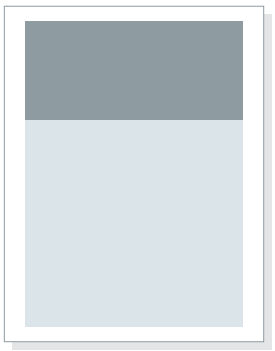

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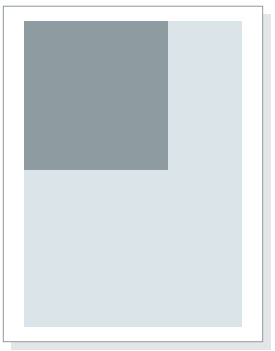

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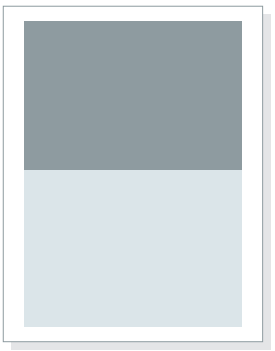

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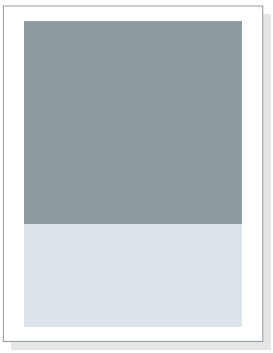

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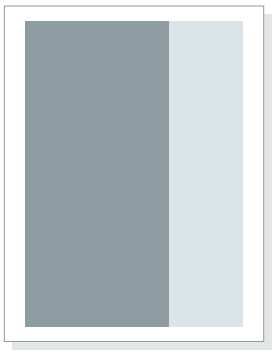

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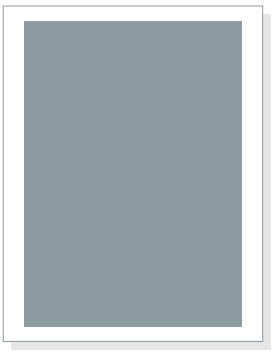

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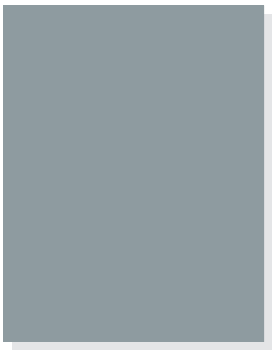

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