

ADVOCACY MATTERS



EDITOR'S NOTE | TAS HIGHLIGHTS | WOMEN IN LITIGATION
AWARD OF JUSTICE | SOCIAL MEDIA | FALL CONVENTION RECAP
WAR ON JOURNALISTS | INTERVIEW | DUBIN LECTURE | RODA UPDATE & NEXT 5



EDITOR'S NOTE



EDITOR: PETER J. HENEIN,
CASSELS BROCK & BLACKWELL LLP

As the holidays come crashing into our faces like two shoppers fighting over the last Dancing Flerby on the shelf (a hot new toy I literally just made up!), it's a good time to take a breath and reflect on how truly lucky we are to live in a country like Canada.

My admittedly saccharine and nationalistic comment is prompted by Paul Michell's submission in this issue, "The War Against Mexican Journalists", recounting a recent presentation at the Fall Convention by Darío Ramirez, Director of ARTICLE 19 for Mexico and Central America. As Paul explains, the murder rate of Mexican journalists is beyond anything we can comprehend.

We certainly don't live with this incredible threat in Canada. And this is something that we can sometimes forget between emails.

And so, as we bring 2015 to a close and, over a high-carb dinner, comfortably debate serious issues like the election

(and government) that was, the war on terror, or the needs of Syrian refugees, there's no better time to remind ourselves that we also have the luxury of fixating on the arcane... like debating the quality of Justin Bieber's new album or whether every child in Canada truly needs a Dancing Flerby in the first place.

Now that I've gotten that off my chest, this Festive Special edition of Advocacy Matters is tightly packed with 90% more awesomeness. Sarah Armstrong reports on the Women in Litigation Symposium, there are photos from the Award of Justice dinner and the Dubin Lecture, Jasmine Akbarali talks tweets, and Lauren Tomasich reminds us that what happens at Fall Convention stays at Fall Convention, unless you write an article about it.

Oh yeah, and I also interview a young "up and comer" named Marie Henein.

To those who celebrate something this time of year, please enjoy something. To those that don't, please enjoy some time off. And in the immortal words of James Brown and Afrika Bambaataa, "Peace, Love, Unity and Having Fun".

Happy Holidays

-Peter

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TAS HIGHLIGHTS

- From November 11 to 15 Society members enjoyed exceptional CPD and networking at Fall Convention 2015, which was held at the Grand Velas Resort, Riviera Maya. Thank you to Co-Chairs Michelle Awad, Q.C., Rocco Di Pucchio and Megan Shortreed for a fabulous program.
- On October 27 Joseph J. Arvay, Q.C. was presented with the Award of Justice.
- Former Justice Albie Sachs delivered an inspirational speech at the 8th annual Dubin Lecture. Archive of the lecture is still available to members. Contact neville@advocates.ca for access to the lecture.
- The Women in Litigation Symposium on October 23 was a resounding success with over 200 attendees. Thank you to Co-Chairs Linda Fuerst, Lucy McSweeney, Deborah E. Palter, and Anne E. Spafford.
- The 2nd annual Santa Claus Parade Party, organized by YASC, filled Campbell House with excited families on November 15.
- Some of our TAS Board Members have joined the twittersphere! Give them a follow:
 - [@Aaron_m_franks](#) – Aaron Franks
 - [@DanielNaymark](#) – Daniel Naymark
 - [@depaltr](#) – Deb Palter
 - [@Lucilleshaw](#) – Lucille Shaw
 - [@michelleawad](#) – Michelle Awad
 - [@sjarmstrong24](#) – Sarah Armstrong
- The Winter 2015 issue of The Advocates' Journal is out now!



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A big round of applause to... you!

Thanks to you we are a winner of Canadian Lawyer magazine's inaugural 2015 Readers' Choice Awards.

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WOMEN IN LITIGATION SYMPOSIUM



BY: SARAH J. ARMSTRONG,
FASKEN MARTINEAU
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On Friday, October 23, The Advocates' Society presented its 6th Biennial Women in Litigation Symposium: The Powerful Advocate. The over 200 women advocates in attendance heard from an impressive line-up of accomplished members of the bench, including the Supreme Court of Canada, bar and executive suite. Topics ranged from developing your skills as an effective advocate, building credibility with clients, establishing and maintaining a vibrant litigation practice, advocating for leadership and advancement, profile building using social media and celebrating your success.

