

# OBA Professional Development Fall 2008

## How to Register

**Mail:** Ontario Bar Association, 300 - 20 Toronto Street, Toronto, ON M5C 2B8

**Fax:** 416-642-0424

**Online:** [www.softconference.com/oba](http://www.softconference.com/oba)

For general OBA registration information, please call: 416-869-1047 or 1-800-668-8900  
or visit [www.oba.org/pd](http://www.oba.org/pd)



ONTARIO  
BAR ASSOCIATION  
A Branch of the CANADIAN BAR ASSOCIATION

### Excelling at Articles – Ottawa (YLD)

Tuesday, August 26, 2008 - 9:00 a.m. to 1:15 p.m.

Co-Chairs: **Cherolyn R. Knapp**, Mann & Partners LLP - Ottawa  
**Deborah D. Sarmento**, Transport Canada,  
Civil Aviation - Ottawa

### Excelling at Articles – London (YLD)

Monday, September 15, 2008 - 9:00 a.m. to 1:15 p.m.

Co-Chairs: **Rebecca J. Bromwich**,  
Kathleen Chapman & Associates - London  
**Rod Refcio**, MacKewn, Winder LLP - London

### Excelling at Articles - Toronto (YLD)

Thursday, September 18, 2008 - 9:00 a.m. to 1:15 p.m.

Co-Chairs: **Patricia De Sario**, Stewart Title Guaranty Company  
**Angela Chu**, Cassels Brock & Blackwell LLP

This essential program will provide practical tips and advice to help you make the most of your articling experience. The program focuses on private practice in a non-criminal law setting although it will apply (to varying degrees) to public practice, in-house practice and criminal practice. Judges and/or masters, seasoned lawyers and those fresh from the trenches will discuss topics such as the articling student “attitudes and characteristics to display”, practice management, research and writing, networking, court and life after articling. If you want practical tips from those with experience, this is the program to attend.

### Trusts, Trustees, Trusteeships III (LSUC) (LAWPRO)

Tuesday, September 23, 2008 - 9:00 a.m. to 5:00 p.m.

The use of trusts, and trust drafting will be the primary focus of this year’s program. A panel will be addressing the more complex drafting issues facing practitioners. There will be a two hour trust drafting session and participants are welcome to send their drafting questions for the panel in advance to kim@whaleyestatelitigation.com. Up-to-the-minute case law, legislation, tax considerations, bankruptcy and insolvency issues that drafting practitioners, and trustees alike, must be aware of will be discussed and analyzed. This program is an essential tool for all practitioners, whether your practice is litigation, or solicitors’ planning work.

Co-Chairs: **Kimberly A. Whaley**, Whaley Estate Litigation  
**Mary L. MacGregor**, Dickson Macgregor Appell LLP

### Criminal Law Issues Affecting Civil Litigators (LSUC)

(LAWPRO)

Wednesday, September 24, 2008 - 9:00 a.m. to 1:00 p.m.

While you may not practise criminal law, criminal law issues can and will arise in your practice. Where do areas of civil and criminal law intersect, and what issues arise? This program will address this question with presentations and papers designed to guide the civil litigator through criminal and quasi-criminal law territory. Our 10 outstanding speakers are experienced members of the civil and criminal bars who will share their insights and strategies. Your investment in this half-day program will arm you with the knowledge to make you a better civil litigator - don’t miss it!

Chair: **Ryder Gilliland**, Blake, Cassels & Graydon LLP

### 7th Annual Charter Conference (LSUC)

Friday, September 26, 2008 - 9:00 a.m. to 5:00 p.m.

Outstanding speakers from private and public practice, academia and the Bench will cover up-to-date significant developments in substantive and practice issues under the *Canadian Charter of Rights and Freedoms*. The conference begins with an overview of recent decisions, and important upcoming cases and trends in *Charter* law. Participants will have a selection of seminars to choose from, on subjects ranging from remedial and practice issues in constitutional litigation, to substantive legal developments in areas including national security and equality rights. Don’t miss this “must-see” program for everyone who does any work on *Charter* issues. *Program includes lunch*.

