

ADVOCACY MATTERS

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FROM THE EDITOR

Back to School

Lauren Tomasich, *Osler, Hoskin & Harcourt LLP*



September always seems to roll around far too quickly. Just when we're starting to enjoy the warm weather, patios, cottages, and the fact that it's impossible to schedule a discovery or hearing date because everyone is on vacation...September brings us back into routine, packed calendars, and increased

client demands. But – as you'll see from this edition of *Advocacy Matters* – this isn't something to get down about. September brings a sense of new beginning, and gives us an opportunity to think about how best to be productive, to excel at our craft, and remain positive while doing it.

The "back to school" edition of *Advocacy Matters* has some helpful insight on ways we might do this. The litigation bar is fortunate to have a strong sense of community – and

not just a local, but a national community. TAS has a new way to get engaged in the community through an online mentoring portal. Sabrina Lucenti tells us more in her piece, as well as how being both a mentor and mentee can help us grow in our practices.

A constant challenge that we face in our goal-oriented profession is how to truly be happy with what we have. Sarah Armstrong writes about how we can put happiness first...which according to happiness expert Paul Krizmer is really the key to success.

Speaking of new beginnings, Sonia Bjorkquist is stepping into the role of TAS president, and reminds us why we should celebrate advocacy and be proud to be members of The Advocates' Society. As we say goodbye to summer and get ready to buckle down into routine, it is incredibly energizing and inspiring to reflect on what a privilege it is to be officers of the court and trusted advisors.

And as for me, I'm thrilled and humbled to be taking over as editor of *Advocacy Matters* from Peter Henein. I do so with a bit of trepidation, given that his are witty, thoughtful and insightful shoes to fill. This publication would not be what it is today without Peter's leadership, creativity and dedication.

So here's to new beginnings, positivity and happiness as we get "back to school" for the 2017-2018 TAS term! 🍀

Editor: Lauren Tomasich, Ltomasich@osler.com

Contributors: Sonia L. Bjorkquist, Peter Henein, Sarah J. Armstrong, Sabrina A. Lucenti & Laurie Livingstone





FROM THE PRESIDENT

Traditions of Excellence

Sonia L. Bjorkquist, *Osler, Hoskin & Harcourt LLP*



As I stepped into the role of President, I have reflected often on what The Advocates' Society has meant to me as an advocate.

This Society represents the finest traditions of excellence in advocacy and collegiality in the profession. It inspired me as a

young advocate, and it has engaged me with advocates in different practice areas and different types of firms in a way that constantly reminds me of the breadth, depth and strength of our profession. And, perhaps most importantly, it has served as a laudable moral compass on professionalism throughout my career.

We can be very proud of where our Society began and where we are today. As many of you know, the Society began as a small group of senior advocates who gathered to discuss issues affecting the profession. We have grown to more than 5,600 advocates and judges from coast to coast today. Yet our common vision has not changed – celebrating excellence in advocacy, networking with each other to foster collegiality in a demanding profession, mentoring, and being mentored at all stages of our careers.

During my year as Vice-President, I had the privilege of meeting phenomenal advocates in different cities, towns and practice areas across the country – and I appreciate more than ever the importance of us learning from each


other, as we celebrate advocacy in all its forms.

As a Stratford native, my first “law job” was at a small firm in Stratford in the summer of 1992. I loved watching the firm’s five lawyers, from five different practice areas, in court almost every day in the Stratford court houses – all of them excellent advocates. I went on to clerk at the Court of Appeal for Ontario and saw advocates (good and bad, but mostly good, and some incredible) in court each day. The most rewarding lessons of my clerkship were when the late Justice Catzman would take me aside after an appeal was argued and share with me his views on why some advocacy was good and how other advocacy could have been improved. And I have had the pleasure of practising for the last two decades in a firm that has a strong tradition of taking on the most difficult cases and defending our clients with boundless commitment to excellence in advocacy.

It is clear to me that no two advocates are the same. Whether you practice in a big city, a small town, a big firm, a small firm, your own firm, government, in-house, from coast to coast... what unites us in this truly national Society is our shared passion for the craft of advocacy, and the importance of discharging our responsibilities with civility and professionalism.

It is a privilege to be officers of the court and to represent our clients before decision-makers. We must always respect the trust our clients place in us to tell their stories on their behalf and help them solve their most difficult problems.

