NCLA NEWSLETTER

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Textalyzer

By: Nathan Baker, *Nathan Baker Law*

With the increasing recognition of the dangers of distracted driving, the company Cellebrite has invented a "textalyzer" which allows a download of information from a driver's phone in an attempt to determine what functions a person was using either while driving or in the minutes preceding a stop or an accident. It can show what apps were used and when on a minute-by-minute report.

The danger with this sort of device is two-fold. The first and most pressing is the privacy interests in engages. The ability of a police officer to plug your cellular device into their "textalyzer" and be able to see what functions you have used is significant intrusion into a person's life. In R. v. Fearon, 2014, SCC 77, the Supreme Court found that there are times where a search of a cell phone incident to arrest may be appropriate. In such a case, the arrest of the accused must be lawful. Additionally, the police must have one of three valid objectives: 1) to protect the police, accused or public, 2) to preserve evidence or 3) to discover evidence where the investigation will be significantly hampered without a prompt search. Next, the search must be tailored to the purpose of the search. Finally, detailed notes must be kept. The Court found at para. 78 that "the fact that some examination of a cell phone is truly incidental to arrest does not give the police a license to rummage around in the device at will." The design of the "textalyzer" seems to perform specifically to rummage around in obtaining data.

In the earlier case of R. v. Vu, 2013 SCC 60, the Supreme Court had recognized that computers and cell phones are different from other receptacles to be searched. The Court stated at para. 40 that "it is difficult to imagine a more intrusive invasion of privacy than the search of a personal or home computer."

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The Court noted that computers and cell phones both store immense amount of data, that they often store such data automatically, they retain files even when users may think the data has been destroyed and that they serve as portals to far-ranging information about a person. Allowing police to simply plug into a person's device and download untold data seems to be a direct violation of the rights protected in Vu.

The second concern with a device like the "textalyzer" is how accurate it is and how the data is to be interpreted. A minute-by-minute report of what apps are being used or even what app had access to the "front" or desktop of the phone can be misleading. Automated opening and interactions with apps may be unwittingly caught in such a log. Most phones upon receiving a text will engage the messaging app and bring it to front, displaying the received text message on the screen of the phone. This does not mean that the person actually engaged in any interaction with the phone. The presumption that a particular app was used means that a person was engaged in the behaviour which the law is trying to prevent, namely distracted driving, is not valid.

While distracted driving is quickly overtaking impaired driving as a leading cause of death in Ontario, the "textalyzer", while tempting to rely on, would require significant changes to accord with the law in Canada. Further, as this device is only reactive, plugging in after a person has been stopped or in an accident, it will only prevent incidences through deterrence as a result of others getting caught. Instead, better technologies that allow users to keep connected without distracting, like Apple Carplay or Android Auto, may provide a better way forward.

SCC to Decide Whether Corporations Can Benefit From the Constitutional Protection Against Cruel and Unusual Punishment

By: Bruce McMeekin, *LSO Certified Specialist (Environmental Law)*

In March 2019, a majority of the Quebec Court of Appeal ("QCA") concluded in 9147-0732 Québec inc. c. Directeur des poursuites criminelles et pénales, 2019 QCCA 373 that fines levied against corporations could constitute cruel and unusual punishment, attracting for the corporation the protection of s.12 of the *Charter of Rights and Freedoms*:

Everyone has the right to protection from all cruel and unusual treatment or punishment.

On July 25, 2019, the Supreme Court of Canada (SCC) granted leave to appeal *9147-0732 Québec* to the province of Quebec. The appeal is scheduled to be heard on January 22, 2020.

In December 2018, the SCC released its decision in R. v. Boudreault, 2018 SCC 58 confirming (within the context of automatic victim surcharges) that fines levied against individuals can constitute cruel and unusual punishment if grossly disproportionate to what would otherwise be a fit sentence. The QCA in *9147-0732 Québec* takes *Boudreault* one step further, finding that, although a corporation is an artificial construct, disproportionate fines levied against it can be cruel in the sense that its business can be destroyed with negative repercussions to the individuals behind it.

