



# HCLA News

Newsletter of the Halton County Law Association

## M. Edward Graham appointed to the Ontario Court of Justice

Volume 4 Issue 1

Winter 2013



Annual General Meeting  
& Spring Social  
March 21st  
Harbour Banquet &  
Conference Centre  
See page 11!

and Superior Court of Justice, and a standing agent in the Public Prosecution Service of Canada. Since 2003, Justice Graham has been a deputy judge of the Small Claims Court in Halton region.

Justice Graham was the President of the Halton County Law Association since February 2012 and had served on the Association's executive for many years. He has served on the board of directors of the John Howard Society of Hamilton-Burlington, and as chair of the board of directors of Transitions for Youth. He has also been director of the Criminal Lawyers' Association, a member of the Canadian Association of Drug Treatment Court Professionals and was one of the creators of the Halton Community Treatment Court, a mental health court.

Mr. Justice Graham's swearing in ceremony was held in Woodstock on Monday, January 28th and was very well attended by members of the judiciary and also by many of his former colleagues from Halton, despite the very inclement weather.

We extend our very best wishes to Justice Graham!



M. Edward Graham

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Ontario has appointed a new judge to the Ontario Court of Justice. Justice Matthew Edward Graham has been assigned by Chief Justice Annemarie E. Bonkalo to preside in Woodstock, effective December 19, 2012.

Justice Matthew Edward Graham was

called to the Bar in 1992 and since then has been a sole practitioner focusing exclusively on criminal litigation. He is a certified specialist by the Law Society of Upper Canada in criminal litigation. He has also been a part-time assistant Crown attorney where he prosecuted criminal cases in the Ontario Court of Justice

Deadline for Next Issue:  
April 2, 2013



## President's Report by Laura Oliver

As I start my (what will be long) term as President I can't help but reflect on my years in Halton. Let me first start, however, by congratulating Ted Graham on his appointment to the Ontario Court in Woodstock. Ted will, obviously, make a wonderful addition to the bench. He was a dedicated and contentious practitioner and no doubt will continue in that vein on the bench.

Back to Halton. When I was first invited to move my practice to Halton I was told by many what a great place it is to practice law. Now, 12 years later I find myself saying the same thing to people who ask me about moving their practice to our region. I truly believe Halton is the best kept secret in the Province as far as the practice of law goes. In that regard, I have some ideas (inviting feedback here) about how to enhance all of our experiences. Some of these ideas come from the development and implementation of the HCLA strategic plan over the last few years and others come from experiences I have had (and I assume many of you have had).

Firstly, the vast majority of our membership are sole

practitioners and most offices are at least a half hour drive from the court house. I recently had an experience where I was not consulted about an appearance and found myself booked in two different court houses. This experience got me thinking about an agency service for our membership. It would be a simple e-mail list that members could sign up for on a voluntary basis. Much like the Deputy Judges do, when/if the need arises, simply send an e-mail to the group in the hopes that another member can take on the agency role. This idea is in its infancy and I would welcome feedback from the membership.

Secondly, the executive has been investigating the idea of setting up an articling program to attract new lawyers to the jurisdiction but also assist interested members in wading through the process of hiring an articling student. We will be developing a survey to be delivered to the membership to gauge interest in the concept of an articling program (like the Hamilton model).

Thirdly, we are interested in making our web site more dynamic. Suggestions in that regard would be welcome. In conjunction with that idea I have always thought about partnering with our local papers to run profiles on members periodically

highlighting that our communities have great local lawyers and that citizens need not look to Toronto or Hamilton to find competent counsel. Again, feedback on this concept would be most welcome.

Finally, we continue to work with a consultant to push for a new court house in Halton. This work will be long and arduous, however, the Association is committed to taking this issue to conclusion. Your continued support and encouragement on this issue is most welcome.

The Annual Dinner Dance, held at the Oakville Golf Club in late November, was a wonderful event. I encourage you all to connect with your colleagues through the Association's social events. Our Annual General Meeting and Spring Social is taking place on March 21st at the Harbour Banquet and Conference Centre. We are very pleased to have The Honourable Suzanne Stevenson and The Honourable Dale Fitzpatrick as our guest speakers. A flyer and registration form has been forwarded to each member, along with your 2013 membership renewal notice. Also, we have been organizing get togethers at the Queen's Head in Burlington every two to three months ... very informal ... stop in and stay as long as you wish.



Have a happy and safe 2013.



