

Interview of Michael Lamont by Lou Frapporti

Q. I want to start with an innocuous question.

What is your net worth?

A. [laughs] I have no idea. Rich in spirit.

Q. If you won't discuss that, how many pairs of shoes do you own?

A. I own a lot of shoes, no question. [laughs]

Q. I wanted to disabuse you immediately of the idea that this was going to be a serious interview.

I think you are unquestionably the most recognizable face in the legal community as a consequence of the very extensive amount of advertising that you do, but it wasn't always the case. I want to go back to discuss your more humble beginnings. Where were you born?

A. I was born in Hamilton.

Q. You have been here all your life?

A. All my life. I went away to school and did an undergrad degree at the University of Guelph and then law school at Western in London, Ontario.

Q. Were your parents born here or did they immigrate to Canada?

A. No, my father was born in Guelph and my mother was born in Puslinch.

Q. And what nationality is 'Lamont'?

A. It is a Scottish name, but probably of French origin. It is pronounced '*Lament*' in Scotland. I was told by Walter Kean, a doctor friend of mine who has an encyclopedic knowledge of Scottish history, that very often the Scots and the French were allies against the lower part of the United Kingdom and he feels that it was probably intermarriage between a Scot and a Frenchman. It's part of the MacDonald clan.

Q. As an Italian that is meaningless to me Michael, but I am sure some of our readers will appreciate it anyhow.

A. [laughs]

Q. Your mother, was she Scottish as well?

A. She's Irish-German. Her mother's maiden name was Dietrich and her father's name was Greer. He was part of the Leslie clan which is an Irish clan. So, Irish, German and Scot - that's my background.

Q. I take it then you identify yourself as Scottish?

A. Scottish, yes. More Scot than not?

Q. Without asking you how old you are, through what decade were you a teenager?

A. I need to take off my shoes to count.. [laughs]. I think the 60s.

Q. How would you describe those years Michael?

A. They were great years. I come from a family of eight children. I have three brothers and four sisters, so there is an even four boys and four girls.

Q. Where were you in that pecking order?

A. I was third in line and everybody is basically still in the area.

Q. Was there a lot of competition between the siblings?

A. Well, you probably noticed that I eat a bit quickly because with that number of people at the table, sometimes you had to eat quickly just to get what you needed. But, no, it was a loving family. My mother is still with us and recently moved into a nursing home. My father died a number of years ago. But the family remains close. We all stay in touch.

Q. Were either of your parents university educated?

A. My father was a steelworker and my mother was a stay-at-home mom.

Q. Were you a good student?

A. I was a fairly good student, yes. Consistently.

Q. In those early years, did you have an interest in the law?

A. I was interested in law from a very young age and that's what I decided to do. Actually, I articulated in Hamilton for the old firm of Beckett & Harris. Tom Beckett and Ray Harris. Both of them are retired now - Tom Beckett was a judge at the Unified Family Court and Ray Harris recently retired from the Superior Court. I still maintain a close friendship with Ray.

Q. What did you study in undergraduate school?

A. Economics.

Q. Why economics?

A. Probably a couple things. I like the history of it, but I also had some ability in mathematics and statistics, so it was a good combination. It was more of an emphasis on econometrics.

Q. Those character traits seem at odds with or at least not necessarily obviously relevant to the practice of law.

A. No, it was a precursor to going to law school. It was always in my mind to apply to law school. I think if I had to do it over again, my first degree would have been in engineering because engineers are problem solvers. My son is an engineer and engineers analyze and solve problems. It is a great discipline.

Q. Do you see that as a frame of mind that is in relatively short supply among members of the bar? We're not talking about specific members of the bar...

A. [laughs] I don't think it is any secret that a lot of people become lawyers because they had difficulty with science. But I always found science fairly easy. I concentrated on science my last couple years in high school.

Many civil cases involve science - product liability cases, even car crashes. You have to understand the science. When you have an accident reconstructed, you have to be able to read these reports and determine whether or not they are logical and if they are going to advance your case; or, if you are served with one, where you can find out where the weakness is or the assumptions of the opposing party's report. So you have to understand science to a degree for that type of litigation. Also with medical cases, you have to have some sort of ability to understand medical records and understand what the doctors are doing.

Q. Where did you go to law school?

A. University of Western Ontario.

Q. Did you enjoy your years at law school?

A. I really did. Al Bryant taught me, I think, in my third year and he has remained a friend. He is just a fine fellow. His book on evidence is first rate.