At trial, the defendant was convicted of a licensing offence contrary to the provincial *Building Act*. As a corporate offender, it was subject to the minimum fine of $30,843 prescribed at the time by the legislation. The trial justice rejected the defendant's submission that, as a corporation, it was entitled to the protection of s.12, and to impose the prescribed minimum would constitute cruel and unusual punishment. On appeal, the Superior Court upheld the trial court's decision. Subsequently, in a split decision, a majority of the QCA reversed the Superior Court, finding that the defendant corporation was protected by s.12. It remitted the matter back to the trial court for determination as to whether the imposition of the minimum fine in this case constituted cruel and unusual punishment.

Bélanger J.C.A., speaking for the majority, rejected what she described as the main argument that a corporation cannot benefit from the protection of s.12 because it is concerned with the protection of human dignity. Although that is one concern, she found that s.12 is also engaged in protecting the human condition, meaning harm that is not physical such as stress, worry and depression. In her analysis, the context for the application of s.12 had matured from its historical concerns (corporal punishment and the death penalty), to include the human condition.

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She found support in the 2004 expanded application of the *Criminal Code* to organizations, including both incorporated and un-incorporated entities, arguing that the notion of organization comes very close to the physical person. She also found that disproportionate fines that force businesses into bankruptcy and put their employees out of work do not serve the public interest. In the result, excessively disproportionate fines can be cruel to the corporation and impact the people (shareholders, directors and employees (the "stakeholders")) behind it.

In dissent, Chamberland J.C.A. was not convinced that s.12 was concerned with anything more than the protection of human dignity, and for a sentence to be grossly disproportionate, it must be excessive to the point of being incompatible with it. As corporations are incapable of suffering an indignity, they are not protected by s.12.

He rejected the corporation's submission that it could benefit from s.12 if the mandatory minimum fine constituted cruel and unusual punishment to the stakeholders standing behind the corporate entity. Such a finding would be contrary to the fundamental principle of corporate personality.

Some observations:

There is no discussion within the QCA judgement as to the reason the *Building Act* provides for minimum fines. Presumably, the National Assembly decided deterrence, as the primary sentencing factor in regulatory offences, required that convicted corporate defendants not benefit from undertaking business without licensing. Fines must deter by being sufficiently large to capture any savings the defendant obtained operating while unlicensed.

This is exactly the way the Court of Appeal for Ontario ("CAO") recently characterized minimum fines prescribed in the Ontario Water Resources Act in Ontario (Environment, Conservation and Parks) v. Henry of Pelham Inc., 2018 ONCA 999. Although s.12 was not at issue in that appeal, the Court was not inclined to provide relief from the application of minimum fines on the basis of difficulties in paying. It found that by enacting minimum fines, the legislature had decided the level of fines deterrence required.

The primacy of deterrence as a sentencing factor in regulatory prosecutions could cause the SCC to distinguish *9147-0732 Québec* from *Boudreault*. The latter was a criminal matter wherein proportionality, not deterrence, was the primary sentencing consideration. The Court found that fixed surcharges fundamentally disregarded proportionality and also impacted the ability of judges to consider mitigating factors and parity (sentences received by other offenders in similar circumstances). Proportionality and parity are also sentencing factors that should be considered in regulatory prosecutions, but are subordinate to deterrence.

There is a unique aspect to the majority judgement, influenced, perhaps, by the debate concerning SNC-Lavalin and the effect criminal conviction could have on it and its stakeholders. In effect, the majority's position is that a corporate defendant's veil can and should be pierced for the benefit of its stakeholders protecting them from the effect of fines levied against the corporation. Just as is the case when piercing the corporate veil to the prejudice of stakeholders, the circumstances permitting piercing to benefit them are exceptional in the sense that the levied fines must be grossly disproportionate.

