



# HCLA News

Newsletter of the Halton County Law Association

Volume 1 Issue 4

Fall 2010



### Friday, November 26th

Annual Dinner & Dance  
Burlington Golf & Country Club  
See invitation on page 9!

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### Deadline for Next Issue:

January 1, 2011

## HCLA Annual Barn Dance

The Halton County Law Association held its Annual Barn Dance on Friday, September 17th and a good time was had by all!

Thanks to Karen and Rick Day for hosting this fun-filled evening. This event provides a casual atmosphere in which to mingle with colleagues, see old friends and make new ones.

Following the scrumptious barbecue, Rick got the bon-fire stoked (I think he saves up wood all year for this!!) and we were thoroughly entertained by the music of "Uncorked", while toasting marshmallows and gobbling up smores.

Be sure to join us next year!



Ron and Anita Taylor



(L to R) Carolyn & Ken Watts and Karen Day



"Uncorked" band members (L to R):  
Mike Lumsden, Cam Goede, James Ferris and Mark Mullins



## President's Report by Claire Wilkinson

The Halton County Law Association has been busy the last few months! On September 8, 2010, we hosted a very successful and well attended retirement dinner for Justice Wolder. Justice LeDressay has kindly prepared an excellent article detailing a very enjoyable evening for all who were present.

On September 17, 2010, Rick and Karen Day once again generously offered their beautiful property to host our annual Barn Dance. The food was great, the band was great, and the company was great! To those of you who have never attended the barn dance, you should make a point of attending next year. It is a very laid back and relaxed environment, and a great way to make connections with other lawyers practising in Halton.

On October 2, 2010, our Association arranged for a Dinner and Theatre night. Those lucky enough to participate enjoyed a wonderful meal together at Incognito Restaurant, before attending "The 39 Steps" at Theatre Aquarius. The feedback we have received from this event is very positive, so we will likely do it again next year! Make sure you don't miss out!

On November 19, 2010, the Law Society is hosting the Articling Symposium and Career Fair. Over 250 students and new lawyers have already registered to attend. If you are interested in hiring a student or new lawyer, or are even thinking about hiring a new student or lawyer, you should plan on attending the Career Fair. You can contact the Law Society, or our librarian, Karen Kennett, for more information.

On November 25, 2010, our association will be presenting an education program for our civil litigators, including very practical advice from judges, plus papers addressing current issues in bankruptcy, construction litigation, estate litigation, debt collection, and personal injury litigation. If you have a broad-based litigation practice, this is one conference you are not going to want to miss!

On November 26, 2010, our Association will once again celebrate our Holiday Dinner Dance, which will be held at the Burlington Golf and County Club. It is a beautiful venue for our very popular dinner... get your tickets now!

On December 3, 2010, our Association will be holding its Family Law Seminar, which is set to take place at the Halton Regional Museum. Registrations have already been well underway, and we are all looking forward to another strong program.

It is sometimes difficult in Halton to get to know the other lawyers in our association, as we are spread out over different cities and communities. Given our lack of centralization, I strongly encourage you to take the time to attend some or all of the events that our association arranges, as it is a great way to come together and develop an extensive referral network within our association. Networking is one of the greatest benefits of membership in our association, but you can't network if you don't show up to events!

Happy Hallowe'en!

Place your business card size ad here!

## Justice Wolder Retirement Dinner by Justice LeDressay

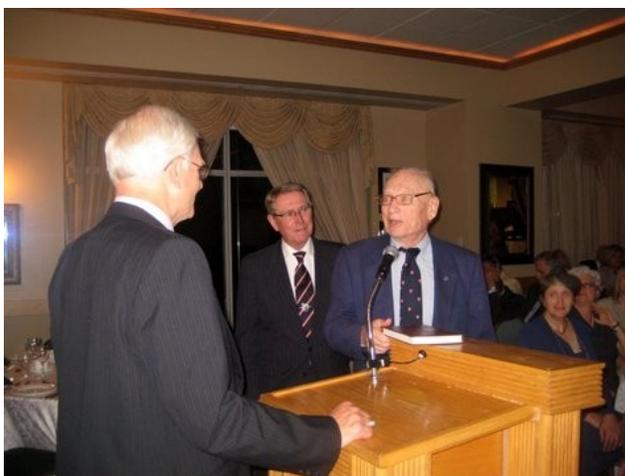
The Honourable Mr. Justice **Theo Wolder** retired at the end of June 2010 after more than 20 years of service in the Ontario Court of Justice. Justice Wolder is a genuine two-hatter who presided regularly in the Family Court and the Criminal Court in both the Peel and Halton jurisdictions during his tenure on the Ontario Court bench. Justice Wolder's retirement party was held on September 8, 2010 at the Granite Ridge Golf Club in Milton. The party was extremely well attended. Many of Justice Wolder's family and friends were there for this very special occasion acknowledging Justice Wolder's accomplishments as a presiding judge, for his other important work to enhance the Ontario Court of Justice and for his work in the community. In addition, Chief Justice **Annemarie Bonkalo**, Associate Chief Justice **Peter Griffiths**, Regional Senior Justice **Kathryn Hawke** and a significant number of Justice Wolder's judicial colleagues, from near and far, were present. The dinner was also well attended by members of the Halton County Law Association, the Crown Attorney's office, and court staff. Justice **Alan Cooper** was the Master of Ceremonies for the event. **Ted Graham**, Vice President of the Halton County Law Association, brought greetings from the Association and the criminal bar. There were numerous speakers and all of them spoke very highly of Justice Wolder's commitment and contribution to the court over his many years of service. They left no doubt about what a good person and an extraordinary judge Justice Wolder has been. He will be greatly missed in the Halton Ontario Court of Justice.