Q. Were you socially active and involved in law school?

A. I think most of us had to study a lot, at least I did.

Q. You clearly did better in law school than I did, I think. Where did you go after law school.

A. I articulated for Beckett & Harris and then I started my own practice.

Q. What do you recall of the articling experience?

A. Beckett & Harris did a lot of defence work. Back in those days, our Small Claims Court Judges were actually the County Court Judges. And before they had direct compensation in the *Insurance Act*, where insurance companies just adjust auto property losses based upon certain fault rules, we actually went to court - all of us who articulated and did defence work here - would represent insurers in determining who was responsible for the collision loss.

Q. Did you have a mentor?

A. Ray Harris for sure. Ray really helped me out that first year back in the community and articling. He was a guy that just had all the time in the world to talk about law and life and all kinds of things. He is just a great fellow.

Back in those days, Ray was a civil defence lawyer, but he also had a criminal practice. Ray did a lot of jury work. He was probably one of the best people I have ever seen in front of a jury and that's a lesson I learned from Ray. He could put together a criminal trial, put together a defence and he had a lot of success in front of juries.

Q. Why?

A. First of all, he prepared. And he talked in everyday language. He talked to the jury members as people that were there to solve a problem. Ray had a bit of a theater background. He was not theatrical, but he always had the ability to look people in the eye and communicate in everyday language. He was very effective as an advocate. That was probably the greatest lesson I learned from him. Also, he was tireless when it came to working and putting together a file. He would just do whatever it took.

Q. My limited experience in front of Mr. Justice Harris, led me to feel that he was a very decent and likeable man. Do you think that quality was one of the things that would have connected him to jurors?

A. How could you not like Ray Harris? He was always just a very kind person. He connected to jurors but later in his career, he excelled as a judge especially with young lawyers who were just starting out. It was a credit to the Bench how kind Ray was to lawyers who were appearing for the first or second time in front of a

judge, knees knocking. Ray sensed that and made things a lot easier for them. He was always welcoming and polite.

Q. Jumping ahead a little bit for a moment, you obviously have had the opportunity to mentor younger lawyers. What, if anything, have you taken from your experiences with Justice Harris?

A. I try to exercise the same sort of skills that Ray had. You speak in everyday language and you try to relate to people and have them understand you on that level.

I also try to instill in them that this is a profession that rewards hard work. Everybody is bright and the only thing that will give you an advantage is to work harder.

Q. By all accounts you appear to be very successful at the *business* of law. When you reflect on your professional accomplishments, do you see them through the prism of the *entrepreneur* or as the *barrister*?

A. I like to think as a barrister, but the whole reason for advertising is that unless you get your name out there, and that's your brand, you may not get the call on the bigger cases. That's why there is the advertising. I spend a lot of time on the phone talking to people, but there are only a small percentage of people that I invite in for an interview because there are a lot of people I just can't help. But that is what the advertising is about, if somebody has a bad experience in an operation at a hospital or in a car crash, for example, if your name is out there you will get the call. That is what the advertising is about.

Q. You have been a bit of a pioneer in terms of the degree to which you exploited that medium to increase brand awareness. Even the use of the term 'brand' speaks to a certain attitude about the practice which is business oriented. How did you come to that?

A. You know, I started out slowly with the branding. For example, very early on I subscribed to a service that would offer a "free" service to doctors and chiropractors. I would purchase their waiting room magazine subscriptions that were then placed into a sleeve with my name on it. I was just amazed how effective that was with not a whole lot of cost, just to get your name out there. That was well before the billboard advertising. When other firms started to advertise on billboards, I decided to take the plunge.

In the early years, with the assistance of my office manager and sister in law, Darlene, we ran our own ad campaign. However, when the expense reached a certain number we were persuaded to speak to an agency. I was surprised to learn how many things that we had been doing right. But I also learned that

there is a science to advertising. Once we got on board with the right agency, we became even more effective.

I like to think that our advertising is a reflection of our message and mission. The agency gives us feedback, but it is basically our campaign. I like the one we have now, and we have had a lot of positive feedback about it. The billboards show "high functioning disabled people". And you have, no doubt, seen the slogan, "accident victim no more" - it sends the message that the individual is no longer an accident victim in the sense that the injury will no longer prevent him or her from living a productive life. And our mission is, we can help with that.

Q. What advice would you give the younger lawyers among our readers who are interested in building their brand?

A. I think the magazine subscription service is still out there for doctors' offices. Get to know the doctors and other health care professionals in the community. I really think it is important to be involved in the community and that is a good and effective way to create your own brand. Offer your time and expertise to charities and that type of thing. It's part of what we do as lawyers, it is in our nature, I think, but it also gets your name and your face out there.

