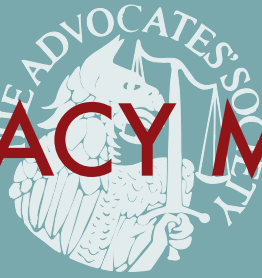


# ADVOCACY MATTERS



TAS Highlights | Social Media | Around TAS | Twitter - #IGetIt | Interview | The Next 5

## AN ORIGINAL TAS EVENT MAKING A FUNDRAISER: AN EVENING WITH DEAN STRANG



Limited Tickets Available  
Click [HERE](#) for more information  
and registration

### EDITOR'S NOTE



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

Coming up on March 9, 2016, the Society is holding a great fundraiser for its War Child campaign (helping children in war-affected communities). Dean Strang, criminal attorney to Steven Avery (both of whom recently rose to notoriety by being featured on the engrossing "Making a Murderer" docu-series) will be speaking to those who attend (details are in this issue below).

SPOILER ALERT: At time of writing this, I haven't finished watching "Making a Murderer". Also, Darth Vader is Luke's father. And Old Yeller is shot by a wolf or something like that.

What I find so impressive about "Making a Murderer" is that it has encouraged the general public to engage in a

heated conversation about justice, the judicial process and the questions of guilt, innocence and what can be proven at law. While the show gives us a very specific snapshot of the justice system in Manitowoc County in the early 2000s, it also serves as a jumping off point to consider the administration of justice itself (a concept that we, as lawyers, can forget is often quite opaque to non-lawyers even while it remains the Platonic ideal we strive to achieve). And so justice must not only be done, but be seen to be done, or else the administration of justice can fall into disrepute. Something we've read and talked about since law school. And yet, it takes a pop confection like a Netflix television series – a show that plays out like a pulpy suspense thriller – to bring this very important issue for the court into the public consciousness...and to get people who aren't law-nerds to argue like a bunch of law nerds. I'm sure Dean Strang's presentation will be fascinating and I hope to see you there.

MORE SPOILER ALERTS: We have a great issue (surprise!). Jasmine Akbarali and Jane Southern ask whether law blogs are dead. Lucille Shaw talks about her newly found love of Twitter. And we get to know Brad Berg a little better in this month's hard-hitting issue.

Please consume responsibly.

*Peter*

#### Editor:

Peter J. Henein, *Cassels Brock LLP*  
Direct: +1 416 860 5222  
Fax: +1 647 259 7974  
Email: [phenein@casselsbrock.com](mailto:phenein@casselsbrock.com)

#### Contributors:

Jasmine T. Akbarali,  
*Lerners LLP*  
Jane Southren  
*Jane Southren Consulting*

Lucille Shaw,  
*Miller Maki LLP*  
Bradley E. Berg,  
*Blake, Cassels & Graydon LLP*

## TAS HIGHLIGHTS

- TAS Gives Back in support of War Child will be hosting a fundraiser on March 9, 2016 titled "Making a Fundraiser: An Evening with Dean Strang". Click [HERE](#) for more information and to register. Tickets are limited!
- The Annual President's Festive Reception was held in Toronto and Ottawa in December and January respectively.
- Tricks of the Trade on January 29, 2016 brought over 400 lawyers together to learn from the industry's best.
- Malini Vijaykumar and Samuel Greene from University of Toronto were the winners of the Arnup Cup for 2016. The runners up were Ira Glasner and Caitlin Sharawy from Osgoode Hall. Both teams will be advancing to Sopinka Cup in March.



Stay up to date and follow  
The Advocates' Society  
on Twitter [@Advocates\\_Soc](#)



Join us for Breakfast as we  
celebrate in the traditional French Canadian  
Sugar Bush ambiance!

❖ Dress to impress in Plaid ❖



WHEN: Friday April 8th 2016  
WHAT TIME: 7:30 am registration to 9:30  
(sit down meal served at 8 am)  
WHERE: Shaw Centre, Trillium Ballroom, Level 4  
55 Colonel By Drive, Ottawa



REGISTER TODAY: [www.wicc.ca/on/event](http://www.wicc.ca/on/event)

Paid Advertisement

Raise the bar  
Stay current on what  
matters most




A new Statutory Accident  
Benefit Schedule (**SABS**)  
comes into effect June  
1, 2016. Keep abreast  
of changes and access  
our useful **present value**  
calculators.