Justice Wolder and wife Betty Ann



Master of Ceremonies Justice Alan Cooper and Chief Justice Bonkalo



Peter McWilliams (right) presents a copy of his book "Rambling Tales of a Country Lawyer" to Justice Wolder (left), Robert Lush looks on. (centre)



Ted Graham and Brian O'Marra



## The Criminal Docket by Brendan Neil

by law enforcement we will see how far the boundaries of the decision may be stretched.

*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 its respective members.*

The recent case of *R. v. Sinclair* released last week by the Supreme Court of Canada has put a clarifying stamp on an accused's right to counsel while being interrogated.

Previously the court in *R. v. Singh* had clearly ruled that the right to silence was just that a right to remain silent. Not as some argued a right to be free from pressure to give up the right to silence. The *Singh* case was one in which the investigators had kept questioning the accused for an extended period of time until he "broke". Simply put the Court ruled that absent other violations, such as promises or improper conduct by the investigators, statements derived after truly extended interrogations are within the parameters of Charter validity and it was the accused that gave up his right to silence.

Given this background the decision in *Sinclair* should not come as a huge surprise. *Sinclair* was provided an opportunity to consult with counsel in relation to the arrest for murder. The court indicates that unless there is a change in circumstances that a right for a second consultation with counsel does not arise. As this decision is interpreted

What seems to have sparked an additional concern is the ruling regarding whether there is a right for an accused to request counsel to be present for the questioning. The Court has clearly stated that there is no such right under the Charter. This decision could certainly be seen as further watering down of the rights of the accused but it is important to look past the "rights" we see on a daily basis through mass media, namely American television. The Miranda rights afforded to accused persons in the United States, while close, are not the same as the rights offered under the Charter in Canada.

Following *Singh* it became more important than ever for counsel to clearly and repeatedly inform accused persons of their right to silence and the importance of maintaining that right. With *Sinclair* following along the same lines defence counsel should make it a mantra when receiving a call from cells "Do not make a statement".

JOT update

Also around the courthouse you may notice that representatives from the Justice on Target initiative have begun to observe the workings of our courthouse as well as meeting with various stakeholders.



## Bencher News by Paul Henderson

Treasurer Laurie Pawlitza has spent a busy summer settling into her new position. Among her early responsibilities was to fill the myriad of committees with bencher lawyers and paralegals.

At the Treasurer's request I have been moved to co-chair the Access to Justice Committee with Marion Boyd. Among the items the committee will be dealing with is referred to as the "unbundling" of legal services or limited retainers. I will speak a little more of this issue later. I was also asked to join the Priorities and Planning Committee chaired by the Treasurer. As the name suggests, this committee sets the general agenda for Convocation.

As a result of assuming these additional responsibilities (I am trying to maintain a practice too), I have been taken off the LawPro Board of Directors, the Appeal Panel and the Litigation Committee. Further, I will not stand again for the LibraryCo Board when my term ends in December. I continue to sit on the Professional Development & Competence and Paralegal Standing committees.

September 29 was the first Convocation after the summer break and the agenda was light. There were two items of note however.

First, the issue of "unbundling" of legal services was sent out for input from the profession. While the term "unbundling" has not met universal acceptance, the term speaks to limited retainers. It is acknowledged that this practice has gone on for years. The Law Society is proposing certain provisions that would codify the practice and set out the requirements if a lawyer or paralegal chooses to engage in a limited retainer. This has already been done in several provinces. Many see this as an access to justice issue and a measure that may assist with the number of self

represented people in our courts.