## Criminal News by Brendan Neil

It is starting to look like Halton Region is the go to area for judicial appointments, as Ted Graham is the latest of a string of counsel with Halton connections advancing to the bench. Congratulations to Ted.

A recent experience with a client combined with an entertaining presentation at the annual Criminal Lawyers' Association Fall Conference has inspired this issues article.

We have all received the phone call from the police station or sometimes even from the client prior to arrest. These calls in the "off" hours always seem to involve the same question, "What do I say?" We all know the answer, NOTHING, but it is how we give our answer that can make the difference between having a case or not when the matter gets to court.

Most of our clients know that they have a right to silence but they seem to lack knowledge in the ways of human nature especially when confronted with an interrogation technique that has proven over the years to be very successful in eliciting confessions even if the party is not guilty. As a result we as defence counsel must be very clear with regards to the interview process so that they understand what will happen and be prepared to maintain their silence.

What follows is a list of things that I tell my clients during such phone calls, I invite you all to make up your own checklists. As well, I cannot

recommend strongly enough that if you practice any criminal law, obtain a copy of the text on the Reid technique and look up the various studies that have been done about the technique. If you do not know what I am talking about, stop practicing criminal law until you learn what the technique is and how it is flawed.

What I tell clients when they are about to be interviewed.

1. Do not say anything other than confirming your name.
2. You have a right to silence but the police can continue to ask you questions for up to 23 hours.
3. Do not say anything other than confirming your name.
4. The police are allowed to lie, the Supreme Court says so.
5. Do not say anything other than confirming your name and that you want to go back to the cell.
6. The police will say this is your one time to tell your side. This is untrue you will have many opportunities to tell your side with the assistance of representation.
7. Do not say anything and blame your lawyer for not saying anything if you want. Tell them your lawyer said they would be upset with you if you given any statement.
8. The police will ask you what you think should happen to someone who commits a crime like the one they are interviewing you about. This is a trap question to get you talking.
9. Do not say anything. This includes discussion about work and things that you do for fun or entertainment. Any conversation with the police is simply an attempt to get you

talking and will turn into a conversation about the allegations without you even realizing.

10. The police are trained to get the answers they want regardless of what the truth actually is. Remember there have been many people that have ended up confessing to horrible crimes that they have later been proven to not have committed. Unfortunately the proof has too often come after years in prison.
11. If the police insist on continuing to question you curl up on the floor in the fetal position and sing yourself a song. Really they won't know what to do.
12. You will be in a cold room.
13. You may have a number of officers talk to you.
14. They will ask you how your family must feel. This is an attempt to make you feel guilty in the hopes of getting a comment from you.
15. If you have been arrested, it is because the police believe you committed the offence they are investigating. They are not going to withdraw the charge because you say you did not do it so don't say anything.

My typical phone conversation in this situation lasts almost an hour and is extremely repetitive. It has to be as your client is bursting at the seams to tell the police their story. As we all know, once a story is told, it is very hard to recover from. It is our obligation to do whatever we can in our explanation to the client to ensure that they do not provide a statement.

### CLA/Annual Criminal Law Seminar

Following the appointment of Justice Graham, I have taken over as the Halton Regional Representative on the Criminal Lawyers' Association board. This combined with my local role as chair of the criminal law seminar leads me to request that if you have any issues as a criminal practitioner that you would like brought forward with the CLA or if you have any particular requests for topics for the seminar please contact me via email.

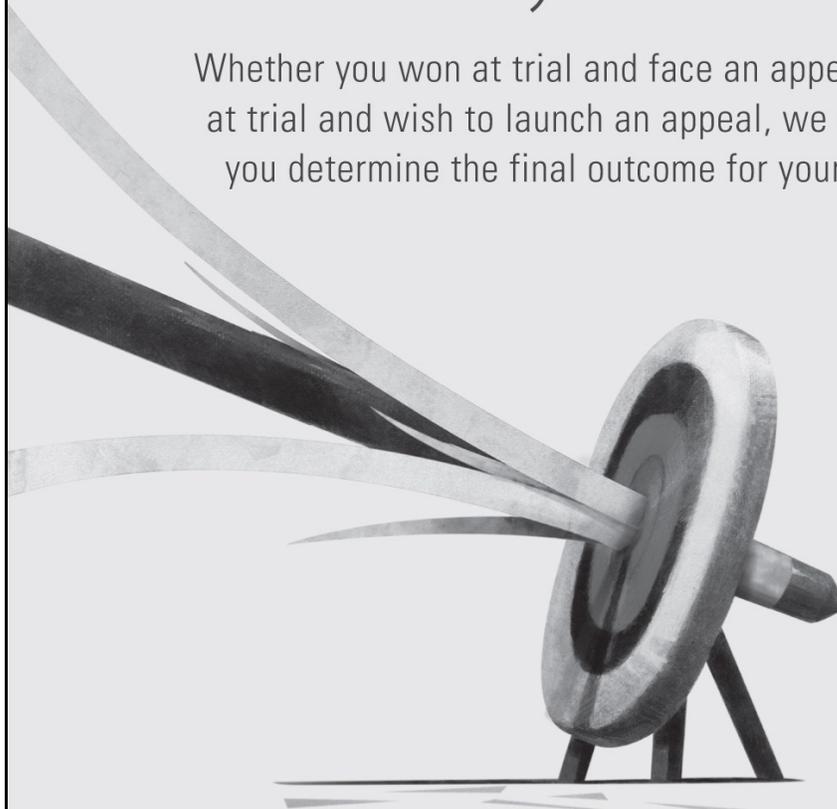
In addition any one who would like to assist with the criminal seminar please contact me.