Unlike the majority in *9147-0732 Québec*, the CAO has refused to ignore corporate personality for the benefit of stakeholders. In Ontario (Labour) v. New Mex Canada Inc., 2019 ONCA 30, the CAO found that fines imposed against a corporation are distinct from fines levied against its directors and should not be treated as fines imposed on the latter. However, at paragraph 93 the Court prophetically observed:

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fines imposed against a corporation are distinct from fines levied against its directors and should not be treated as fines imposed on the latter. However, at paragraph 93 the Court prophetically observed:

> [One] can, however, imagine arguments being made about how fines imposed on a closely held corporation can indirectly impoverish individual equity directors by reducing the value of their corporate asset, an event that could affect the ability of the individual equity directors to pay their own fines, or influence the quantum of fine needed to achieve specific deterrence. But this is not the argument that was made here and I take no position on whether such arguments would be tenable....

RoundTable Feedback: Family and Civil Rules and Practices

By: Christine Roth, *Roth Law*

This below response was sent to Lindsey Park, Parliamentary Assistance to the Attorney General, upon request of feedback.

Dear Ms. Park;

Following our meeting with respect to amendments to Rules, Procedures, and the Family Law Act, I have had discussions with my colleague and Associate, Adrian W. Touchette, and have obtained his feedback on the issues. As promised, I am providing you with our suggestions, as follows:

The *Family Law Rules*:

A) If an email address has been provided by counsel or a party (on their website, or on court documents, etc.), service of documents by email (except those, which the *Rules* indicate require Special Service) should not require Counsel's [or the unrepresented] consent in writing before service is accepted for filing purposes.

The *Family Law Act*:

A) As to the *Family Law Act*, we would suggest that simply being the "first party/parent out the door" with the Children should not be sufficient to establish a new *status quo*.

B.) Related to this, in cases where one spouse is the "*first one out the door*", there should be a presumptive access schedule in place for the other parent to act as an interim access schedule (e.g. every other weekend and mid week access, as the minimum). This presumptive schedule must be rebutted only in special and appropriate circumstances. Therefore, to simply being the "*first one out the door*" should not constitute sufficient grounds to unilaterally dictate the terms of access in the months before a Case Conference has been held.

Practice Directions:

A) The Presiding Judges at Case Conferences must therefore be directed to address the issues of Custody and Access, and be directed to make orders having in mind the right of the child to both parents. A Judge therefore may only withhold access, if there is a conviction of offence against the Child [and not just an allegation brought forth by the part benefiting from withholding the child from the other parent].

B) The Presiding Judges at Case Conferences must be directed to order cost against the unreasonable party, or a party who has withheld documents and/or information, has made unreasonable demands, and/or has conducted "*trial by ambush*" in the manner in which he/she has dealt with the matter. Parties should not be required to bring a motion to secure documents, which the *Rules* already set out must be disclosed. As it stands, although the *Rules* provide for this, the Judges [at least in our Tri-County] are refusing to do so. This has resulted in encouraging litigious parties in continuing to litigate and prolonging the procedure. This Direction is to apply to represented and unrepresented parties.

C) The Presiding Judges at any stage of the proceedings must be directed to allow a party to explain any wrongly decided issue at the previous stage, if the party has an explanation to offer. I have seen cases where the represented party [or unrepresented] filed a false Affidavit of Service. This resulted in an Order against the Responding Party on the assumption that the Party was served promptly but did not respond. The Responding party upon realizing that the previous Order was based on the assumption that the Respondent was served, attempted to inform the Presiding Justice of the error with proof that the Service was not in fact delivered as sworn. The Judge in those cases refused to allow the party to address the issue "*as it was a closed stage of the proceedings*".

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D) Further, in such cases, the party with a false Affidavit of Service must pay cost for both Case Conferences [or appearances, as the case may be]. If the party with the false Affidavit of Service is represented, then counsel must pay cost personally.

E) Case Conferences must be limited to not more than three (3), ensuring prompt access to justice and reducing cost.

G) If a 14B Motion is for access to school for the child, who is residing with the parent *"first out the door"* until an order is made regarding residency of the child, [and/or in cases where the child was enrolled in school prior to the withholding parent having moved out with the child(ren)], such Order must be granted by way of Basket Motion, in the best interest of the child, regardless of the stage of proceedings.

F) If the Presiding Justice has any outside friendship with a litigant and/or his/her counsel, he/she must immediately recuse himself/herself from hearing the matter. I have seen Justices with clear friendship with counsel and/or his/her close family members, resulting in miscarriage of justice. Such firms pick and choose as to which counsel from the firm is to attend to the matter, depending on which of the Judges would be presiding on that same matter at each stage of the proceeding.