Q. What would be the most significant changes in the practice of law that you have seen over the span of your career?

A. I think it is much more procedurally driven than it ever has been. I feel we are just so hung-up now on forms, especially with the auto regime - there is a form for everything. The substantive issue of what is right and just often takes a back seat to a debate over procedure and form.

Q. Does that insight form part of the discussion that you have with prospective or new clients? Do you have to educate them on that aspect of the legal system?

A. One of the talks that I have to give to clients, almost on a weekly basis, is that although we have had several centuries of jurisprudence where, if someone makes a mistake, the victim of the mistake is entitled to fair compensation, no-fault insurance sets that whole concept on its head. Judges have difficulty with it, lawyers have difficulty with it and so do clients because they still have this notion that they are going to be treated fairly and compensated fairly. But with No-fault insurance that just doesn't happen. In a lot of cases, for example, pain and suffering damages come in at less than \$100,000 and you have to tell the client that the insurance company doesn't have to pay the first \$30,000. People have difficulty with that. And God forbid if they have two or three accidents, because it's quite clear from the cases now that it's a \$30,000 deductible with respect to *each* event. So, you spend a lot of time explaining that to people. They have to get beyond the concept that it is still about fairness, because it's not. It's

about automobile insurance rates and insurance industry profits. In other words, a cheaper product for the consumer that also protects insurers' profits.

My issue is – I think we have built a system that is so complicated, it will never achieve the desired costs savings because its complexity makes it so difficult and expensive to administer.

Q. If you had the power to make a change to the system, what change would you effect?

A. Bring back the old fault system. It's easy to administer and it's something that worked for many, many years. Judges understand it, lawyers understand it and so does the consumer. Several states in the U.S. tried no fault auto insurance and ultimately went back to a tort system.

Q. Let me throw you a little bit of a curve ball. If you could be any other lawyer in this community, who would it be and why?

A. You mean a living lawyer in this community?

Q. Yes.

A. I admire guys like David Smye. He rides a motorcycle and plays the guitar although not at the same time, apparently. Roger Yachetti. Roger is just a great fellow. He's an extraordinary general practitioner and has done all kinds of cases in several areas of the law and done them well. Morris Perozak, a gentleman, a friend and a gifted criminal lawyer before he became a judge. Morris' partner Terry Winchie who is both an underestimated lawyer and has one of the finest, strategic minds I know. Jarvis Scott who is bright, funny and has the dual gift of both speaking well and listening well. We've had some legendary lawyers come through this community like John Bowlby, who is of course no longer with us. John Bowlby was a great lawyer. John Agro. John White, of course. We've had some very gifted lawyers from this community who were characters as well.

Q. Certainly in the case of John Bowlby. For those who wouldn't know of him, what would you say made him such a character?

A. He had a very unusual practice. He did major civil defence work for insurance companies, he did murder cases and he defended mobsters and he did them all very well. He was a very sought after lawyer.

Q. I'm not sure how many more years you intend to practice, Michael, but are you ready for a life after law?

A. No.

Q. Are you intending on postponing that as long as you can?

A. There is no secret that my daughter, Erica, has joined me so I will wait for a bit now.

I also have a very gifted associate, Matt Lalande, whose father is a Superior Court Judge in Sudbury. Matt joined the practice about two years ago and Matt has a real passion for this. He and Erica get along very well so I am going to leave the firm, at some point, in very good hands.

Q. If and when you leave the firm, do you have any idea what it is that you intend to do with your time?

A. Go the gym more often than I do now. [laughs] I don't know.

Q. Well that doesn't sound like much fun [laughs].

A. Yeah, I'm not ready for it. I've got a few years left.

Q. What one fact about Michael Lamont do you think would most surprise people who don't personally know you?

A. How completely smitten and fascinated I am by my grandchildren.

Q. What one fact would most surprise people who *do* know you?

A. I now travel a lot and people who know me assume I enjoy it. And, I do once I arrive. I am usually travelling with my partner, Shelley and it's our secret how agitated and bent out of shape I am from the moment of departure to the moment of arrival. I am simply a terrible traveler. She keeps me calm.

Q. Outside of the practice of law, what is your favourite indulgence?

A. I try to stay physically fit.

Q. That's not an indulgence! I'm asking about an indulgence.

A. My indulgence is fine wine and I have a collection of red wines that is in a perpetual state of expansion and contraction.

Q. That's a better answer!

A. Okay. And I will tell you the best wines in the world, in my opinion, are from California, Napa Valley and Sonoma County. Those are just fantastic areas to grow wines and to sample wines.

Q. Do you have a case of which you are most proud? One case that stands out is, particularity meaningful to you, for whatever reason?