I am hoping to provide regular updates on CLA issues through email and the newsletter in the future. If you wish to receive email updates please send me an email indicating so. My email is [brendanneil@neillaw.ca](mailto:brendanneil@neillaw.ca).

*Brendan Neil is certified by the Law Society of Upper Canada as a Specialist in Criminal Law and sits on the Board of the Halton County Law Association. Comments in the above piece are his alone and should not be considered as the position of the HCLA or it's respective members.*

# He who wins last, wins.

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The Halton County Law Association Annual Family Law Seminar was held on Friday, December 7, 2012 at the Halton Region Museum.

## Family Law News

This year's seminar was a great success, thanks to the program chairs, Laura Oliver and Rachael Pulis, as well as the excellent speakers and, of course, thanks to the many attendees.

We were very pleased to have Senior Family Court Justice The Honourable Mr. Justice R. John Harper along with Madam Justice Kendra Coats participate in a panel discussion on the Unbundling of Legal Services, along with Laura Oliver and Rachael Pulis. Ontario Court Justices Roselyn Zisman and Sheilagh O'Connell were scheduled to participate, however, their busy court schedules made it impossible for them to attend.

The program began the Epstein's "Year in Review" presented by Brian Burke of Epstein, Cole LLP. Brian highlighted a number of key family law decisions from the past year. Robert Klotz's gave an overview on the topic Bankruptcy and Family Law and Mel Norton gave a presentation on the new Pension Regulations: One Year Later. John G. Cox, Catherine Haber and Robert Martin participated in an excellent panel discussion on Spousal Support.



(L to R) Justice Coats, Justice Harper, Laura Oliver and Rachael Pulis participate in a panel discussion on the Unbundling of Legal Services



Robert A. Klotz's speaks on Bankruptcy and Family Law

Thanks to this year's organizers Laura Oliver and Rachael Pulis for putting together a terrific line up of speakers and topics.

In order to not conflict with the Milton Superior Court Trial Blitz list, this annual seminar will be moved to January, so you may expect the next one to be held in January 2014.

We welcome your feedback in regards to the topics for next year's program, or suggestions for future lunch & learn seminars. Please feel free to contact Karen Kennett at [hcla@bellnet.ca](mailto:hcla@bellnet.ca) with your ideas.



## Library News by Karen Kennett

the history on the internet browser, the built-in passwords are disengaged, meaning the next person to come along will be unable to access the LibraryCo Toolkit of Legal Resources, including Quicklaw. By changing the internet browser from Internet Explorer to Firefox, for example, the Toolkit will not load properly and the electronic resources contained therein will not be available. When accessing your office computer or email remotely from a library computer, be sure that you have logged out correctly. Quite often email programs are left running, resulting in a breach of your privacy. Please be reminded that the computers are for everyone's

use and you may be causing another person consideration frustration when changing the default settings. Your cooperation is very much appreciated.

### Copying/Printing

By now, most of you should be familiar with the new photocopier vend unit. We have decided to extend the time allowance for picking up your free copy until the Annual General Meeting (March 21, 2013). This card is pre-loaded with \$5.00 value in order to get you started with the new system.

The printing will be routed through the vend unit very shortly. Users will be asked to create a PaperCut account for secure print release when sending a print job. The account is created once.

### Quicklaw Training

Spaces are still available for the two Quicklaw Training sessions, scheduled for March 26th.

See the flyer on page 10 and sign up today!