A key take-away from the day was that there is no one path to success and no one-size-fits-all model of effective advocacy. The distinguished presenters showed tremendous leadership and courage by providing candid accounts of their own challenges, like overcoming shyness and building confidence in the face of a lifelong lack of self-esteem. Unexpectedly, the paths to success described over the course of the day included stops along the way to run a fishing camp in Temagami and to start a business selling ice in the Gaspé.

The women advocates in attendance were inspired and encouraged to:

- take every opportunity to get into Court, no matter what the value of the matter or level of Court (“its all the Supreme Court to me”!);
- be true to themselves (“you don’t need to be the loudest voice at the table to be effective” and “cross examination doesn’t have to mean CROSS examination”);
- pay it forward for younger women in the profession by giving them opportunities to succeed;
- and, simply, be good at what you do and be enthusiastic (“give clients confidence that you’ll do their work well and make good decisions”).

The advice from powerful advocates at the top was clear: for young women advocates to succeed they must find their own authentic voice, be their own advocates, ask for what they want and work hard to gain the trust and confidence of their clients and the Court.

We invited participants to tweet their favourite pieces of advice from the mentors and speakers they heard from throughout the day. Here are some of the top tweets:



Stacey Hsu @HsuStacey

Get a mentor, get in court, ask for work - 6th Biennial Women in Litigation Symposium @advocates_soc #beinspired



Susan Gunter @defenzlaw

“Take leadership opportunities where you find them.” @MegShortreed @Advocates_Soc #YoungAdvocates #TAS #WomenInLitigation @LawsocietyLSUC



Siobhan McClellan @SiobhanMcClellan

Cote J’s tips for bus dev: play to your strengths; ask for client work; don’t sell yourself short @Advocates_Soc #BeInspired



Suzan Fraser @fraseradvocacy

Linda Rothstein; be effective, authoritative and authentic. @Advocates_Soc #beinspired #advocacytips



Denisa Mertiri @DenisaMertiri

“Be yourself and use your own voice. Your voice is what will carry you through.” - Mary M. Thomson



Sabrina Lucenti @SALucenti

“Find your voice and present yourself as a leader”: Wendy Berman @casselsbrock @Advocates_Soc #WomenInLitigation #BeInspired



Kristen Pennington @klpennington

Inspiring and enlightening day at @Advocates_Soc 6th Biennial #WomenInLitigation Symposium





Joseph J. Arvey, Q.C. was presented with the Award of Justice on October 27. Congratulations Joe!



Prior to the dinner we asked a few attendees what qualities they think make an *excellent* advocate.



(L) Gerald Chan, *Stockwoods LLP* - "Look like Lonny or Lucas"
(C) Lonny Rosen, *Rosen Sunshine LLP* - "Passion; Tenacity; Resilience"
(R) Lucas Lung, *Lerners LLP* - "Hard work & preparation"

(L) Aaron Franks, *Epstein, Cole LLP* - "Me? Maybe on a good day"
(R) Michelle Awad QC, *McInnes Cooper* - "Principled & vigorous"



(L) Noorain Shethwaia, *Student, Osgoode Hall Law School* - "Speak like Obama"
(R) Vanessa Carroll, *Student, Osgoode Hall Law School* - "Setting realistic but ambitious expectations"

(L) Anne Marie Carere, *Ministry of the Attorney General, Office of the Children's Lawyer* - "Less is more"
(C) Kelly Jordan, *Jordan Battista LLP* - "Practical"
(R) Joanna Radbord, *Martha McCarthy and Company* - "Fearless"



#TwitterTalk

BY: JASMINE T. AKBARALI, LERNERS LLP



For many people, the idea of tweeting is either daunting (how can I say something meaningful in 140 characters) or futile (I can't say anything meaningful in 140 characters). Maybe the limit works for me because, as an appellate advocate, I'm used to saying things concisely. Maybe I like it because 140 characters doesn't seem like a big commitment, compared to, say, a blog. Whatever the reason, twitter was my first social media home and it's where I am the happiest.