A. I did a motorcycle case years ago with a young man who was severely brain injured. Back in those days, we didn't have the same protections for insurance companies so we had access to a \$10 million insurance policy and we ended up with a judgment that was just under \$6 million dollars. It was a good victory. It was a good family and a great kid. He was 17, he had his whole life in front of him. He was riding a motorcycle just north of Waterdown on Centre Road when a big black Mercedes made a left hand turn in front of him.

The one good thing that came out of Vietnam was the development of the paramedic system. This kid was hit and he went airborne, and then suffered a severe brain injury when his head hit the pavement. The ambulance attended right away and it rendezvoused with another ambulance on Clappison's Corners on the way to the General Hospital. This other ambulance had a paramedic with more specialized life saving skills. This paramedic transferred into the ambulance with my client and, kept him alive on the way to the hospital. The young man was on an operating table at the General Hospital 22 minutes after the first ambulance arrived. The whole sequence of events unfolded with military precision and gave me an appreciation of what these people do on a daily basis.

The Trial Judge for this case was Mr. Justice Paul Philp and I have many great memories of appearing before him on this trial and others.

Q. Do you ever have clients write to you years after a case is concluded to tell you how they're doing?

A. We do have a number of clients that do keep in touch over the years. Actually this is one of them, this fellow still keeps in touch. He's in his early 40's now. He still skis although he has to ski with an attendant. Actually he told me that when he went home from the hospital and saw there was ski equipment in the closet, he said to his mother, 'Am I a skier?' And she said "Yes, you are". He had lost all of his memory of his previous life. So he had to learn to ski again. He skis with some difficulty as he has some paralysis on the one side because of the brain injury, but he's happy. He travels to all kinds of places and he's safe because he can hire an attendant when he travels.

Q. Did he ever regain his memory?

A. He did, but not completely. He had to learn who his mother was after coming out of the coma. In fact he told me when he was first transferred to the rehab centre, he kept on trying to escape because he was convinced that he had been

kidnapped. And the way the staff handled that was if he woke up, they had on this bulletin board in big block letters "You have been involved in a serious motorcycle accident. You are safe. Go back to bed".

I find brain injury cases fascinating because I have had clients with spinal cord injuries who go on to have a family, a job and live pretty much a normal life, but even a mild traumatic brain injury can cause, especially for a male, all kinds of difficulties. Even with a mild traumatic brain injury, very often you are unemployable. Even with a mild traumatic brain injury, very often you cannot attract a long-term mate. In fact, the stats are dismal.

Q. What is it about the injury that makes that so difficult?

A. We've talked about guys being simple so the odds are apparently better for women with brain injuries attracting a male. The odds of a brain injured male attracting a female however are very low. You can think of behavioural issues that would be problematic. You talked about a case you had before concerning swearing, and I asked if it was Tourette's and you commented that it was Asperger's. If you have any sort of behavioural issues, especially if you're a male, your chances of attracting a long-term mate are diminished. That's why we have claims for damages for loss of marital prospects - the old common law term for this head of damages. I think we call it now the loss of shared family income. It's a claim that is advanced in any serious brain injury case. You can't have any real quality of life without a healthy functioning brain. In many severe accidents and especially motorcycle accidents, the damage to the brain is to the frontal lobe. The frontal lobe is where personality, behaviour, inhibition, judgment, insight and, problem solving reside. Even a so called mild traumatic brain injury to this area of the brain can have devastating and lifelong effects.

Q. Let's reflect on your life a little bit, Michael. What would you say was the biggest mistake you made in your professional life and how did you overcome it?

A. I think when they brought in No-fault insurance, I decided to try and develop a commercial practice and I tried that for about a year or two and decided that it just wasn't for me. I am glad I corrected that mistake early on.

Q. When you say commercial practice, do you mean a commercial business practice?

A. I was able to secure an appointment as regional counsel for a major bank and started developing both a real estate and business practice but I just didn't have a passion for that sort of thing. I always had some accident cases in the practice and then decided that this was the area of law I thoroughly enjoyed. It was the right decision.

Q. Have you ever toyed with making the firm a full service firm and bringing in people with other disciplines and practices?

A. No, not recently. There's a place for the full service firm, but if you're going to have a personal injury practice, it's better probably to just have it set up that way. For example, I have 12 staff members or support staff, and I don't know of any firms running a general practice where one or two lawyers could have that many support staff, it's just not set up that way. The structure for a general full service firm is a number of lawyers with each lawyer having perhaps a clerk and an assistant and access to roster of support staff. I was a sole practitioner for a number of years and I still had 12 or 14 support staff.