We add credibility to your  
case by leveraging our  
reputation and expertise

Paul Mandel, Partner  
[pmandel@collinsbarrow.com](mailto:pmandel@collinsbarrow.com)

Carolyn Seaquist, Partner  
[cseaquist@collinsbarrow.com](mailto:cseaquist@collinsbarrow.com)

Clarity Defined.  
[collinsbarrow.com](http://collinsbarrow.com)

 Collins Barrow

## Is Blogging Really Dead? Already?



JASMINE T. AKBARALI,  
LERNERS LLP

It's time to take a harder look at blogs. Because my experience is largely confined to reading them, I'm grateful that Jane Southren was willing to weigh in on the topic. This month, she writes about the development of the blog from its origin to its present-day form. Next month, she'll share some ideas on how to write a blog that is relevant in today's marketplace.



BY: JANE SOUTHREN  
JANE SOUTHREN CONSULTING

Lawyers are not renowned for being 'early adopters', particularly not in the realms of technology and marketing – generally two of our least-favoured milieux.

Not surprising then that we were very late to the blogging party – blogging being the perfect marriage of technology and marketing.

We are 5 or so years into the period in the legal sector in which blogging has been recognized and understood as a useful and relevant marketing tool.

But just as we have started to mature into it, the media in many other sectors are heralding its demise!!

What's happening? Is blogging really dead, just as we are figuring out how to use it?

### A short history of blogging

For the non-legal world, blogging emerged onto the media and communications scene in the late 1990's. Around 2005, the golden age of the blog dawned. A few strong writers leveraged the model to create their own brands and readers interested in reading the best that was being thought and said on the internet followed them, using tools like RSS readers to aggregate content from the feeds they tended to find interesting.

This was also the period in which the 'personal journal entries' varietal of the blog emerged. By 2008, about 40% of people who used the internet had visited a blog. Blogs were on the rise and their potential impact on marketing and communication was momentous.

And then we reached a saturation point. By 2010, journal style blogging was declining at a staggering rate and the use of social networks and microblogging - platforms that allowed individuals interested in more casual communication to express themselves with short updates or single-click republishing - was on the rise.

Blogs (as they then were) seemed to be falling from the limelight. And this just as lawyers were starting to get into blogging!

### What was really happening

The truth is that throughout the entire period, the 1990's until now, the universe of content marketing, including all of its constituent elements like blogging, has been evolving and changing at a pace reflective of the pace of advancement in technology – i.e. at the speed of light!

Blogging didn't die, exactly, but it had to evolve and mature along with the rest of the publishing and content marketing ecosystem.

So between 2010 and 2014 (ish), casual, personal, journal-style publishing

moved from blogs to shorter, faster, easier to use, social media platforms. Thank god.

There remained (and still does) a huge appetite and desire for longer form, high quality, informative content. And that continued to be met by the more sophisticated form of blogging.

Mainstream and traditional media outlets like the New York Times, Wall Street Journal, HBR etc. embraced blogging as a means of aggregating a much larger variety of thoughts and thinkers into the discourse they curate and started to collaborate with writers that would not historically have been given the opportunity to grace their pages.

Social media platforms like LinkedIn and Facebook began encouraging the publication of original content directly onto their sites, rather than just using their sites to distribute content housed on a website or blog elsewhere.

Some new media platforms evolved which were really just powerful aggregators of great content generated by others, whether that content was housed on something that called itself a blog or not.

These changes decreased the quantity but increased the quality of the content in blogosphere such that it became defined as a "premium" publishing platform – one that lawyers were comfortable engaging on, both in terms of the consumption and the distribution of content relating to our field. Proving that were surveys in the legal sector in that period in which in-house counsel often defined law firm blogs as the most reliable source of information for them, and showed that 50% or more of them<sup>1</sup> would be influenced in their decisions as to which firms to hire by the presence of a high-profile blog.