G) If a 14B Motion is for access to school for the child, who is residing with the parent *"first out the door"* until an order is made regarding residency of the child, [and/or in cases where the child was enrolled in school prior to the withholding parent having moved out with the child(ren)], such Order must be granted by way of Basket Motion, in the best interest of the child, regardless of the stage of proceedings.

I am certain there are many other issues to be discussed regarding all of the above. In the interim, in the interest of time, I am submitting the herein letter for your consideration.

Regards,

M. Christine Roth, B.A.(Hons.); LL.B./J.D.
Barrister & Solicitor, Notary Public
Roth Law Offices

Amendments To Canada's Divorce Act: Changes Affecting Custody Orders

By: Kady McCourt, *Kay & McCourt*

Canada implemented the *Divorce Act* in 1985. The Act defines how various legal matters are dealt with upon the breakdown of a relationship between married spouses. In addition to addressing the dissolution of a marriage, the *Divorce Act* deals with several corollary issues, including decisions around children and parenting. The existing legislation has recently been amended, with the majority of the amendments coming into force on July 1, 2020. This blog post, will be one of series of posts wherein we will discuss some of the changes to the Act once the amendments take effect.

It is important to note that the *Divorce Act* is a Canada wide legislation that applies only to married spouses. The Act does not apply to unmarried (or "common law") spouses, who instead should look to provincial legislation including Ontario's *Family Law Act* and Ontario's *Children's Law Reform Act.*

One of the major changes to the *Divorce Act* is with respect to how we deal with parenting of children on marriage breakdown. Most people have heard the terms "custody" and "access", which are legal terms defining how important decisions are made about children and how much time the children will spend with each parent. The new *Act* removes these terms, which over the years have become the source of countless family court trials. Instead, the new *Act* refers to "Parenting Time", which refers to the time a child spends with each parent and "Decision Making Responsibility", which appears to replace the term "custody" and deals with the responsibility of making important decisions for children, including decisions about their health, education, religion, etc.

The best interests of the child remain at the center of all Orders involving Parenting Time and Decision Making Responsibility; however, unlike the current legislation the new Divorce Act sets out a list of factors that are to be taken into consideration in assessing and determining the best interests of the child. One significant change in the "best interests" test, is the inclusion of clarification around how family violence impacts the assessment of a child's best interests in

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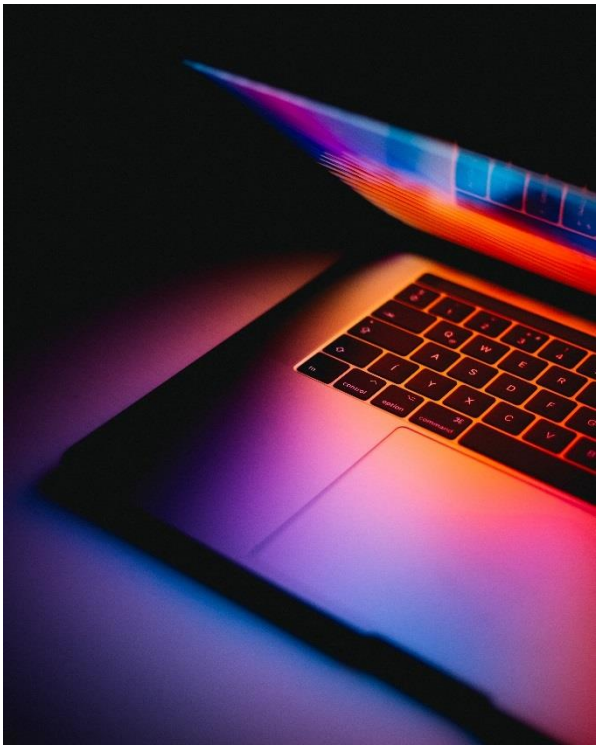
making a Parenting Order.

The amended *Act* maintains the principle known previously as the "maximum contact principle" which states that a child should have as much parenting time with each spouse as is consistent with their best interests.