There are plenty of people who only lurk on twitter. As I wrote in an earlier column, there is a lot to be gained from reading other people's tweets. But if you are prepared to leap into the world of tweeting, a whole new world of opportunity opens up to you.

First, a word of warning: unless you set your profile to private (which takes most of the value out of tweeting) anyone can see your tweets whether they follow you or not. People have gotten in trouble for an impulsive or poorly thought-out tweet. Remember this rule: if you wouldn't want to see it on the front page of the *Globe and Mail*, don't tweet it.

How to tweet? The easiest way to put an idea out to your followers is to retweet somebody else's tweet. Let's be clear though: it is also the weakest way. I think of retweeting as the twitter equivalent of writing in the passive voice. Sometimes it's appropriate. But you should only retweet if you are making an active choice to do it; don't just fall into retweeting.

Rather than just retweeting some-

one else's tweet, it's better to add your own commentary. At least then you're contributing to the discussion. New tweeters can get their feet wet by tweeting links to interesting articles or websites and saying something about them. Protip: if the link is too long, copy it and go to bit.ly to shorten it.

The most interesting tweets are someone's original thought, set out in 140 characters or less. That might seem like a tall order for litigators – we tend to like our words – but it forces you to pare the essence of your thought down to the barest bones while still making it interesting. Not bad practice for factum writing, really.

Sometimes there is too much to say on a certain topic. A tweeter then might go on a "twitter rant" or write a "twitter essay" – a numbered series of tweets meant to be read one after the other. I urge you to do these only infrequently if at all, or you will be quickly unfollowed. There's some allowance for twitter rants and twitter essays but fundamentally, they break the twitter rules.

You should also add hashtags to your tweet. If you've said something interesting on a topic relevant to twitter users, you may acquire new followers who are searching that hashtag.

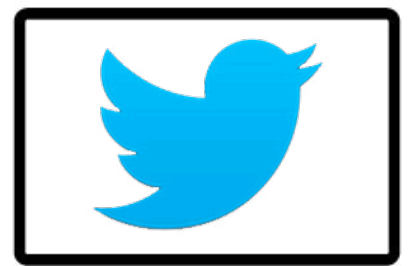
What to tweet? Some lawyers choose to tweet only information relevant to their specialties. They might tweet links to interesting decisions or to articles about developments, whether legal or societal, that are relevant to their practice. This is very safe. It can also be very dull. It may get you an audience of people who are really interested in your practice area, but that will be the only audience you have. That's fine if that's all you want.

Others tweet about a mix of things, both related to their practice and not. In my view, these tend to be more interesting tweeters, but tweeting in this way involves revealing a side of your personality to the online world. Conceivably, this could affect your business development, for good or for

ill. For example, if you were to read my twitter profile and my timeline, you would quickly see that I have self-identified as feminist, that I support gun control measures and that I support same-sex marriage. A potential client who uses an online search to verify me will easily discover these things. Some clients might choose to call someone else because they don't like aspects of who I am. For example, Kim Davis would not likely retain me were she looking for Canadian counsel. But other clients might be more inclined to call me if they think I am someone to whom they can relate. I'm fine with that because I'd probably be happier working for these other clients than for Kim Davis.

Revealing aspects of who you are on twitter is neither good nor bad. People who only tweet out information relevant to their area of practice will reveal little about themselves. That's not an invalid choice. But if your goal is to get more followers and to reach a broader audience, you have to be prepared to be vulnerable.

My friend Jane Southren once said to me that twitter amplifies who we are. If you are funny in real life, you are hysterical on twitter. If you are smart in real life, you are a genius on twitter. There is something to that. Put some thought into what you want out of tweeting and into how much of your (amplified) self you are willing to share with the twitterverse. Then you will have found the parameters within which you can launch yourself into the brief but wide world of twitter. ■



Follow Jasmine on
Twitter @JAkbarali



What happens at Fall Convention...?

BY: LAUREN TOMASICH,
OSLER, HOSKIN & HARCOURT LLP

When I was a younger litigator, Fall Convention, to me, was a prestigious yet elusive event attended by only the coolest members of the litigation bar. A trip to a tropical destination, the promise of abundant fruity cocktails, and the opportunity to meet litigators that I had only encountered through their reported decisions that changed the Canadian legal landscape. I could only be so fortunate to attend someday.