### Where are we now?

The milieu continues to evolve and we continue to see changes in how and where publishers of this longer form, thoughtful, insightful and informative

## SOCIAL MEDIA cont.

content are doing it.

People still want that kind of content and a lot of them still want it from blogs. In 2015 survey results showed that Boomers, Gen Xers and Millennials all identified blogs, particularly blogs around 300 words, as the form of content they most liked to consume.<sup>2</sup>

But the lines between what is a blog and what is a good content source are becoming more and more blurred and the difference, if there is one, is becoming less and less relevant.

What we are doing, and where we are doing it are both a little different now. Instead of blogging on our own platforms, now it is much more common to see people writing on platforms belonging to other media outlets: social media, traditional media agencies who have expanded to bring in non-traditional “blog-like” content, and new media platforms that have grown out of this new world.

In all sectors, including ours, the ham-fisted practice of creating marginally

relevant content into which marketing messages could be shoehorned, is being replaced with one defined by more sophisticated and genuinely relevant content being offered to our clients and constituencies with an honest and genuinely held desire to be of use and to create value for them.

There is no doubt that blogging has been pivotal to bridging the church and state divide between the substance of what we do and the marketing of it. But over the past 16 years, the blog format has evolved, had social grafted onto it and mutated into something that could be distributed easily on mobile. Those new species have now taken over.

Now, we achieve the best results from publishing genuinely valuable content - whether original or curated from other sources - on our own platforms (blogs, websites, newsletters/netletters), on social media platforms (LinkedIn, Facebook etc.), and on platforms built and curated by other agencies that have their own audiences (Huffpost, HBR, Canadian Lawyer). We enhance our results further by using a variety of tools to distribute that content and to tie it all together for the benefit

of our brands (email newsletters, aggregators, mobile apps).

So blogging isn't dead. But it is changing. Just like it has been from the very beginning.

Next time we will talk about the future of blogging – where this seemingly unquenchable thirst for information is driving us and what you will need to do to keep your content relevant and distinguishable in a space that is getting more and more crowded all the time.

(Endnotes)

1 In one survey, at least, that number dropped precipitously to around 38% in 2015, with law firm client ‘alerts’ coming out ahead of blogs as in-house counsel’s favourite way to get information from law firms. This hints at just how quickly things can change in this area and how adaptable law firms will have to be to respond to very rapid changes in content consumption habits.

2 <https://contently.com/strategist/2015/05/19/infographic-how-millennials-gen-xers-and-boomers-consume-content-differently/>

# ADR CHAMBERS Expedited Mediation



adrchambers.com

1.800.856.5154

adr@adrchambers.com

- HOUR AND HALF MEDIATION
- BY PHONE OR BY VIDEO CONFERENCE
- \$500 + TAX (TOTAL COST)

**ADR CHAMBERS  
INTRODUCES A  
NEW, FAST AND  
INEXPENSIVE  
WAY TO MEDIATE  
CASES.**

## AROUND TAS

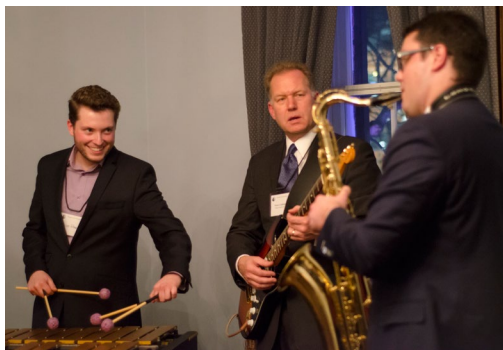
- Surveillance – significant prejudice due to lack of disclosure
- Must disclose surveillance in AOD
- Must provide particulars regardless if relying on it



400+ Lawyers filled The Carlu on Jan 29, 2016 for the annual Tricks of The Trade Conference



One of many great panel discussions at Tricks 2016



Entertainment and collegiality at the President's Festive in Toronto, December 2015



Ottawa President's Festive January 2016



The Honourable Frank J. C. Newbould speaks at An Evening with the Commercial List



