



Keeping Tabs

Monthly News from The Young Advocates' Standing Committee

Chair Chat | Pub Nights | TAS Tweets | Tweet-sized Law | Interview | Memorable Gifts



CHAIR CHAT



BY: YASHODA RANGANATHAN

Reading the news over the holiday season with my infant son in my arms, I was struck by how lucky he is and I felt the strong desire to do more for other children who are not so lucky. It so happens that this year's TAS Gives Back project, raising money for War Child, gives members of TAS the opportunity to do exactly that. Founded by Dr. Samantha Nutt and her husband, now Minister of Health and Long-Term Care, Dr. Eric Hoskins, War Child's role is as facilitator and capacity builder in countries recovering from conflict.

War Child recognizes childhood as a pivotal and fragile time that can easily be corrupted by the effects of war and seeks to give children in war-affected communities the chance to reclaim their childhood and break the cycle of poverty and violence. Young advocates can contribute by "donating your rate" (if each TAS member donates just 15 minutes of their billable rate, we will reach our goal) or by putting together a team for YASC Pub Trivia Night at the Hot House Café on March 22, 2016—all proceeds go to TAS Gives Back. Form a team from your office or gather a team of independents and join us for some Twitter banter prior to the event using #YASCGivesBack.

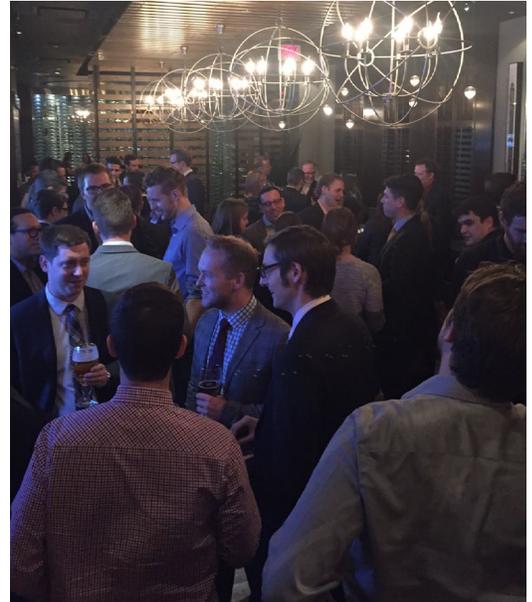
To contribute to the TAS Gives Back campaign please click [HERE](#) for the donation form. ▀

Yashoda

The Young Advocates' Standing Committee ("YASC") is a standing committee of The Advocates' Society with a mandate to be a voice for young advocates (advocates who are ten years of call or fewer) within the Society and within the profession. We do this through networking/mentoring events, by publishing articles by and for young advocates, and by raising issues of concern to young advocates as we work with the Society's Board of Directors.



YASC PUB NIGHTS



Lawyers mix & mingle at Toronto Pub Night January 2016

A great turnout at YASC Pub Night in Calgary!

TAS TWEETS



Aaron Dantowitz @AaronDantowitz · Jan 23

Lawyers (young ones especially): submit an article for the Stockwood Prize by Mar 31
[@stockwoodsllp](#) [@advocates_soc](#)
Inkd.in/bYrCka5

↩️ ↻️ 10 ❤️ 4



Erin Durant @ErinDurant42 · Jan 21

Great turnout at [@advocates_soc](#) Reception. Awesome to have the Treasurer and [@Advocates_Pres](#) in Ottawa
[#strongwomen](#)



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Erin Durant @ErinDurant42 · Jan 25

The [@Advocates_Soc](#) was well represented by [@DanielNaymark](#) at the [#LSECR](#) tonight.



Sheena Weir @sheenaweenabim

Great engagement at [#LSECR](#)

↩️ ↻️ ❤️ 2



Emily Graham @EmGraham123 · Jan 19

Got knowledge? Get ready to drop some at the [@Advocates_Soc](#) Trivia Challenge. March 22, 2016 [@HotHouseTO](#)
bit.ly/1JWPSIR [#YASC](#)



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TOP 10 LABOUR AND EMPLOYMENT CASES OF 2015 ... TWEET-SIZED



SIMONE OSTROWSKI, KOLDORF STAM LLP

Rumours are circling that Twitter has plans to raise its distinctive 140 character limit for Tweets. The labour and employment law community—full of lawyers known for their brevity—has long supported Twitter’s 140 character limit as an important method of fostering austerity and self-restraint when posting online.

As a demonstration of support towards Twitter’s current character limit, please find the following summaries of 2015’s top labour and employment cases in 140 characters or less:

1. *Bray v. Canadian College of Massage and Hydrotherapy*, [2015] O.J. No. 465.

Layoff = constructive dismissal. \$20k human rights damages cuz new mom got axed + \$5k punitive damages cuz employer acted in bad faith. \$42,700 total [#GottaKeepTheFaith](#) [#BigMoneyforMom](#)

2. *Taylor-Baptiste v. Ontario Public Service Employees Union*, 2015 ONCA 495.