This year, I felt like the luckiest litigator on earth attending Fall Convention at the Grand Velas Resort in Riviera Maya. I was beyond excited and had a million questions for those I knew who had gone before: “Do people really stay out late at the nightly events?” [Answer: of course] “And then do they still wake up for the early morning CPD sessions?” [Answer: of course] “What do I wear?” [The official Fall Convention app advised me to wear “what you would wear on an elegant Caribbean beach vacation” - still not quite sure what that means or whether I pulled it off].

Fall Convention camaraderie got off to an early start, with many of the trip attendees on the same plane from Toronto to Cancun. This not only allowed us to meet or reconnect, but also to commiserate over the airline running out of food with any nutritional value whatsoever by the time they reached the back of the plane (where most of us were sitting). While an all-carb, high sodium university-style lunch of Ichiban noodles and

Pringles is not exactly what you want to be eating on the way to a beach vacation with colleagues, it proved to be a unifying experience and made the first cocktail taste that much better.

The evening events were as fun as promised, with delicious meals, dancing and karaoke. I was thrilled to see that litigators both sing and dance. Not particularly well, mind you, but it was truly uplifting to see so many out there giving it their all, and apparently not self-conscious about displaying their dance moves or belting out a tune in front of people they might see across the courtroom back in “real life”.

I met so many new people in a variety of practice areas. I reconnected with people I knew from the other side of files – and we greeted each other like old friends. I sang Carly Rae Jepsen’s “Call Me Maybe” at karaoke with my fellow Osler delegate Laura Fric. I stayed out late every night...and made it to CPD each morning.

Speaking of the CPD, it was engaging, informative and diverse. I learned about what was happening from speakers from different Canadian jurisdictions, such as developments in medical marijuana law in BC, how oil prices are affecting different practice areas in Alberta, and how justice is approached in the Territories.

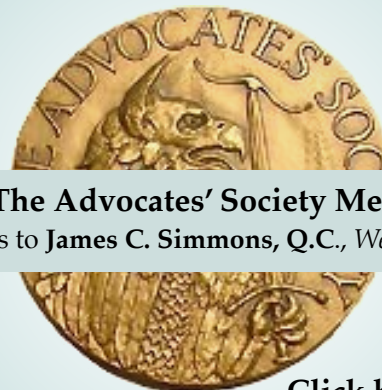
A particularly engaging session was the Q&A with Darío Ramirez, Director of *ARTICLE 19* for Mexico and Central America, where he coordinates documentation, monitoring and

reporting of cases of assault and murder of journalists in the region. Mr. Ramirez discussed the grave dangers that journalists face in Mexico (theoretically a democratic country). He highlighted these dangers with this troubling statistic: 82 journalists have been murdered for their journalistic work in the region since 2000, with the vast majority of these cases remaining unsolved.

The debate between Linda Rothstein and retired Supreme Court Justice Ian Binnie about whether it’s time to get rid of civil trials not only made me laugh out loud, but led me to undertake my own evaluation of the issue. The “panel” of this debate reserved on the issue, and I’m still not sure which of these amazing advocates won.

President Martha McCarthy’s closing remarks about her first Fall Convention led me to reflect on my own first experience. The things she remembered were similar to what I know I will, particularly, the collegiality, inclusiveness, friendship and positivity that comes from being a member of this remarkable organization.

So does what happens at Fall Convention stay at Fall Convention? No, I don’t think it does. That genuine collegiality and positivity that reverberates throughout Fall Convention is something that TAS brings to the profession year-round. I’ll be the first to sign up to experience it alongside cocktails and sunshine, but with all of the amazing people I met, I know it certainly doesn’t end there. ■



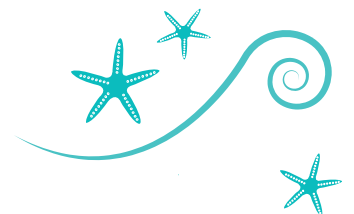
The Advocates’ Society Medal

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FALL CONVENTION PHOTOS





The War Against Mexican Journalists

BY: PAUL MICHELL,
LAX O'SULLIVAN LISUS GOTTLIEB LLP

The tourist who comes to Mexico inhabits a bubble. And a beautiful bubble it is: whisked from the airport down a well-paved highway, the traveller is brought to an imposing white-washed façade and bidden to enter a luxurious cocoon.