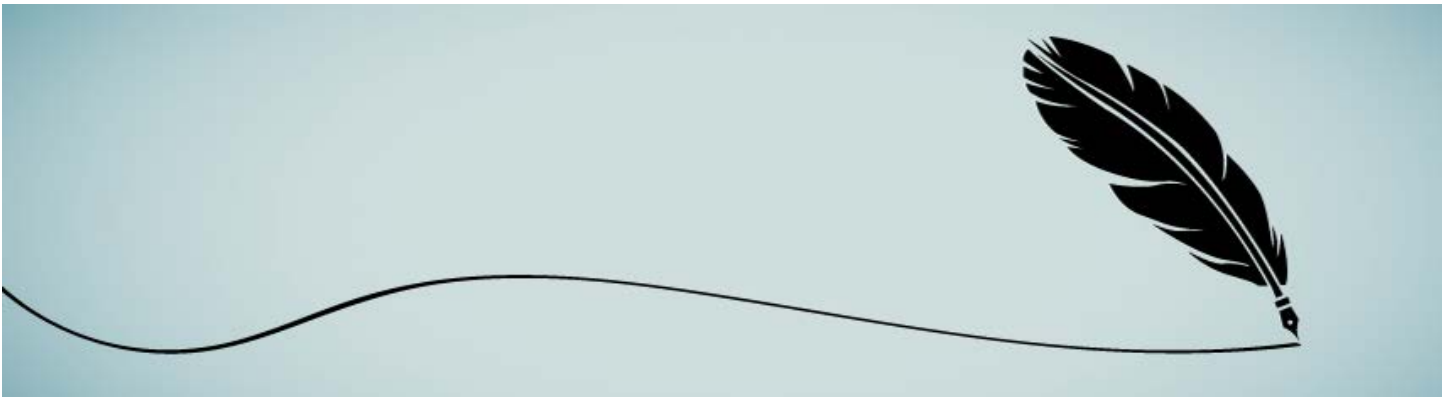
Thank you for the honour of serving as your President this year. I look forward to meeting you and working with you, and welcome your ideas on ways to enhance the work of the Society in our education and skills programs, our advocacy in interventions, our policy work, our networking and our mentoring.

The Advocates' Society is one of a kind, and we can all be very proud to say we are members. 

The John P. Nelligan Award for Excellence in Advocacy

Call for nominations deadline: Friday, October 13, 2017 | To learn more, [click here](#)





PETER HENEIN FAREWELL

A Note from the Former Editor of Advocacy Matters

Peter Henein, *Cassels Brock & Blackwell LLP*



My dear friends, I've never been great at goodbyes. A lump forms in my throat, I tear up, and eventually I break down into a sobbing mess. That's why I always have to grab my Grande dark coffee and leave, without acknowledging the barista. As the Instagram meme goes, "I just can't even..."

So I looked to my dear friend, Google, for some advice

on inspirational goodbyes. There were too many to list them all, but here are a few poignant ones:

- "How lucky I am to have something that makes saying goodbye so hard." A.A. Milne (Winnie-the-Pooh)
- "Don't cry because it's over, smile because it happened." Dr. Seuss
- "Hey now, you're an all-star, get your game on, go play. Hey now, you're a rock star, get the show on, get paid." Smash Mouth (All Star)

It has been my pleasure to edit Advocacy Matters since 2015. I leave comfortably knowing that your new editor, Lauren Tomasich, will raise this publication above the monthly gossip rag I kept trying (unsuccessfully) to make it, and will continue to explore compelling topics relevant to the Society and its members.

Now please go. I can feel the lump forming. And my coffee is getting cold... 🍂

1st Annual Vancouver Fall Social
 Tuesday, September 19, 2017 | To learn more, [click here](#)

Settle your trial and join us in Nashville!
Fall Convention 2017
 November 1-5, 2017
 To learn more, [click here](#)

Celebrating Advocacy
Monday, October 23, 2017
Casino Rama Resort, Orillia
An evening with keynote speaker Perry Bellegarde, National Chief, Assembly of First Nations
 To learn more, [click here](#).

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ADVOCACY LIFESTYLE

Happiness First

Sarah J. Armstrong, *Fasken Martineau LLP*



It won't come as a surprise to you to hear that happiness and success are related. But, if you have ever found yourself looking for happiness around the corner - after you have made partner, won your next trial or made it through a busy month of cross-examinations and discoveries -

you might be mistaken about *how* the two are related.

According to Happiness Expert Paul Krismer, success does not necessarily lead to happiness. However, when we are happy, success tracks us down. Paul delivered the keynote presentation at this summer's Advocates' Society education program entitled "Stress-Free Litigation: A Myth?", co-chaired by Ann Morgan and Alan Mark. His simple message - that happiness leads to greater successes in life (or "Happiness First") - was one that resonated with me and I thought it was worth sharing.

So what is "Happiness First"? It involves doing away with thinking that winning your next trial or making partner or buying a new home or getting a dog will lead to happiness. While doing or achieving these things might lead to feelings of contentment in the short term, the science tells us that these successes do not necessarily lead to long-term happiness. When happiness comes first, however, success follows: people with positive emotions are more likely than their peers to

advance their careers, be healthier, have stronger relationships, have fulfilling marriages, be more involved in their communities and even live longer lives.