Employee made sexist posts re female boss on union blog. HRTO: posts not discrimination “in workplace”. ONCA agreed esp cuz of Freedom of Assn & Expression [#CharterTrumpsCode](#) [#NotHereToMakeFriends](#)

3. *Michela v. St. Thomas of Villanova Catholic School*, 2015 ONSC 15.

Employers with no \$\$ can terminate employees, but no reduction in their reasonable notice period just cuz employer has no \$\$ [#NoBreaksforBankruptBusinesses](#) [#ErsGottaPay](#)

4. *Saskatchewan Federation of Labour v. Saskatchewan*, 2015 SCC 4.

Govt can’t outlaw strikes by “essential services” workers if no ADR to replace strikes. Right to strike constitutionally protected by s. 2(d) [#LivingTreeKeepsGrowing](#) [#PowertotheWorkers](#) [#DontExpectRegularGarbagePickup](#)

5. *O.P.T. v. Presteve Foods Ltd.*, 2015 HRTO 675.

Owner of employer sexually harassed + abused 2 migrant employees whom he could send back to Mexico at will. Highest ever HRTO award = \$150k and \$50k to the 2 employees. [#ErsGottaPay](#) [#HarshPunishmentDeserved](#)

6. *Potter v. New Brunswick Legal Aid Services Commission*, 2015 SCC 10.

Paid leave can = dismissal. Ers have duty to provide work to ees. Constructive dismissal = single act breaching term of employment K, or series of acts. [#ErsGottaBeCareful](#) [#WhatsSoBadAboutBeingOnPaidLeave](#)

7. *Partridge v. Botony Dental Corporation*, 2015 ONCA 836.

ONCA upheld family status discrimination finding where employer changed hours of employee returning from mat leave to conflict with her childcare duties [#DontMessWithTheSchedule](#) [#JohnstoneTestForTheWin](#)

8. *Antunes v. Limen Structures Ltd.*, 2015 ONSC 2163.

Ers are subject to duty of honest contractual performance, i.e. duty not to lie to prospective employees re success of company & whether employee gets company shares [#NoMoreLies](#) [#NegligentMisRep](#) [#GiveAntunesHisShares](#)

9. *Wilson v. Atomic Energy of Canada Limited*, 2015 FCA 17.

Dismissals w/out cause not automatically unjust as per *Can Labour Code*. Unjust dismissal claim rebutted with ev that proper notice/severance paid [#StillDontKnowWhatConstitutesUnjustDismissal](#)

10. *Calgary (City) v. Canadian Union of Public Employees, Local 38*, 2015 CanLII 43613.

Grievor dismissed for misuse of er resources. After, sends angry Facebook msgs out re manager. Grievor gets damages but employment = unsalvageable [#ThinkBeforeYouHitSend](#) [#FacebookMessagesAreForever](#) [#ComplainOnTwitterInstead](#) 🍌



Who to follow?

Follow Simone [@simoneostrowski](#)

& The Advocates’ Society [@Advocates_Soc](#)

Interview with April Engelberg, Crawley MacKewn Brush LLP



1

Q: Did you make a professional New Years resolution for 2016? If not, and you had to make one, what would it be?

A: I did not, but I may as well make one now! I am a new call, so it is still my goal to learn as much as possible about the law. I'm lucky to have such supportive colleagues.

2

Q: What are you looking forward to as a new TAS member?

A: I am looking forward to getting to know my fellow advocates. Specifically, I'm excited for mentoring dinners, professional development workshops and trivia night.

3

Q: You created and produced a cooking show for students—give us a top tip for eating well in the face of a busy work schedule.

A: *Create a Lunch Club.* On the first day of articling, a few of us got together and formed what we called "Salad Club". We were each responsible for bringing lunch for the group one day a week. We had strict rules—if you forgot to bring lunch, you could bring it the following day. If you forgot again, you would just buy lunch for the group. Amazingly, nobody ever forgot to bring lunch! And every day was so fresh, healthy and delicious. We also saved a lot of money. Everyone says they are too busy to bring lunch, but you end up spending more time in line to pick up food. Grocery delivery services and cooking in big batches also helps your busy schedule.

4

Q: Prior to practicing law, you were focused on broadcast media—how has your media experience translated to your advocacy practice?

A: I learned how to work in a fast-paced environment and be resourceful. I was an intern in the guest-booking department at Al Jazeera English. The guest-booking department finds international experts and citizens to go on air to discuss current events. Sometimes you can plan ahead, but often you are scrambling to book guests for a breaking story. This means guessing email addresses and cold calling until you get in touch with the right person. I remind myself of those urgent situations if I feel like I'm in a tight bind.

5

Q: What famous person did you most enjoy meeting during your media internships, and why?