It will be interesting to see how case law evolves with the implementation of the new *Act*, and specifically, if the changes to terminology result in a change to the types of Orders that are made around parenting issues.

Another major change to the legislation is the introduction of a specific process for dealing with a proposed relocation of a child outside of their home jurisdiction.

Windows 7 End of Life



Microsoft recently announced that it will officially begin the Windows 7 end of life phase on Jan. 14, 2020. On that day, the company will stop supporting Windows 7 on laptops and desktops, and will no longer patch it with security updates.

Of course, that might cause some consternation for consumers and enterprise users alike. Windows 7 is still a wildly popular operating system that, even 10 years after its release, is still relied upon by millions across the globe. And, as hard as Microsoft might try to push folks to Windows 10, it won't be as easy to do so as the company might hope.

But – alas – all good things must come to an end. And soon enough, Windows 7 will be put out to pasture, leaving those who stick with the operating system at potentially higher risk of being targeted by hackers.

What is Windows 7's end of life?

It means that, as of Jan.14, 2020, Microsoft will move on from Windows 7 and no longer patch security holes in the operating system. And if things go awry and bugs develop, you won't be able to call on Microsoft to fix the problem. The move is often used by software companies to dedicate people and time to the applications and services that matter the most.

So, when Microsoft's end-of-life date hits, any device you have that's running on Windows 7 will be on its own when fending off hackers.

What does Windows 7 end of life mean for my security?

It's not uncommon for hackers, knowing when end of life hits, to wait until after that date to find ways to exploit vulnerable systems and wreak havoc. After all, if Microsoft isn't going to support the operating system and there are still plenty of people using it, why not attack? The fact is, the sooner people can get away from Windows 7 and switch to Windows 10, the better.

Can I keep using Windows 7 if I like it?

Windows 7 will operate after the end-of-life date just as it does now, so you shouldn't see any problems with your computer's functionality. However, over time, you could start to see more security problems. Microsoft won't force developers to stop supporting their applications in Windows 7 and chances are, if there's a large enough user base, they won't stop support initially. But over time, as things change and users increasingly turn to other platforms, developers are bound to stop supporting Windows 7 updates in their apps, as well.

Get More Mileage With CanLII Connects

By: Emma Durand-Wood, for *Slaw.ca*

If you write commentary on caselaw for a personal or firm blog, client publications, or any other publication, you can upload it to CanLII Connects, where it can be discovered by anyone who searches for that particular case, both on CanLII Connects **AND** on CanLII.org.

CanLII cases that have corresponding CanLII Connects commentary will display this info just under the case name:

Not only is CanLII Connects commentary discoverable via individual cases, the full-text is integrated in search results within CanLII, too. Per the recent announcement on the CanLII Blog:

"When you conduct a search on CanLII, you are now able to get results of content from CanLII Connects. For example, doing a document search for "promise doctrine" will provide results that link to CanLII Connects entries. Clicking on the title of the entry will direct you to the full document on CanLII Connects."

Setting up a profile and adding your legal commentary to CanLII Connects is a simple way to increase your online footprint and the reach of your work.

Finding Information About Private Acts

By: Susannah Tredwell. For *Slaw.ca*

"Private acts" are acts that are passed to deal specifically with the private interests of a person, company, or organization; for example the Acme Assurance Company Incorporation Act, S.C. 1931, c. 71 is a private act. Private acts can be found both federally and provincially.

One challenge with researching private acts is that they may not be consolidated in their jurisdiction's Revised Statutes. If this is the case, a researcher will have to pull the original act (which may be quite old) and any subsequent amendments, and produce a consolidation manually. On the plus side, private acts tend not to be frequently amended, so it is not unusual for a private act to currently read the same as it did when it came into force.

The majority of jurisdictions across Canada have produced tables of private acts which are very helpful when researching them. The following is a list of these tables:

Federal: Table of Private Acts

Ontario: Table of Private Statutes (private statutes that were enacted after 1999 can be viewed in Source Law)

Madeline Rooney, Northumberland's First Female JP

By: Sifton-Cook Heritage Museum

Not every child loves school, but Madeline Rooney certainly did. As a youngster, still not old enough to attend, she would escape from her home on Perry Street and find her way to the Corktown School located nearby at the corner of Queen and Green Streets. Corktown was named for the Irish settlers from County Cork who settled there.