Happy New Year!! I hope that 2013 brings prosperity, good health and much happiness to you all!!

### Library and Lounge Computers

Please be reminded to refrain from changing any of the settings on the computers in the Lawyers' Lounge or Law Library. By changing the setting to clear

# Doing the little things...

makes a world of difference.

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O N T A R I O - W I D E S E R V I C E

## Remembering The Honourable William Perras

### by William Perras Jr.

A son's reflections: A complete life – well lived!

Some readers of this article would have known my father, either from his years as a practicing lawyer in Oakville for 27 years, or after his appointment to the Bench in 1978. Unfortunately, I was never able to actually practice law with Dad, as his telephone call from then Justice Minister Ron Basford, with the news of his appointment, was the same weekend as my call to the Bar in Ottawa in April, 1978.

And so it began – I commenced my sole practice in Oakville soon thereafter, and Dad assumed his judicial duties in Hamilton, where he sat throughout his judicial career, until his retirement in 1998 at the age of 75.

Many of us still believe that Oakville is a “small” town, notwithstanding its growing population. As such, in the almost 35 years I have been practicing, I continue to receive regular compliments about Dad in my local travels from many of those clients whom he served as their lawyer, and whom I continue to represent, as well as from many lawyers who appeared before him.

The message has always been this:

Dad was a kind, knowledgeable, competent and humble practitioner – and a fair, equitable, personable and compassionate Judge.

Not surprisingly, his impact on my life was immense. From my

earliest memories, his calm demeanour and pride in his profession influenced me greatly, and formed an indelible impression upon me that a life of service to one's community was not only admirable, but rewarding.

Dad was also busy away from his professional obligations – he and Mom (Norma) raised six children (four boys, then two girls – I was the eldest). We lived around the corner from St. Andrew's Catholic Church, so we four boys were required to learn the Latin version of the Mass as altar boys (no altar girls back then), and all six of us were called in each evening from hockey, baseball, football, “mud” wrestling, or whatever, to recite the rosary – try to imagine how that was received in the 60's by our non-catholic neighbourhood pals?

My fondest memories of Dad:

- As a boy, I recall Dad's unceasing support of all our academic and athletic achievements – if he was able to attend one of our events (times 6 kids) he was there!

- As a man, I recall the emotional evening when Dad officiated at the 1985 swearing in of me as the Mayor of our beloved Town of Oakville.

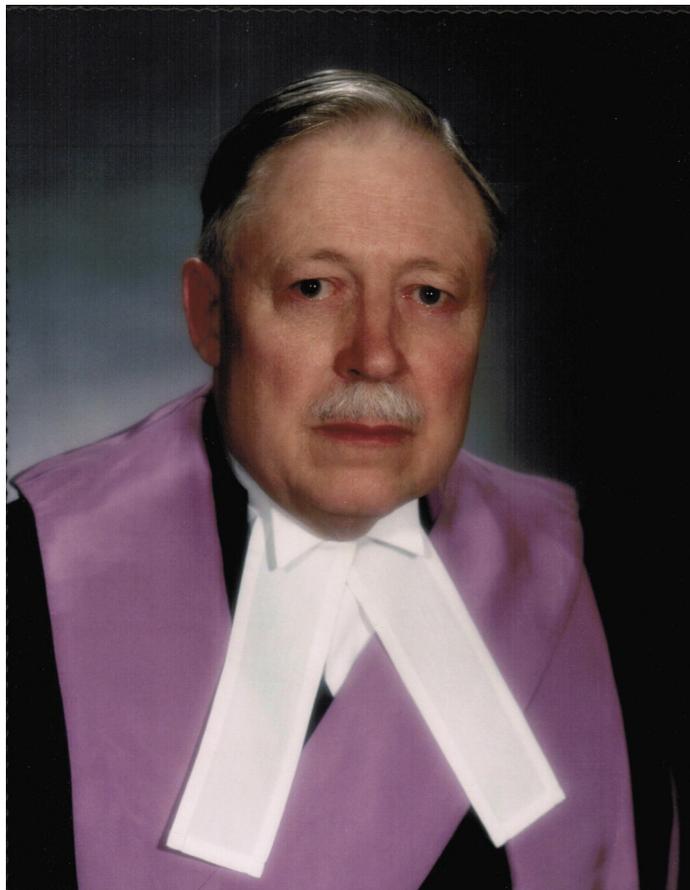
In his retirement years, Dad and Mom continued their dedication and devotion to each other, one looking after the other as their health needs dictated. In fact, when Dad entered the hospital in Novem-

ber, he was theoretically Mom's caregiver. And yet – how that changed.