Here are a few snapshots of the fascinating research Paul shared (I don't do it justice here, but for more details, read Paul's blog <http://www.happinessexperts.ca> or his book *Whole Person Happiness: How to be Well in Body, Mind and Spirit* or follow him on Twitter @HappinessXpert): (i) happy people outperform sad people; studies repeatedly show that happiness positively impacts performance on cognitive tests; (ii) we literally see more when we are primed to feel happy; if our emotions are negative, we see a narrower perspective; and, (iii) we can train our brains to allow us to experience more positive emotions. This does not mean that happy people never feel sad or that they are always successful. It is healthy to experience negative emotions arising from painful or difficult life experiences; as we all know, we learn and grow from things that make us feel bad. The trick is to train ourselves to focus on the positive in our day to day lives to help offset negative emotions. In doing so, we can actually lay down new neuropathways in our brains which will allow us to experience more positive emotions.

Paul challenged the advocates in the room to teach our brains to be happy by training them to focus on what is going well in our lives and the things we have to be grateful for. He suggested that one of the most effective techniques for increasing your personal happiness is to commit to a daily practice of writing down three things that have gone well each day. The research Paul shared shows that, six months after starting this practice, even though the majority of people studied had since stopped the daily practice, they were still happier than their baseline. I'm going to give it a try. 📌

Board of Directors

The Advocates' Society invites Regular Members who are eligible to serve on the Board of Directors to submit their interest in serving on the Board. To be considered by the Nominating Committee, [click here](#).



MENTORING

TAS has your back!

Sabrina A. Lucenti, *Dooley Lucenti LLP*



While some of us head back to the daily grind after summer holidays, others are just starting their legal careers. What better way to welcome new lawyers to the profession than by sharing your skills and experience with them.

Having a mentor at any stage of your legal career can be an invaluable experience. Unfortunately, mentoring has always been one of those things that people say they wish they could do more often, but do not have the time to commit to it.

TAS has now made it easier for members to become mentors from the comfort of their home or office. New to the TAS website is a member-only Mentoring Portal. Intermediate and senior members from across Canada can connect with junior members to provide advice and support. Engage in group or one-on-one mentoring and share your


experience and expertise with members in their early years of practice while fostering new relationships.

Remember, mentoring is not an exercise solely for the benefit of the mentee. While mentees receive advice to help refine their skills and develop new ways of thinking, mentors can stay current on issues affecting the profession and improve their leadership skills. Mentoring is also a great way to spot new talent!

In addition to its practical purpose, mentoring is a satisfying way to give back to the profession and earn CPD credits.

Becoming a TAS Mentor is easy. Simply update your TAS profile page by 'opting-in' to become a TAS Mentor. Your profile will then be added to the Mentor Directory and you are set to connect! Mentors can also share links to their social media accounts.

Mentees can access the Mentor Directory by signing into the TAS portal. You can search your prospective mentor by location or practice area.

Members wishing to engage in a mentoring relationship using the Mentoring Portal are encouraged to read "The Advocates' Society Guide to Mentoring," which is available on TAS' Mentoring webpage. The guide provides helpful advice for mentors and mentees. The guide also includes a sample mentoring agreement and information on earning CPD credits for mentoring across Canada. 

Here are a few TAS Mentors that have your back:



Anthony Michael Tamburro
Office of the Judge Advocate General
Ottawa, ON



Michael G. Osborne
Affleck Greene McMurtry LLP
Toronto, ON



Laurie Livingstone
Cassels Brock & Blackwell LLP
Calgary, AB



Log On! Volunteer to Mentor! Appear on the Member Directory! Track your CPD!
Click here to visit The Advocates' Society's NEW website!



Interview with Melanie Teetaert, *Burnet, Duckworth & Palmer LLP*

Compiled By: Laurie Livingstone, *Cassels, Brock & Blackwell LLP*

Melanie Teetaert is a partner at *Burnett Duckworth & Palmer LLP* in Calgary. She has a varied commercial litigation and arbitration practice, with a particular focus on disputes in the energy industry. Mel is a member of the bar in Alberta and British Columbia and a graduate of Dalhousie Law School.

1. Q. TV/movie lawyer you most relate to and why?

A. There are no lawyers in Westeros. (i.e., I don't watch shows/movies involving lawyers...I get enough lawyers all.day.long.).

