



President's Report

Robert Hooper

Welcome to August, also known as 'happiness happens month.' At the beginning of my practice, the Courts would be closed for the summer. We no longer experience this closure as the Askov and Jordan decisions make such lengthy breaks impossible.

Having said that, I am hopeful that each of you can find some time to close your mind and/or practice during the dog days of summer to recharge the batteries, give your staff a refreshing break, and prepare for the ever-increasing pace of the practice after Labour Day.

In This Issue

President's Report.....	1
Executive Director's Report.....	4
Librarian's Report.....	6
New Lawyers Update.....	8
Intellectual Property Update.....	10
Criminal Law News.....	16
Real Estate News.....	22
Memory Book Update.....	26
Charity Law News.....	30
The Law At Work.....	34
Calendar of Events.....	37
Classifieds.....	38

I learned this very valuable lesson from my mentor, Regional Senior Justice Arrell, who encouraged me to take breaks and recharge my batteries. When I was his Associate, he forced me to take a holiday and go away from the practice of law both for my physical and mental health. It was a valuable lesson that I carry with me today. In fact, I write to you from the sunny skies and beautiful views of the Passamaquoddy Bay in St. Andrews, New Brunswick. I have been able to partake in kayaking, cycling, running, trail hiking, bass fishing and beachcombing in the last few weeks. These activities have very little to do with the practice of law and allowed me to turn off the switch for some time for the sake of my mental health but also to allow me to be in a better position upon return from holidays for the benefit of my clients and frankly, my staff.

The summer season also brings about change at The Hamilton Law Association. I have ended my term as Vice-President and Chair of the New Lawyers' Subcommittee and member of the OBA Council. I thoroughly enjoyed the infusion of energy I received from the New Lawyers' Subcommittee. They were successful in running a

New Lawyers' Who Care event which raised in excess of \$10,000.00 for charity. If you are a more seasoned lawyer in the region and you need an infusion of energy and enthusiasm, I would recommend you call The Hamilton Law Association and get the name of a lawyer that has been in practice for five years or less and take them out for lunch. You will find an energetic, enthusiastic, and inquisitive lunch date.

The HLA staff have been hard at work trying to find ways to promote and better serve our members. We have been circulating an area of improvements survey at many of our CPD and social events to determine what services the membership would like us to improve upon, giving them more value for their membership, as they have identified health and wellness as a primary concern on their surveys.

I wanted to share with you the importance of your input to the Association. We are taking steps to enhance our events as it relates to health and wellness. We welcome future ideas. Some of the things you will note over the coming year are that at most major seminars and events, one of the keynote speakers will give some comments about their struggles and more importantly, their solutions to their struggles. If you go on the HLA website, you will see a link under our 'membership' tab about member wellness. There are some simple techniques about a daily

continued on page 3



HLA Journal

45 Main Street East, Suite 500
Hamilton, Ontario L8N 2B7
Tel (905) 522-1563 Fax (905) 572-1188
E-mail: hla@hamiltonlaw.on.ca

The Hamilton Law Association exists to enable its members to become successful, respected and fulfilled in their profession.

MANAGING EDITOR - Rebecca Bentham
EDITOR - Wendy Spearing
ACCOUNTS RECEIVABLE - Caleb Cook
ADVERTISING MANAGER - Caleb Cook
EDITOR, LAYOUT & DESIGN - Caleb Cook
PRINTER - Printing by Innovation Inc.

The Hamilton Law Association 2017-2018

BOARD EXECUTIVE

PRESIDENT - Robert Hooper
VICE PRESIDENT - W Patric Mackesy
SECRETARY-TREASURER - Mark Giavedoni

BOARD OF TRUSTEES

Kathleen Bingham, Michael Bordin,
Jennifer Cooper, Andrew Confente,
Kanata Cowan, Laura Dickson,
Mark Giavedoni, Hussein Hamdani,
Robert Hooper, Andrew Keesmaat,
W Patric Mackesy,
David van der Woerd, Colleen Yamashita

ASSOCIATION & LIBRARY STAFF

Rebecca Bentham - Executive Director
Wendy Spearing - Manager of Finance
Mackenzie Faus - Manager of Events
Karen Cooper - Library Technician
Rebecca Lane - Event Coordinator &
Financial Assistant
Caleb Cook - Membership Coordinator &
Library Assistant
Marica Piedigrossi - Executive
Assistant & Social Media Coordinator