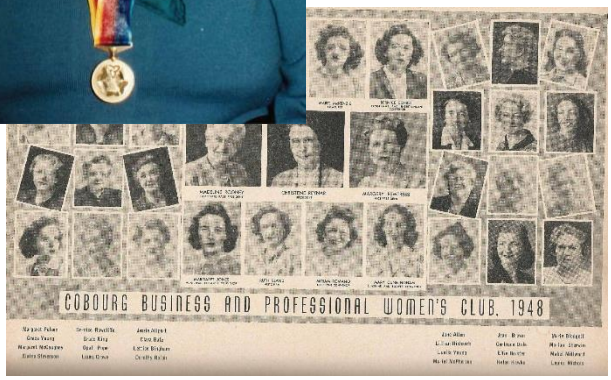
Maybe it was her sense of history that drew Madeline, for the old school building certainly had that. It was originally known as the Anglican Church School or Bethune's Theological School, but when that institution amalgamated with Trinity College in Toronto in the early 1850s, the building became the school house for Cobourg's Education Section #4. Mary Haskell of Chicago purchased it in 1904 and converted it into a private residence. Eventually the large Tutor style home was owned by lawyer John Funnell with his large family.

Madeline never lost her fascination with the building! Years later, a member of the Funnell family recalls her coming up the street, towel in hand and wearing bathing cap with a flower on it, prepared for a dip in the Funnell's backyard pool on a hot summer's day.

Madeline was involved in many organizations throughout her life. She was a charter member of the Business and Professional Women's Club for 32 years. After missing a meeting because she had to work late, she was elected President of the Club by a unanimous vote in her absence! This club campaigned for equal pay for equal work and encouraged women to pursue educational opportunities, business careers and public office positions.

One of the club's proudest achievements is the publication of Edwin. C. Guillet's Cobourg 1798-1948. Madeline was also involved in the publication of another important book on Cobourg's history, Cobourg, Early Days and Modern Times (John Spilsbury, ed.).

Over the years, Madeline made many contributions to the Town of Cobourg through her involvement in its many of its organizations notably: Art Gallery of Northumberland, Victoria Hall Volunteers, Cobourg and District General Hospital (Executive), First Woman on the Town's Planning Council, and more.



Madeline is probably the only woman locally to have a bridge named after her. It is on Cobourg's Harden Street, and while the honour was bestowed in 1972, the bridge currently has no identifying plaque. Perhaps closer to her heart, St. Mary's High School has an award to honour both her and a top student in Religious Studies.

It was a great time to grow up in Cobourg. Madeline remembered the grand old days of the Cobourg Horse Show in Donegan Park and the thousands of people arriving on the ferry from Rochester N.Y. She liked to recall climbing on the icebergs that formed on the shoreline and attending dances at the pavilion in Victoria Park.

In 1911, she was sure the world was coming to an end when Haley's Comet cut through the sky! Little did she realize she'd be lucky enough to see it once more in 1986. After she finished High School, Madeline was hired at the Law Firm of W.F. Kerr. She stayed with the firm through two successive owners, Archie Cochrane and Harry Dayman, and become the first woman Justice of the Peace in the old United Counties of Northumberland and Durham. Only after spending 50 years in the legal profession did she retire at age 70. Madeline Rooney died 11 January 1993, and to this day is remembered within the town for her kindness.

Upcoming Social Events

We hope you will be able to join us this year at the NCLA's annual holiday social - the party will be held on **Friday 13 December 2019, at Craft Food House in Cobourg**, and is sure to be a great time. Please get your RSVPs in to the librarian as soon as you can.

Donations are now being accepted for the Fare Share Food Bank at the Library until 6 December 2019 – please consider donating to this great cause within our community.

Have you Renewed for 2020?

It's that time of year again, so please consider this your friendly reminder about your NCLA Membership Renewal for 2020. I know it's getting to be busy for everyone, so we try to get this out with a lot of notice for you. You can download the form here: https://bit.ly/2QbpyMh or email the librarian for a copy.