Mom “stepped up to the plate”, being with Dad and by his side in the hospital basically 24/7, and she insisted that the family arrange to move Dad home (which we did) so that he could be surrounded by and with peace, comfort and love as he passed in spirit to his creator on the evening of December 11, 2012.

As Father Ron Hodara referenced in his homily at Dad's funeral at St. Andrew's on December 19 – God lent us Dad's earthly body and personality – but his spirit ascended to Heaven to be at His side.

May we all be so fortunate as to make this contribution to our society during our lifetime.



The Honourable P. William Perras  
Retired Judge—Ontario Superior Court of Justice  
June 1, 1923 – December 11, 2012

Congratulations to Hussein Humdani who is among the winners of the 1st Annual 40 Under Forty Business Achievement Award. The Award is given to individuals under 40 years of age who consistently makes their mark in business and who contributes regularly to their respective communities.

Hussein is a partner at Simpson, Wigle LLP. He joined as an associate in 2002 and was named a partner in 2009 for his skill and commitment, becoming the youngest partner in the firm's history.

Hussein, who was called to

the bar in 2002, is engaged in a general corporate/commercial practice that includes commercial and residential real estate law, at the firm's Burlington office.

He sits on the national Roundtable on Security, advising the federal government on national security matters.

He also sat as a Board or Executive Member on countless local, provincial and national organizations. He tutors law students through the Law Society of Upper Canada.

Congratulations Hussein!!



Hussein Hamdani



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### Looking for a Will

Anyone having knowledge of a Will of David Raymond Dunstan (d.o.b. March 19, 1956), of 5233 Banting Court, Burlington, Ontario, who passed away on December 11, 2012, is requested to contact his brother Bill Dunstan, 419 Erindale Drive, Burlington, ON L7L 4T3, cell 905-399-6574.

### ESTATE NOTICE – CLEVELAND CAMPBELL

Anyone having knowledge of a Will for Cleveland Campbell, who resided in Dundas (Waterdown), Ontario, is requested to contact Henri J. Charlebois of the law firm of Hastings, Charlebois, Burlington, Ontario, at Tel. No.: 905-332-1888, Fax No.: 905-332-0021 or e-mail at [hjcharlebois@hclawyers.ca](mailto:hjcharlebois@hclawyers.ca).

**Have you got a lot of spare space?** I love my landlord (really!), but I need bigger digs for my business law practice (overflowing 1,100). I'm looking for 1,500 to 2,500 sq ft, configured with at least two enclosed offices (10 X 15 at least) w/windows, boardroom for +6, kitchen area, open work stations, modern biffy, a/c, cable internet access, storage room for Minute Books & files, good parking and access to QEW, and a partridge in a pear tree. Ideal area would be Bronte or East Burlington, with some decent restos nearby. Don't need reception or secretarial, not looking for association, just need lots of room. 905.847.9707 or [grant@gbtlaw.com](mailto:grant@gbtlaw.com) – Thanks!

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Session #1 10:30 a.m. - 11:30 or Session #2 12:00 noon - 1:00 p.m.

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**Note: Space is limited to 10 registrants per session.**

Telephone 905-878-1272 or email [hcla@bellnet.ca](mailto:hcla@bellnet.ca) to register.

**Register today!!**



You are cordially invited to attend the  
Halton County Law Association

## *Annual Spring Social & AGM*

Harbour Banquet & Conference Centre  
2340 Ontario Street, Oakville  
(Bronte Harbour)

**Thursday, March 21, 2013**

Annual General Meeting 5:30 p.m.  
Cocktails (cash bar) - 6:00 p.m.  
Dinner (including wine) - 7:00 p.m.

Guest speakers:

**The Honourable Madam Justice Suzanne Stevenson and  
The Honourable Mr. Justice Dale Fitzpatrick  
View from the Bench ... one year later**

**\$70.00 per person**  
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RSVP by March 15, 2013 to Karen Kennett at (905) 878-1272 or [hcla@bellnet.ca](mailto:hcla@bellnet.ca)

### *Annual Spring Social & AGM*

- \_\_\_\_\_ I am unable to attend on this evening
- \_\_\_\_\_ I will only attend the Business Portion of the AGM (no cost)
- \_\_\_\_\_ I will attend the AGM and Dinner, my cheque for \$70.00  
is enclosed

Name: (please print) \_\_\_\_\_

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