But outside, a war is raging.

For two decades, a civil war has raged in Mexico between the authorities and the drug lords. Many innocents have been killed in the crossfire. Some have been specifically targeted. A horrible feature of the strife has been a war on journalists. The hollowing-out and collapse of civil institutions imperils anyone who makes a living by asking tough questions and publicizing the deeds and misdeeds of the powerful. The poison of drug money corrupts political leaders, the police, and the army. Journalists who shine a light on this poison have been targeted by gangsters and the authorities alike.

The scale of the violence is staggering, but largely invisible to tourists. Scores of journalists have been killed, many in brutal executions, or "disappeared". Equally shocking is the impunity that often protects the killers. Where murder is ignored by the authorities, killers grow bold and unrepentant. Journalists turn away from controversial subjects and are cowed into self-censorship. Public discourse, deprived of the oxygen that a free press provides, withers away. Ordinary citizens take refuge in indifference and silence.



Delegates to the Society's Fall Convention 2015 were fortunate to learn about the grim challenges facing Mexican journalists from a leading expert, Darío Ramirez, Director of ARTICLE 19 for Mexico and Central America. Named after the freedom of expression provision in the Universal Declaration of Human Rights, the group has played a central role in publicizing abuses, supporting journalists, castigating governments and agitating for change.

In a Q&A session on "Freedom of the Press in Mexico" with Society past president Marie Henein, the soft-spoken Mr. Ramirez opened delegates' eyes to the enormity of the crisis. He explained the causes and scope of the attacks, the difficulty in weeding out corruption and violence, and the challenge of maintaining a free press in such a dangerous environment. ARTICLE 19 has documented 326 attacks on journalists in Mexico. For visiting Canadians, the session was sobering.

Remarkably, Mr. Ramirez seemed unbowed by the bleak landscape he painted. He made clear that there are no simple solutions to the malignance of drug-fuelled gang violence, and the decay of political institutions that results. Responding to the crisis requires a multi-faceted approach based on publicity, advocacy, media attention, diplomatic pressure, litigation, and capacity-building. His calm commitment to this important cause, and his personal bravery, were inspiring. They lingered on long after delegates emerged into the sunshine of the Mayan Riviera. ▀





Marie Henein, Henein Hutchison LLP

BY: PETER HENEIN,
Cassels Brock & Blackwell LLP



PH: So it's that time of the year and I thought that in the spirit of holiday giving, I would give you a little press.

MH: Thanks. I need all the help I can get.

PH: The other good news is that I found an old Christmas photo of us. So, fashion has always been a big thing for you, right?

MH: Blue polyester pantsuits were big that year... at Woolworth. I was always fashion forward. The shoes were also blue suede and had a bit of red, which I knew was edgy. You know, I really hate all that matchy-matchy crap. I do love your polyester-stretch patchwork jean overalls. And the look on your face is priceless.

PH: Yeah. I was totally psyched that Santa was visiting Willowdale. And Mom really went out of her way to help us fit in that year. What was your Christmas wish?

MH: To be a little blonde girl. You?

PH: To be a little blonde girl. Well, your hair looks great. Do you still use that bowl?

MH: I use different ones now. You know, I think that Santa is a former client of mine. Ok, let's do this.

1

Q: The greatest legal mind, other than your brother?

A: I have a brother? That practices law?

2

Q: The Law: Magic or daily grind? Why is your brother so much more comfortable at it?

A: Because I've taught him everything he needs to know. When are we going to get to me?

3

Q: Where do you find inspiration on a file, other than your brother?

A: Me.

6

Q: What drives you to madness without your brother's help?

A: My brother incessantly talking about the deep meaning of Star Wars.

Q: What's the funniest thing about your brother?

A: Me.

4

7

Q: Your brother's favourite culinary indulgence?

A: Smoking pork butt. I just don't know how he gets it in the cigar.

Q: Favourite thing about your brother?

A: Me.

5

Q: When do the emails start flowing to your brother?

A: When I have no one else to talk to.

8

9

Q: Favourite app that your brother introduced to you?

A: Something called iTunes.