Panel Discussion at Top Cases in Regulatory and Administrative Law

# 2016 Ottawa Honouree Dinner

An evening in celebration of  
Mary Jane Binks, Q.C., *Augustine Bater Binks LLP*

Wednesday, April 6, 2016  
Ottawa, ON



◀ [Click here for more information and registration](#)

## TWITTER - #IGETIT



BY: LUCILLE SHAW,  
MILLER MAKI LLP

Until October 2015, I was a “Twitter virgin”. Sure, I had signed up for Twitter but I had never sent out a tweet. I did not know what “#” or “@” meant. I certainly had no clue how to go about tweeting or retweeting. Based on that complete lack of knowledge, I was assigned to be a member of the new social media task force struck by The Advocates’ Society. The task force is led by @Lonny-Rosen, a master of social media. The members of this task force were more senior lawyers, like me, who were encouraged to become more involved with Twitter as a means to increase the profile of TAS on social media. We were each assigned a Twitter coach and given a three page memo on how to tweet and retweet. Our coaches were younger lawyers who were already active on Twitter. We called it reverse-mentoring.

And so, on October 23, 2015, @Lucilleshaw sent out her first tweet. I have not looked back since.

When we had our first meeting as a task force (only lawyers would have memos and meetings about Twitter), I was completely skeptical about the value of Twitter and really had no understanding about how it could benefit TAS. In three short months, however, I can honestly say I now “get it”.

I have sent out 275 tweets and counting. I am not one to brag, but I think I may be more active than my coach, @B\_kates . I thought the idea of a Twitter coach was quite amusing but in fact, it has worked. Ben has been more than helpful in helping me understand the nuances of Twitter. I am sure he has had a few laughs at some of my questions along the way.

So...what do I get? I get how Twitter is a valuable platform for sharing ideas and information. For a young lawyer, it is a great tool to network and develop your profile. For all of us, it is a great way to ‘chat’ about lawyerly topics. I am so impressed by the number of lawyers who tweet about just-released cases.

For organizations like TAS, Twitter is an excellent tool to promote its activities. Although I have been a member of TAS for many years, it was only when I became a director four years ago that I learned of the breadth of its work. For example, I was unaware of the extent of the Society’s work on interventions before the courts. Like many, I thought TAS was mostly about education but it is so much more than that, and Twitter is a great way to educate and inform lawyers about its work.

But a Tweeter does not have to tweet about work alone. I use Twitter for other reasons as well. Quite subconsciously, I have been tweeting and retweeting about certain topics that are important to me. Many of my tweets focus on life in Northern Ontario, being a mother and practising as an insurance defence lawyer. Just the other day @LonnyRosen told me that I had developed my theme or “brand”. Although the evolution of my ‘theme’ happened naturally, when Lonny told me that, I felt quite proud...and then I tweeted about it!

After twenty-four years of practice, if this old dog can learn a few new tricks, I think you can as well. I encourage each of you to embrace social media and you might #igetit as well. 🐾

**Lucille Shaw @Lucilleshaw · Jan 11**  
We are lucky to live in the north. Let's not take it for granted. Better than a subway!



**Aaron @ LULCompSci @aaron\_lucs**  
Morning clouds and afternoon sunset. I have the best commute #inTheWorld. #trails #lulmoments @LaurentianU

← ↻ 2 ...

Lucille Shaw Retweeted

**Martha McCarthy @Advocates\_Pres · 15 Dec 2015**  
Groia in the Court of Appeal this week #civility #fearlessadvocacy #TASIntervenes ift.tt/1QlwQI7



← ↻ 5 ♥ 4 ...

**Lucille Shaw @Lucilleshaw · 31 Dec 2015**  
We, as lawyers, need to have candid discussions about mental health. Good interview



**The Globe and Mail @globeandmail**  
.@heylandsberg: "I have hosted 300 shows with severe depression." trib.al/bIX0GCx

← ↻ 1 ♥ 1 ...

**Lucille Shaw @Lucilleshaw · 17 Dec 2015**  
all the best to My Advocates friends



← ↻ 1 ♥ 3 ...