Chair: **Debra McAllister**, Barrister & Solicitor,  
ARCH Disability Law Centre

### 18th Annual Operation Update (LSUC) (LAWPRO)

Friday, October 3, 2008 - 9:00 a.m. to 4:00 p.m.

This year will mark Operation Update’s eighteenth fantastic year of providing fast-paced, focused reviews of significant changes in legislation, case law, policy and administration in a wide variety of fields. Simultaneous lectures allow you to choose from those areas that are of particular interest, while providing you with written materials on all 20 topics. Whether you are a generalist, in-house counsel or a specialist interested in key developments in other areas, Operation Update 2008 is a must for you. *This program is offered jointly by the Ontario Bar Association and the Law Society of Upper Canada.*

Chair: **Donald L. Short**, Fasken Martineau DuMoulin LLP

### The Art of Title Searching (W) (LSUC) (LAWPRO)

Friday, October 17, 2008 - 9:00 a.m. to 1:00 p.m.

The introduction of Teraview® software has changed the means by which title to real property is searched in Ontario. Participants will become familiar with the various *Registry Act* and *Land Titles Act* searches. In addition, participants will learn when abutting land searches must be conducted and the due diligence search requirements of Title Insurers. This program will appeal to both newly called and experienced practitioners who are not familiar with recent title search changes. Participants will also become familiar with Electronic Title Searching and will examine samples of several automated search variations in both the Registry and Land Titles systems.

Chair: **Donald V. Thomson**, Walker Ellis

### The Dependants’ Support Application:

**From Notice of Application to Trial** (LSUC) (LAWPRO)

Monday, October 20, 2008 - 9:00 a.m. to 5:00 p.m.

Estate litigation is a growing practice area, both for specialists and for general litigators. In many instances, poor estate planning (or a lack of estate planning) leaves one or more dependants of the deceased without adequate support. Accordingly, applications for support of dependants under Part V of the *Succession Law Reform Act* are commonly brought. This practical, basic to intermediate level program takes you step-by-step through every stage of a dependant’s support application from the notice of application, through trial, and after trial. The program binder will include papers and sample material for every stage of the proceeding.

Co-Chairs: **Melanie A. Yach**, Aird & Berlis LLP

**Susan J. Stamm**, Office of the Children’s Lawyer

## Legend

(YLD) - Young Lawyers Division

(W) - Webcast programs offered by OBA



(LSUC) - Law Society of Upper Canada Accreditation



(LAWPRO) - LAWPRO approved programs

**Privilege, Confidentiality and Conflicts of Interest:  
Traversing Tricky Terrain** (W) (LSUC) (LAWPRO)  
Thursday, October 23, 2008 - 9:00 a.m. to 5:00 p.m.

Maintaining privilege and confidentiality or avoiding conflicts of interest have always been central to the protection of clients' interests. Yet they often give rise to complex issues that leave practitioners walking through a virtual malpractice minefield. Recent legal and technological developments require lawyers to tread more carefully than ever. This program will address topics such as proactive strategies to avoid waiver, and create and maintain privilege; the shifting sands of surveillance privilege; what should or should not be disclosed with respect to expert reports; the conflicts and privilege ramifications for lawyers on boards; and conflicts that arise in class proceedings.

Co-Chairs: **Audrey P. Ramsay**, Withrow & Associates,  
State Farm Litigation Counsel  
**Hans Goddard**, Withrow & Associates,  
State Farm Litigation Counsel

**Taxation Issues in Family Cases** (W) (LSUC) (LAWPRO)  
Monday, October 27, 2008 - 9:00 a.m. to 4:00 p.m.

A comprehensive program for family law practitioners at all levels of experience, which examines the intersection of income tax and family law concerns.