Q. So it's a highly levered model?

A. Yes

Q. And you're very dependent upon I think, the quality and the abilities of those staff?

A. I have great staff. Darlene, my office manager, confidant and sister in law has been with me just shy of 30 years. She has excellent judgment, extraordinary people skills and makes anything she does look easy no matter how difficult. My assistant, Lori, has been with me since her Mohawk College days and has been working with me for more than 35 years. She is an absolute perfectionist in producing high quality written material in record times. I have a gifted young paralegal, Carrie who has been with the firm for 10 years and has the confidence of our clients and the insurers with whom we have to deal in processing accident benefits claims. I will not name everyone but the success of my practice is a direct result of the diligence and team work of every member of the staff.

Q. As an employer and a supervisor, what qualities or things do you do that account for the longevity of those relationships that you have here?

A. We always try to be fair and I think we have a progressive office when it comes to our employees. We have several social events throughout the year and, we don't need much of an excuse to schedule a party or barbeque on our outdoor patio.

Q. We discussed a little earlier your practicing law with your daughter, who's now on maternity leave.

A. Yes

Q. And was that something that you either encouraged or discouraged her joining you here in this office?

A. I encouraged it. She articulated for a very good defence firm, Hughes, Amys. I think it's better for a family member to articulate some place other than her family's firm. But she's wise beyond her years. I am very proud of her. She's a great daughter.

Q. When she went to law school, were you secretly relieved or concerned?

A. I was secretly relieved. I thought she had a passion for it and she met a lot of gifted people in law school who she keeps in touch with. One major thing that I like is that she's a lawyer in this community. I had concerns that she would stay out in Alberta, but she's one of those few people who went west and came back, so I'm happy about that. And, since we haven't talked about her yet, I do have one other daughter, Leslie, my youngest who is making a career at Hamilton Health Sciences. I am very proud of her. Leslie is an active member of our community, an experienced event planner and, has organized more charity events than I can remember.

Q. If she had to pick one word to describe you, what would it be? What do you think it would be?

A. Driven.

[Editor's note: I contacted Erica that day and asked her that question without disclosing Michael's answer. Disturbingly for those in Michael's life, she answered "Driven".

Q. Favourite musician?

A. Bruce Springsteen

Q. No kidding! I was thinking you were going to go with Neil Diamond.

A. I think it's a story a lot of people know, but I met him with my daughter Erica and spent some time with him after his show in Vancouver.

Erica, who was a huge fan all her life having grown up listening to his music because of my being a huge fan, was working at Holt Renfrew in Calgary, between first and second year law school. I had read in the Globe and Mail one morning that Bruce Springsteen was out there because his daughter is an equestrian and she was competing in Calgary. So I phoned Erica and said, "Look, if Bruce pops in the store say hello to him for me". So about two or three hours later, I'm having a meeting here and I am called out of the meeting because

Erica has to talk to me. I pick up the phone and she's pretty excited. She said "Dad, I'm in the storage room, I'm looking after Bruce and Patty!" Erica looked after them and ordered Patty a pair of shoes that had to be couriered to the store from Vancouver. Bruce took a real shine to Erica when he asked her and she told him what she knew about his music. He dropped into the store three or four times that weekend to talk to her about all the music she knew that he had made 20-30 years ago and that she had grown up listening to. Before leaving Calgary he stopped by the store and gave her an autograph for me, and said 'If I ever tour again, your dad and you are going to be my guests'.

When Bruce came to Hamilton in October 2012 we rented a suite overlooking the stage. We had a sign made up with the words "Bruce, when are you coming back to Calgary to play? Love, Erica from Holt Renfrew". When Bruce finished the show and was walking to his dressing room behind the stage he saw Erica and the sign and just stopped in his tracks. He yelled, "I thought you lived in Calgary!" And Erica said, "No, this is my hometown". And Bruce said, "I haven't forgotten you!"

The next evening, I dropped Erica, her husband Chris and my grandson, Clark, at the Hamilton Airport to fly back to Calgary. I returned home and the phone rang and Erica said, "Dad, I just took a call from Bruce's assistant. You and I are going to be his guests in Vancouver in November!" We attended the show and were ushered into a VIP area at the side of the stage. Bruce and his band put on a spectacular 4-hour show. At the end of the show Erica received a text that Bruce would like to meet us if we could wait until the arena cleared and his assistant would come for us. It was an absolute pleasure meeting such a positive and gifted musician. He was humble and thoughtful but still had the performer's angst. He asked us several times if we had "really liked" the show.

Q. Why is it you relate to a guy like that?

A. Despite his success as a musician and writer, he always works hard and puts his family first.

Q. Thank you for your time today Michael.

A. You're welcome Lou.