2. Q. What drives you insane?

A. 20 minutes of advertisements before the movie starts at the theater. And misogynists.

3. Q. What gives you sanity?

A. My kids, my dog, and my husband (in that order).

4. Q. Podcast recommendation?

A. I should really start listening to podcasts so I can answer this question.

5. Q. Any pre-game rituals before court?

A. Power Posing.

6. Q. Pets: Yes? No? What kind?

A. Yes! I grew up on a farm in rural Manitoba where I had many many pets over the years (dogs, cats, chickens, cows, horses...you name it). I don't have room in my townhouse for all the pets I'd like to have—so, for now, I have a dog.

7. Q. Restaurant recommendation for out of town counsel?

A. Anywhere that serves good Alberta steak.

9. Q. Most proud moment as a litigator?

A. Being the only female lead counsel on a series of complex commercial summary judgment applications and the only counsel to have their client's claim dismissed in its entirety.

10. Q. Favourite vacation spot?

A. Tie between Savary Island and my parents' farm in rural Manitoba.

8. Q. During your commute to work you are ...?

A. Swearing, because I'm usually running late.

Continued on page 7

Atlantic Women in Litigation

Wednesday, October 25, 2017 | [To learn more, click here](#)



11. Q. Most embarrassing moment as a litigator?

A. That time I was running to the courthouse in downtown Vancouver when a (very large) seagull sh*t on me. I had only minutes to spare before court started and so most of the bright white bird poop stayed on my dark blue suit...and in my hair...for the duration of the morning proceedings.

12. Q. Preferred social media platform?

A. As a young junior litigator, I was involved in a trial against a former gang member—stuffed animals kept showing up in the back of the courtroom with a noose around their necks. I got off all social media.

13. Q. Other than files, name 3 things that are always on your desk?

A. Pictures of my two kids, coffee cups, and highlighters.

14. Q. Your key to staying healthy in a stressful profession?

A. In order to *stay* healthy, I need to first *get* healthy.

15. Q. A person in the profession you look up to?

A. There are so many but.... The Right Honourable Beverley McLachlin, P.C., C.J.C.; Marie Henein; the Honourable Madam Justice P.A. Rowbotham.

16. Q. What words or phrases do you most overuse?

A. Egregious.

17. Q. How long from the time you wake up in the morning to the time you first look at your phone?

A. Weekdays: 5 minutes; Weekends: 5 hours.

18. Q. A food you can't stand?

A. Arugula.

19. Q. Your best advice for young litigators just starting out?

A. Don't give up.

THE SIX WORD CHALLENGE

Q. Using six words, no more, no less, finish this sentence A. Happiness iscuddling my kids on the couch. ↗



The Catzman Award for Professionalism & Civility

Congratulations to the 2017 Catzman Award recipient, Kenneth Cole of *Epstein Cole LLP*. The award will be presented at the Opening of the Courts on September 12, 2017.

Opening of the Courts- Tuesday, September 12, 2017 | 3:30 p.m.
Toronto Court House, 361 University Avenue, Courtroom No. 6-1
To learn more, [click here](#).



WHAT'S IN YOUR LEGAL FUTURE?

Your Future Awaits...

Libra (September 22 - October 21): You will begin a medical malpractice trial next week, but the only expert you have retained is comedian Doctor Demento.

Scorpio (October 22 - November 22): While opening files on the computer in the new "high-tech" courtroom, you will accidentally display photos from your recent family vacation.

Sagittarius (November 23 - December 22): Your client will insist on having a Klingon interpreter at trial.

Capricorn (December 23 - January 20): Your alma mater will revoke your law degree. Turns out, you failed contracts by 1%.

Aquarius (January 21 - February 18): You will be advised that your firm has run out of office space, forcing you to work out of your car. For the next 5 months, you will be known around town as the "Subaru Lawyer".

Pisces (February 19 - March 20): You will attend your law school reunion only to find out that it involves a series of mandatory, closed-book, three-hour examinations.

Aries (March 21 - April 21): You will argue a 3 week-long tax trial and your client will insist on paying you in rhubarb instead of money.

Taurus (April 22 - May 21): You will receive documentary production from the opposing party on one of your files. It will be provided to you entirely on 5 ¼" floppy disks.

Gemini (May 22 - June 21): You will arrive at a mediation only to find out that your mediator is Wayne Brady from "Let's Make a Deal". You will agonize over whether to advise your client to take the settlement behind Door Number 3.

Cancer (June 22 - July 21): You will receive a notice of motion to strike your pleadings...written entirely in Latin.

Leo (July 22 - August 22): You will open your robing bag to gown for court and realize your kid has been playing lawyer again, and replaced your robes with their Harry Potter Gryffindor cloak from last Halloween.

Virgo (August 23 - September 21): You will arrive at your office just in time to join an important conference call, only to find that your telephone has been replaced with a Styrofoam cup attached to a very long piece of string. ■