Co-Chairs: **Grant W. Gold**,  
McCague Peacock Borlack McInnis & Lloyd LLP  
**Maxine M. Kerr**, Barrister & Solicitor - Newmarket

**Insurance Law: What You Need to Know** (YLD) (W) (LSUC)  
(LAWPRO)  
Tuesday, October 28, 2008 - 9:00 a.m. to 4:30 p.m.

All lawyers, no matter what their specific area of practice is, will encounter insurance issues. Are you prepared? Learn how to spot, analyze, and apply the law to insurance issues, with special reference to property and casualty insurance (home, auto, commercial, and liability). This seminar educates you on critical aspects of insurance law. Gain insight into insurance policies as you demystify insurance terminology and insurance concepts. Learn how to recognize and comprehend different types of insurance policies and coverages. A panel of insurance lawyers and insurance industry professionals assist you in achieving a comprehensive understanding for ultimate results. This seminar is an indispensable educational tool for lawyers who want to understand the important role that insurance can play in any legal matter.

Co-Chairs: **Jeffrey M. Minicucci**, Barrister and Solicitor  
**Aleksandra Zivanovic**, Lawson LLP - Barristers

**Clients, Clients Everywhere:  
Essential Tips for Aspiring Rainmakers** (YLD) (LAWPRO)  
Wednesday, November 5, 2008  
Program; 1:00 p.m. to 5:00 p.m. Reception; 5:00 p.m. to 6:00 p.m.

Back by popular demand! Do you want to bring in clients, but don't know how? This program can help. Get practical tips and advice on how to network, market your practice, build your professional reputation, bring in new clients, and get more work from existing clients. Not sure how to go about inviting a business contact to lunch, much less which fork to use? Didn't know there are different business development styles, and you could be using the wrong one for your personality? Not sure how to keep your clients happy and referring work to you? Get help from experts on these and other topics, and never be mystified by marketing again! As an added bonus, after the seminar we will be hosting a cocktail reception, so you can start practising those networking skills right away.

Co-Chairs: **Susannah B. Roth**, O'Donohue & O'Donohue  
**Lisa L. Stam**, Baker & McKenzie LLP

**Navigating Difficult Family Property Issues for  
Employee Parties** (W) (LSUC) (LAWPRO)  
Thursday, November 13, 2008 - 9:00 a.m. to 1:05 p.m.

In today's world of ever changing employment arrangements and compensation schemes, the family lawyer has to ensure that all property is accounted for in the overall settlement. This program will explore the employment relationship, including the issue of self employment, and examine what parts of the employment contract are potentially "property" under *The Family Law Act* and ought to find its way in the net family property calculation. This program will act as somewhat of a refresher on employment pensions as well. It will also examine the latest trends in the field and highlight the issues surrounding settlement of the equalization payment when the only asset left is the pension.  
Chair: **Thomas C. Dart**, Burgar, Rowe Professional Corporation

**Hot Topics in Construction Law for the  
Commercial Solicitor**  
(LSUC) (LAWPRO)

Friday, November 14, 2008 - 9:00 a.m. to 12:30 p.m.

This half-day seminar is specifically tailored for lawyers who advise construction industry clients on the front-end of a project before the work starts. Five leading practitioners will guide you through the hot topics that you must be conversant with in order to help your clients mitigate and manage the significant risks encountered in large construction projects.

Co-Chairs: **Brendan D. Bowles**, Glaholt LLP  
**Timothy J. Murphy**, McMillan LLP

**Assets Under Attack: Helping Creditors and Defending Debtors**  
Monday, November 17, 2008 - 9:00 a.m. to 12:30 p.m.

Given the current economic environment, it is likely that creditors will increasingly seek to protect their interests by taking steps against the assets of their debtors. This program will explore certain methods that creditors to commence proceedings to protect their interests. The potential defences available to debtors, and some pitfalls that creditors and debtors must be aware of. Topics will include: procedural checklists for tying up assets, bulk sales actions, fraudulent conveyances, and successful oppression remedy actions; ethical considerations in advising a client to creditor proof and recent developments in receiverships and CCAA cases.