10

Q: Best album ever that your brother introduced to you one year before you actually bothered listening to it, and only because someone else told you about it?

A: Amy Winehouse's Back to Black. You should really listen to it Pete...

11

Q: When you want to unwind, you buy your brother a....?

A: Magazine about me.

12

Q: Math Question: The Henein family orders four chocolate cupcakes to eat. Each cupcake is sliced into four parts. How many slices of cupcake do any of them get to eat before you stare them down across the table and say that they don't need the calories?

A: Before the cupcakes get to the table but right after I've told all of them what they should be doing with their lives. ■



2015 Dubin Lecture delivered by Former Justice Albie Sachs



Did you miss the 2015 Dubin Lecture?

Sean Fine, Justice Writer for the Globe & Mail, interviewed Former Justice Albie Sachs prior to his lecture in Toronto on November 26, 2015

Read his article [here](#)

For members-only access to an archive of the lecture contact Neville Jacobs at neville@advocates.ca



**Update on RODA's 1st Annual Diversity Conference
(Toronto)**

On November 26, 2015, David Nahwegahbow, Chair of the Society's Diversity Task Force, and Diversity Task Force Members Neena Gupta and Emily Cole, attended the 1st Annual Roundtable of Diversity Associations (RODA) Conference. The goal of the RODA conference was to gather the diverse legal community's leading minds to discuss the keys to success in practice. The conference was opened by RODA Chair and Society member Lai-King Hum, *Hum Law Firm*. Several Society members participated in the program, including: Ian Hu, *LawPro*, who discussed how diversity impacts malpractice claims; Raj Sharda, *Sharda Law PC* and Atoosa Mahdavian, *Law Studio*, along with Lai-King Hum, whose panel discussed tips and tricks for opening your own practice; Reshma Kishnani, *Basman Smith LLP*, who moderated a panel on marketing; and Nader Hasan, *Stockwoods LLP* and member of YASC, who moderated a judicial

panel that commented on the best and worst advocacy. The conference was well-attended by lawyers, paralegals and NCA candidates from diverse communities. The education program was followed by RODA's 5th Annual Soiree, which featured a keynote presentation by the Hon. Justice Murray Sinclair of Manitoba's Court of Queen's Bench. Justice Sinclair is the Chair of the Truth and Reconciliation Commission (TRC). He inspired Soiree guests with his humour, his family's experience with residential schools and his work on the TRC. Justice Sinclair emphasized the importance of implementing the recommendations from the TRC report and what the report means for the future of Canadian society, particularly the Canadian legal system. He also stressed the importance of resolving outstanding land disputes. YASC Chair Yashoda Ranganathan attended the Soiree on behalf of YASC. Both the RODA Conference and Soiree offered an excellent opportunity for TAS members, including young advocates, to connect with practitioners from diverse communities and be ambassadors for the Society. ■

EDUCATION
PROGRAMS

**CROSS-EXAMINATION:
STRATEGIES FOR SUCCESS**
January 22, 2016 - Toronto

MEDIATION ADVOCACY
January 28, 2016 - Vancouver

TRICKS OF THE TRADE 2016
January 29, 2016 - Toronto

**EXAMINING AND
CROSS-EXAMINING EXPERTS**
February 9, 2016 - Toronto

CHALLENGING CREDIBILITY
February 10, 2016 - Calgary

ADVOCACY
EVENTS

YASC PUB NIGHT
January 13, 2016 - Toronto

YASC PUB NIGHT
January 14, 2016 - Calgary

PRESIDENT'S WINTER FESTIVE
January 21, 2016 - Ottawa

MENTORING DINNER
February 9, 2016 - Toronto

TRIVIA CHALLENGE
March 22, 2016 - Toronto

PRACTICE
GROUPS

**TOP CASES IN REGULATORY
AND ADMINISTRATIVE LAW**
January 21, 2016 - Toronto

FIRESIDE CHAT ON ADVOCACY
January 21, 2016 - Toronto

**AN EVENING WITH THE
COMMERCIAL LIST**
January 27, 2016 - Toronto

**TOP CASES IN ESTATES
LITIGATION**
February 4, 2016 - Toronto

**TOP 10 DO'S & DON'TS OF
ARBITRATION**
February 11, 2016 - Ottawa