Renewals are due no later than 31 December 2019. Members who have not paid their membership in full will be removed from the mailing list(s), be ineligible to attend NCLA events, and will have reduced library privileges and access (example: access cards will be suspended).

FOLA Update

By: Katie Robinette, *Executive Director, Federation of Ontario Law Association*

Well, the leaves have turned and, while there may be some left on trees in the southern parts of Ontario, they won't be around for long. Memories of summer seem more distant with each passing day and Holiday items on sale in stores offer constant reminders that Christmas and Hanukkah are right around the corner.

Still, the summer months do require some reflection as it was anything but a slow one! There was a lot of action over at the Law Society which required action on FOLA's part – namely a motion in response to the enactment of Bill C-75, a call for submissions on Access to Justice, and a long overdue statement on virtual commissioning. While FOLA is pleased with the statement on virtual commissioning (found here), and had offered a few suggestions in our submission on A2J (namely more consultation, improvements to the Lawyer Referral Service, more research on paralegals in the courts, and increased research on international best practices), we expressed concerns with changes that the Law Society passed as a result of Bill C-75. For example, for those who follow Convocation, you'll know that in September, the LSO passed motion that preserves (as closely as possible) the range of services currently provided by regulated agents, in direct response to the enactment of Bill C-75. This means that paralegals are now able to represent clients in court on matters that may result in their client serving a sentence of up to two years, thereby increasing the risk to clients who retain insufficiently trained agents. And moving forward, what concerns FOLA the most about this change is that the motion was part of a larger list of possible changes to the profession as identified in the Paralegal Standing Committee Report (September 11, 2019) which, when presented at Convocation, did not seem to raise the same alarm bells as it did for us (you can read our submission here).

We do note that the Law Society is allowing for time to consult and FOLA be rest assured that we will be at the table throughout.

FOLA was also busy with our Real Estate Law Committee and our two Real Estate Committee Chairs and I attended the Law Society's Real Estate Liaison Group meeting in October to discuss proposed amendments to clarify the meaning of 'finance company' in the Rules of Professional Conduct, Electronic Transfer of Funds, Discharge Regulations, Remote/Virtual Commissioning, and more. FOLA continues to lobby the Law Society to hold these meetings more frequently (currently set to minimum of two per year) but our Committee also holds regular conference calls with our Real Estate colleagues. If you are interested in joining those, please do let me know (katie.robinette@fola.ca). You can find a copy of our most recent Real Estate Update here. And please do bookmark our Real Estate webpage to keep up with all current activities.

Queen's Park was busy too and that meant FOLA was similarly occupied with writing submissions and working with elected members and their staff on a host of issues including legal aid, family and civil legislation (regulations and processes), welfare reform, and auto insurance. But summer was just the warm-up to what is already showing to be a very busy legislative agenda at Ontario's Legislative Assembly! Be rest assured that FOLA will be watching the action closely! If you missed reading our submissions over the summer, here they are: Auto insurance; Family & Civil Legislative Reforms; and Legal Aid Services Act Reform.

And speaking of Queen's Park, during our Fall Plenary, FOLA announced that on February 20, 2020, we'll be hosting our Inaugural Lobby Day! If you don't know what a "Lobby Day" is, it's a day where FOLA's Board and any Law Association President (or surrogate) will convene upon Queen's Park for one big day of meetings to share our concerns and issues with elected members, cabinet ministers, and political staff. FOLA will be working to prepare Issue-Specific Talking Points, help arrange meetings, and to offer "lobbying 101" briefing sessions in advance – so all participants are sure to be well prepared. These are common annual events in the association space and if this one goes well, FOLA hopes to make this a regular event!

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Another new initiative announced at Plenary: FOLA AWARDS! FOLA appreciates that each and every person who is involved in your law association is donating their time – the most valuable gift they can give! And we what to help shine a spotlight on individuals making a real impact. As such, we've announced three annual awards: The President's Award (for current or immediately past Presidents); the Luminary Award (for a librarian or staff); and the Distinguished Service Award (for an outstanding member of an Association). The deadline for submissions is April 1st of each year and winners will be announced annually at FOLA's May Plenary. Complete details can be found herehttps://fola.ca/awards.