Co-Chairs: **Marc S. Wasserman**, Osler, Hoskin & Harcourt LLP  
**J. Gardner Hodder**, Polten & Hodder

**Your First Collection II: Deadbeat Dilemmas  
How to Get Paid** (YLD) (W) (LSUC) (LAWPRO)  
Wednesday, November 19, 2008 - 9:00 a.m. to 1:20 p.m.

Collections are bread and butter work for many law firms. Many lawyers still do not know the basics about how to obtain or enforce judgment against a debtor. Some are in such a hurry to get a judgment for their client that they neglect to do the proper investigations to be able to enforce the judgment once they get it. Don't let this happen to you! This half-day program is designed for lawyers new to the area of civil litigation. It will provide you with the questions to ask and knowledge of the searches to do before going to court to save you the embarrassment of facing your client with an expensive and useless judgment. It will also provide you with tips and tactics from leading practitioners on how to collect debts before and after judgment, as well as collecting from difficult debtors and dealing with hidden assets.

Co-Chairs: **Sylvia M. Samuel**, Marin, Evans LLP  
**Paul H. Voorn**, Andriessen & Associates,  
Professional Corporation

**POSTPONED  
UNTIL  
SPRING 2009**

### 3rd Annual Ministry of Environment Update

Thursday, November 20, 2008

Program; 1:00 p.m. to 5:00 p.m. Reception; 5:00 p.m. to 6:00 p.m.

Speakers from the Ministry of the Environment will provide an update on significant, emerging environmental issues from both a legal and policy perspective, followed by discussion with lawyers from private practice. New this year: MOE representatives will answer questions you have always wanted to ask the Ministry.

This is a not-to-be-missed session for all those who practise environmental law. The program will help environmental lawyers stay on top of the ever-changing environmental law landscape in Ontario. *Reception to follow*

Co-Chairs: **Fran Carnerie**, Deputy Director of Legal Services Branch, Ministry of the Environment  
**Barry Weintraub**, Rueter Scargall Bennett LLP

### The Business of Farming (Ever Green)

(W) (LSUC) (LAWPRO)

Monday, November 24, 2008 - 9:00 a.m. to 4:00 p.m.

Agriculture continues as a large economic driver in Ontario, and the business of agriculture is a complicated mixture of legal issues and traps for the unwary. It is an area rife with regulatory compliance requirements, family business dynamics, generational succession planning, taxation, large dollar investment and specialized financing, real estate and environmental issues. This program will focus on a family dairy business in crisis and the issues this raises for lawyers trying to provide advice for these problems, with insight from speakers with expertise in the field.

Co-Chairs: **Jennifer E. Babe**, Miller Thomson LLP

**George E. Sinker**, Barrister and Solicitor - Strathroy

### 8th Annual Franchise Law Conference:

**Putting Principles into Practice** (LSUC) (LAWPRO)

Tuesday, November 25, 2008 - 9:00 a.m. to 5:00 p.m.

The 8th Annual Franchise Law Conference will be of interest to both business and litigation lawyers. Given its emphasis on the practical application of legal principles, the program will be informative for business and litigation lawyers involved in franchise, distribution and licensing law, whether in private practice or in-house. The program will focus on the role of counsel and best practices to limit professional liability exposure, including avoiding franchise disputes through improved drafting and prudent conduct.

Co-Chairs: **Lisa P. Kaarid**, Senior Director of Franchise Operations,

Legal Counsel Loblaw Company Limited

**Jeffrey P. Hoffman**, Gowling Lafleur Henderson LLP

### Ready, Set, Go! New Insolvency Reforms to the BIA and CCAA

(W) (LSUC) (LAWPRO)

Monday, December 1, 2008 - 9:00 a.m. to 4:30 p.m.