Secondly, Convocation received a report from LawPro with respect to insurance coverage for the upcoming year. It's kind of a good news/bad news story. The good news is that the supplementary levy threatened last year to pay for the \$10 million hit from HST will not be imposed. The bad news is that the base premium will be increased \$400 to \$3350. As one bencher observed, it would appear we are \$50 ahead!

You may recall that last year's increase came as a result of the confluence of several factors. Investment income was down, the HST was imposed and claims (numbers and quantum) have increased.

Unfortunately, circumstances have not improved this year. For example, claims ran about \$60 million per year in the early part of this decade. For the past three years they are running between \$83 million to \$93 million per year. Real estate remains the single largest sector and sole practitioners reflect over 35% of claims.

I commend the full report to you available on-line at the Law Society's web site.

## People on the move



Please be advised that effective Friday October 29, 2010, the office of KCY at LAW (Kathy Chittley-Young) will be moving to 920 Brant Street, Suite #8, Burlington, Ontario, L7R 4J1. The new phone number will be (905) 639-0999. The fax number will remain the same (905) 637-0830.

Check your listing on the Halton County Law Association web site to ensure that your information is up to date. Call Karen with any changes 905-878-1272!



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## Calendar of Events

- November 25      **Civil Litigation Seminar**  
Halton Region Museum  
Registration form to follow.
- November 26      **Annual Dinner & Dance**  
Burlington Golf & County Club  
See invitation on page 9.
- December 3      **Annual Family Law Seminar**  
Halton Region Museum  
9:00 a.m.-1:00 p.m.  
See registration form on page 8.
- January 26      **Family Law Lunch & Learn—1:00-2:00 p.m.**  
Topic: Victim Witness Assistance Program  
Speaker: Patricia Wilson  
Cost: \$10.00
- February 23      **Family Law Lunch & Learn—1:00-2:00 p.m.**  
Topic: The Family Responsibility Office  
Speaker: Azra Champsî  
Cost: \$10.00
- March 3      **Annual General Meeting**  
Harbour Banquet Centre  
Details to follow.

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# 9<sup>th</sup> ANNUAL SOPINKA UNITED WAY LUNCHEON

*Guest Speaker*

The Honourable Justice Rosalie Silberman Abella  
Supreme Court of Canada  
**Monday, November 15, 2010 – 11:30 a.m. to 2:00 p.m.**

Sheraton Hamilton Hotel, Grand Ballroom, 116 King Street West, Hamilton

**\$35 per person (Tables of 8)**

For reservations please contact Kandy Young at United Way: 905.527.4576 ext. 450, email at [kyoung@uwaybh.ca](mailto:kyoung@uwaybh.ca)

**Please make cheque payable to**

**“Sopinka United Way Luncheon”.**



A community is not truly great  
until it is great for **everyone.**



## Halton County Law Association

# Family Law Fall Seminar

### Topics/speakers:

**Family Law: The Year in Review** – Phil Epstein

**Therapeutic Reunification** - Jacqueline Vanbetlehem

**Constructive Trust** – Karen Thompson and Susan Berry

**Emergency Motions and Ex-parte Motions** – A Panel Discussion with Madam Justice Kendra Coats, Superior Court of Justice, Madam Justice Roselyn Zisman, Ontario Court of Justice and Janet Moss

*Note: LPIC \$50.00 credit towards your LPIC Insurance premium.*

**Date: Friday, December 3, 2010**

**Location: Halton Region Museum, 5181 Kelso Road, Milton**

**Time: 9:00 a.m. to 1:00 p.m.**

**8:30 a.m. Registration, coffee & muffins**

**Cost: \$75.00 (included HST R10462350)**

**Payable to the Halton County Law Association**



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Please register me for Family Law Fall Seminar on Friday December 3, 2010. My cheque in the amount of \$75.00 payable to the Halton County Law Association is enclosed.

Name \_\_\_\_\_

Firm \_\_\_\_\_

Email \_\_\_\_\_ Telephone \_\_\_\_\_

Send to: Halton County Law Association, 491 Steeles Avenue East, Milton, ON L9T 1Y7



*You are cordially invited to attend  
The Halton County Law Association*

## *Annual Dinner & Dance*

*Friday, November 26, 2010*

*Burlington Golf & Country Club  
422 North Shore Boulevard East  
Burlington, Ontario*

*Cocktails 6:00 p.m. - Dinner 7:00 p.m.*

*\$90.00 per person  
(hst included)*

*Entertainment: The Sugar Daddies  
with special guest Karen Thornton*

*RSVP*

*Karen Kennett*

*Halton County Law Association*

*491 Steeles Avenue East*

*Milton, Ontario L9T 1Y7*

*Telephone 905-878-1272 Fax 905-878-8298*

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