Remember – if you never want to miss our submissions, initiatives, and news please remember to sign up for our newsletter! That's where you'll get our full Post-Plenary Report.

Katie W. Robinette
Executive Director, FOLA
Katie.robinette@fola.ca

From the President

Greetings,

I hope everyone has had a safe and fruitful autumn. As calendars start to fill up this busy season, please consider pencilling in one or more of our upcoming events and be sure to block off some time for rest and recuperation.

Our next event is a family friendly event at the Cobourg YMCA indoor play structure on Sunday, December 1st from 2 to 4pm. Complimentary for members' children and grandchildren but we encourage you to bring an unwrapped toy for donation. We are changing things up for our annual holiday party this year by moving it to a Friday (December 13th). This will be a cocktail party held at Craft Food House on Division Street, Cobourg starting at 5:30pm. There is no cost for members (complimentary first bevy) and a fee of $50 for guests. Please get RSVPs and cheques for guests to Ciara by December 4th.

FOLA is holding a Lobby Day at the Ontario Legislature on February 20, 2020 and is inviting association members to attend. Details to follow but if this is of interest be sure to block it off your calendar now.

For the second year the NCLA is hosting a Food Drive for Northumberland Fare Share. Until December 6th you can deliver your donations to the library. A list of items most needed can be found in your emails from Ciara, the NCLA facebook page or NCLA website. The food drive was tremendously successful last year and when the time came for the organization to pick up the donations they required a larger vehicle than they originally brought. I hope we are able to do this again!

In October we hosted a Green Wood Coalition "Around the Table" event in the form of a pizza dinner. We had about 25 attendees including the executive director of Green Wood Coalition, David Sheffield, who provided some information on the amazing organization and what they do within our community. Our association members generously donated over $1,000 and I hope this turns into an annual event. It is worth mentioning that the largest donations for both last year's Fare Share and the Around the Table event came from criminal lawyers. Thank-you to those association members who attended, participated and/or donated with a special shout-out to the criminal lawyers and firms for taking the lead.

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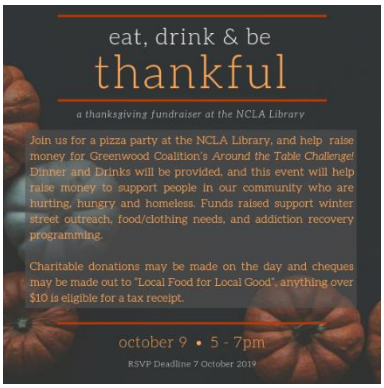

Alison Lester (past president) and I attended the Federation of Law Association bi-annual Plenary held November 14th and 15th. The biggest news to come from the Plenary is that FOLA (each association has a vote) unanimously passed a motion to accept the LIRN Unanimous Shareholder Agreement. I encourage all members to familiarize themselves with the changes coming to our Practice Resource Centres (Libraries). More information can be found here - https://fola.ca/courthouse-libraries%2Flirn.

Anyone looking for CPD hours please consider attending one of the upcoming CPD events offered at the Library – Intensive Child Protection Training Primer 20 & 21 November and Annual Estates & Trust Summit 4 & 5 December. Contact Ciara for more details.

We are hoping to initiate a revamp the robing rooms in 2020. We will be seeking input from NCLA members who regularly use the robing rooms and if you are interested or eager for change please consider providing input or joining the robing room revamp committee once created. If there are any other areas you think the association could be providing you with support in the practice of law or running of your business or you have any ideas or what to participate in any way, I encourage you to contact me at any time.

On behalf of the NCLA I wish you all a safe and restful holiday season and hope to see you at one of our upcoming events.

Meaghan Adams
NCLA President

THE NORTHUMBERLAND COUNTY LAW ASSOCIATION
EXECUTIVE COMMITTEE

President:	Meghan Adams
Vice President:	
Secretary:	Kady McCourt
Treasurer:	Nadim Kurji
Library Chair:	Morgan Payne
Member-at-Large:	Alison Lester
Member-at-Large:	Kiran Grewal

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