A: I went to a State Department press conference when I was at Al Jazeera English and I was completely star struck by Hillary Clinton. We didn't actually meet, but she smiled at me, which was enough to make my day. Also, I met Miley Cyrus when I was an entertainment-news intern at CNN. She was only sixteen at the time and I distinctly remember admiring her confidence and work ethic. She was promoting her album and dodging questions about her scandalously exposed back in Vanity Fair. ▀

MEMORABLE GIFTS

'TIS BETTER TO GIVE THAN TO RECEIVE...



LARISSA MOSCU, LAX O'SULLIVAN LISUS GOTTLIEB LLP
CHRIS KINNER HUNTER, LENCZNER SLAGHT ROYCE SMITH GRIFFIN LLP

With the hustle and bustle of the holiday season behind us, we've taken down our mistletoe and stored away our jingle bells for yet another year. But, as we rolled-up our reindeer wrapping paper and laughed at the "Dog's First Christmas" ornament my mother bought us (or rather, bought the dog), we started talking about the strangest, most unexplainable gifts we've ever received. Don't get us wrong—while it's the thought that counts, sometimes, after you open a gift graciously given by a smiling relative, you can't help but wonder, "What inspired *this*?"

We figured we couldn't be the only ones who have had that experience, so we reached out to a few senior members of the bench and bar and asked them about the strangest, most unexplainable gifts they've ever received. From Elvis busts to haikus, we've been persuaded that sometimes, it truly is better to give than to receive.

Justice Gloria Epstein

"This is a story about my brother, "UG". One year UG gave me a large (think: breadbox size) Elvis bust. I checked my list (twice) and did not see an Elvis bust on it... But, there it was. As ugly as it was large. (Though, curiously, I still have it.)

A few years ago the opportunity presented itself to return the favour. As I was cleaning the debris from Christmas gift opening I found, among the wrapping, my mother's false teeth. UG had just left to take Granny home. I wrapped the teeth in a beautiful jewellery box, gold paper and a big bow. When UG returned, I made a big fuss about saving the best gift of all to the last – and gave him the teeth. Seeing his face as he opened the box was worth keeping Elvis in the closet all those years.

UG then, poor boy, had to drive back to Granny's place so she could be reunited with her teeth."

Stephen Grant

"The ugliest bronze sculpture one could imagine, a cross between a Grecian urn and the Grey Cup. Smelting was too good for it, although, no doubt, the giving was well meant. Maybe not, come to think of it."

Justice Russell Juriansz

"I guess I would say that the most useless gift I have received was a battery organizer. Battery organizers are pretty useless at the best of times. The one I received as a gift was especially useless because I already had one. I think I am going to re-gift it this year."

Are You Smarter Than A Fifth Grader?



Find out at the YASC 5th Annual Trivia Challenge for Charity

March 22 @ The Hot House, Toronto

[Click here to learn more](#) ►

MEMORABLE GIFTS cont.

Shelia Block

"I once received a (lovingly composed) birthday haiku from one of my kids. I'm not including the cover page (which has one of those wonderfully unflattering pictures of his mother on it) but the Haiku reads:

biking bag lady
grown men wimper like lost cats
kick ass and take names."

Tom Curry

"A bottle of Langs Scotch Whiskey that was given to me by Henry Lang, QC during a jury trial we did in Saul Ste. Marie in 1996 while we were waiting for the jury to return with its verdict. When he gave it to me, he claimed that he was a relative of the Lang family that distilled it in Scotland. I can't bring myself to open it because every time I see it now it reminds me of all sorts of great stories about Henry."

Justice Michael Penny

"Many years ago, when I was just a junior associate, my wife decided to plan a holiday—without telling me. She made all the arrangements to a

beautiful destination; our flights, hotels, everything. She even spoke to some of my colleagues who spied on my calendar to check that there were no conflicts. The date approached. The surprise was eventually revealed. I was not amused. I can say, with the benefit of hindsight, that I was far more obsessed and anxious about my work than necessary. In spite of my overarching angst, I was prevailed upon to go. It was a beautiful, peaceful destination; we had lots of fun. The files were still there when I got back. But, I said, no more surprise vacations. And, although my wife would say it was to my experiential loss, the infraction was not repeated. We have been together for over forty years. Perhaps it is time to lift the ban on surprise holidays."

Authors' Note: As a thank-you to our contributors for taking the time to share these stories with us, we have made a donation to Pro Bono Law Ontario (a gift we *know* will be put to good use). ▀



You Have Questions

They Have Answers

Toronto Mentoring Dinner Series '16

Tues, Feb 9, 2016
@Campbell House

Upcoming Events



**Mentoring Dinner
(Toronto)**
February 9, 2016



**Trivia Challenge for
Charity (Toronto)**
March 22, 2016



**Wine & Cheese with
The Bench (Toronto)**
April 21, 2016



**YASC Pub Night
(Toronto)**
May 12, 2016



**Junior Counsel Forum
(Toronto)**
May 13, 2016