# Interview with Bradley E. Berg, Blake, Cassels & Graydon LLP

BY: PETER J. HENEIN, CASSELS BROCK LLP



Brad Berg is a Partner at Blakes and leader of the firm's Litigation and Dispute Resolution Practice Group. He sits on the TAS Executive Committee as Treasurer and next year will be the VEEP. Always the consummate (aka humble) Saskatchewan boy, he is never one to boast about his award winning sock collection or his renowned Bon Jovi karaoke renditions.

1

**Q: The greatest legal mind, other than yourself?**  
A: Ugh. You lead off with that? Pass.

3

**Q: The Law: Magic or daily grind?**  
A: Both. But like Cher says, I've been 40 and I've been 50, and 40 is better. Magic is better too.

**Q: Where do you find inspiration on a file?**  
A: Hidden at the back. Under the other stuff.

4

2

**Q: Work? Life? Balance??**  
A: Reframe it. Work is part of Life. Balance suggests you have to trade one for the other. Better to ask, are you happy?

5

**Q: What's the funniest thing about your job?**  
A: The other people in my group - smart, opinionated, vocal and funny. Funnier than me, that's for sure.

6

**Q: What gives you sanity?**  
A: Friends and family. And the occasional long run.  
**Q: What drives you to madness?**  
A: Lack of variety.

7

**Q: Favourite culinary indulgence?**  
A: Per se. But also the Diavola pizza at F'Amelia. I'm ordering one right now.

8

**Q: Pets or no?**  
A: Dogs, in theory. Cats, in practice, for many years. None right now.

**Q: When do the emails start flowing?**  
A: They don't stop.

11

9

**Q: Favourite judge or master?**  
A: Yoda.



12

**Q: Best album ever?**  
A: Pick one?! Yikes. Very by Pet Shop Boys.

**Q: When you want to unwind, you...?**  
A: Lots of things - especially going home to Saskatchewan.

13

10

**Q: Favourite app?**  
A: CBC Radio.

14

**Q: What is the square root of the hypotenuse?**  
A: I have many cheerful facts about this.

## THE NEXT 5

### EDUCATION PROGRAMS

#### CRIMINAL PRE-TRIAL PREPARATION

February 20, 2016 - Toronto

.....

#### TRIAL FROM A TO Z

February 25, 2016 - Toronto

.....

#### CLASS ACTIONS ADVOCACY

March 3, 2016 - Toronto

.....

#### COMPETITION LAW FOR ADVOCATES

March 7, 2016 - Toronto

.....

#### ADMINISTRATIVE TRIBUNAL ADVOCACY

March 31, 2016 - Toronto

### ADVOCACY EVENTS

#### WAR CHILD FUNDRAISER WITH DEAN STRANG

March 9, 2016 - Toronto

.....

#### TRIVIA CHALLENGE

March 22, 2016 - Toronto

.....

#### OTTAWA HONOUREE DINNER

April 6, 2016 - Ottawa

.....

#### 2016 ADVOCATES' SOCIETY MEDAL DINNER

April 14, 2016 - Sudbury

.....

#### WINE AND CHEESE WITH THE BENCH

April 21, 2016 - Toronto

### PRACTICE GROUPS

#### AN EVENING WITH SOAR

February 18, 2016 - Toronto

.....

#### HOW TO MAKE YOUR ARBITRATION LOOK LESS LIKE A TRIAL

February 22, 2016 - Toronto

.....

#### CONSTRUCTION LAW TELESEMINAR

TARION 101

February 25, 2016

.....

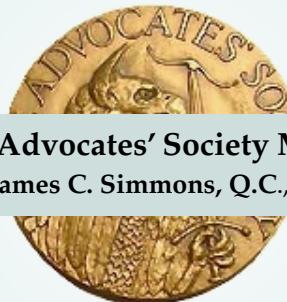
#### TOP CASES IN COMMERCIAL LITIGATION

March 1, 2016 - Toronto

.....

#### CALGARY BENCH AND BAR RECEPTION

March 15, 2016 - Calgary



### The Advocates' Society Medal

Congratulations to **James C. Simmons, Q.C.**, *Weaver, Simmons LLP*

[Click here to learn more](#) ▶