EDITORIAL POLICY IN PART

Members are encouraged to express their views on topics which have been addressed in the HLA Journal and to raise other issues for discussion. Any opinions or views published in the HLA Journal are those of the contributor and not necessarily the opinions or views of the Association or the Editor, and neither the Association nor the Editor accepts responsibility for them. Copyright for articles published in the HLA Journal remains with the authors of the individual articles, and as such, written requests for permission to reproduce any articles, in whole or in part, should be directed to the author. The Editor reserves the right to publish or not. Letters to the Editor must be signed. Publication of any advertisement should not be deemed an endorsement of the products or services advertised.

The HLA Journal, published six times a year, is distributed free to members. An annual subscription for others is \$30.00 plus H.S.T.

ISSN 1188-4827

CONTRIBUTION DEADLINE FOR NEXT ISSUE

September 11, 2017

wellness routine that include stretching, breathing, meditating, laughing, creating a positive environment, taking a walk and drinking more water.

There are articles by Michael Bordin, Andrea Soos and Michelle Hudecki on wellness available for your benefit. Ms. Hudecki's article which you can find on the website is entitled "7 Things You Can Do During The Day to Reduce Stress And Increase Overall Energy". I find this very helpful. Also at the bottom of that member wellness page, you will see links to Participation Canada, Yoga studios in Hamilton, health food stores in Hamilton, and the Ontario Lawyers' Assistance Program. These are but a few items that will assist members in the health and wellness area. I would be happy to learn of other people's techniques.

Personally, I have a couple of items that assist me which include getting to the gym to coach, which is entirely different from my practice of law. Also, particularly throughout the fall and winter, I set out some minimum times that I will engage in physical activity. I am excited that my daughter, Claudia, a fitness buff, has challenged me to buy the same Fitbit she wears and synchronize our workouts so we can both track and compete with each other on a fun basis. The point being if you can find someone, a child, a colleague or a friend, that you can use as an accountability person for physical fitness, it would go a long way in encouraging you to perform the activities. It goes a long way to help me achieve a high rate of varied physical activity.

Socializing is an important part of life. For example, I was fortunate enough to attend the Hamilton Lawyers' Club picnic at Dyment's Farm which was a fabulously run event with great fun and camaraderie amongst the Hamilton Bar. It was a great opportunity for the professional disciplines to socialize in a lovely environment. I want to thank the Hamilton Lawyers' Club for a great event. The Hamilton Law Association also recently hosted the New Lawyers' Summer so-

cial event, an extreme hit. We are preparing for the new lawyers seminar on September 7, 2017. I would be remiss in mentioning the AGM, which was followed by the articling reception where both rooms at the Hamilton Club were full and the event was a big success.

I extend my sincere congratulations to Past President David Howell who has been elected Bencher. His term commenced June 29th, 2017. On behalf of the Association, I wish David every success and thank him for his many years of service and volunteerism on behalf of the Hamilton Bar.

Finally, the Law Society of Upper Canada, Federation of Law Associations, and the 47 Law Associations across the Province are presently debating the future of law libraries in the Province of Ontario. Michael Bordin, Rebecca Bentham and myself travelled to Ottawa to meet The County of Carleton Law Association and The Federation of Ontario Law Association's executive recently. It was a robust and fruitful meeting. There will be continued discussions throughout the summer and fall on the future of law libraries. I will keep you updated on that front.

As I conclude the article, I will be returning to Ontario to meet with Treasurer Paul Schabas to talk about libraries. I am sure there will be more on this subject in my future articles. I would ask each of you now to close the magazine, put your pen down and stand up and have a stretch, walk around your office, pour an extra glass of water, drink it and give a positive comment to someone in your office. Essentially, I ask that you make the most of 'happiness happens month' in your practice and in your daily lives. ■

Canadian Publications Mail Agreement
#40036029
Return Undeliverable Canadian
Addresses to:
45 Main Street East, Suite 500
Hamilton, Ontario L8N 2B7
E-mail hla@hamiltonlaw.on.ca