The lengthy process to amend the *Bankruptcy and Insolvency Act* (BIA) and the *Companies Creditors' Arrangement Act* (CCAA) has resulted in reforms, including protection of employees on the bankruptcy or receivership of their employer. The remaining changes to the BIA and CCAA are expected to be in force before the end of 2008. The reforms will have a fundamental impact on insolvency practice. For example, BIA proposals will be a broader and more effective remedy for insolvent businesses, possibly supplanting the CCAA as the reorganization regime of choice. The impact of the amendments on other practice areas such as litigation, family law, business law, secured lending, labour and employment law will also be examined. *This program is offered jointly by the Ontario Bar Association and the Law Society of Upper Canada.*

Co-Chairs: **Frank Bennett**, LSM, Bennett & Company

**E. Patrick Shea, C.S.**, Gowling Lafleur Henderson LLP

### Divine Discoveries III: Building a Great Case (YLD)

(LSUC) (LAWPRO)

Tuesday, December 2, 2008 - 9:00 a.m. to 1:00 p.m.

A good discovery will help you prepare your client for trial and understand your opponent's case. A great discovery will force your opponent into settlement submission, and at the very least, set you up for a less stressful and better organized trial.

Co-Chairs: **Steven F. Rosenhek**, Fasken Martineau DuMoulin LLP  
**C. Michael J. Kealy**, Moodie Mair Harley & Walker LLP

### When Health Law and Labour/Employment Law Collide

(YLD) (LSUC) (LAWPRO)

Thursday, December 4, 2008 - 9:00 a.m. to 1:00 p.m.

While the public health care sector continues to grow, so do the corresponding employment and labour law issues in the health care system. The traditional employment relationship in our hospitals, clinics and broader health care sector faces increasing costs and challenges. What recent legislative and board governance developments meet these demands? Who are the key stakeholders and players and how do they differ from your non-health care employment relationship? How are the new disclosure and mandatory reporting requirements affecting the employment relationship? How is the increase in private services impacting bargaining and dispute resolution in the public health sector? This unique program will appeal to both health and labour/employment lawyers whose day to day practice intersects with the broader health care sector.

Co-Chairs: **Lisa L. Stam**, Baker & McKenzie LLP

**Lisa Corrente**, Torkin Manes Cohen Arbus LLP

### The Ultimate Review of Legal Due Diligence

(W) (LSUC) (LAWPRO)

Monday, December 8, 2008 - 9:00 a.m. to 12:00 p.m.

Whether it is a company facing an outside investor who wishes to invest or a purchaser wanting to examine the books and records, many companies are unprepared for the legal due diligence process which is to follow. Whether you represent small and entrepreneurial clients or mid-size clients, this half day program will focus on the legal due diligence process a target company may face. It will include corporate due diligence, common searches, as well as a discussion on intellectual property, employment law and environmental due diligence. Useful checklists and precedents will be provided for lawyers who want to prepare their clients and look like a star.

Chair: **Arlene D. O'Neill**, Gardiner Roberts LLP

### The Essentials of Settlement:

**From Offers to Handshakes** (W) (LAWPRO)

Wednesday, December 10, 2008 - 9:00 a.m. to 1:00 p.m.

The making of an Offer to Settle under Rule 49 of the Rules of Civil Procedure is one of the most important decisions a party to litigation will make in the course of a proceeding. The failure to make an effective and informed Offer to Settle can also lead to claims of professional negligence. This program will be of interest to all civil litigators. Mark Orkin will provide a detailed review of the problematic case law in the area. Valuable practice tips will be provided to assist you in communicating effectively with your clients for purposes of making offers to settle and in considering offers to settle you receive. Leading practitioners will provide you with useful precedents and advice and strategic tips concerning offers to settle in various types of litigation including employment, estates, family, insurance and general commercial litigation. Finally, precedents and advice on what to do when there is non-compliance with an accepted offer will also be provided.

Chair: **David Sterns**, Sotos LLP