



THE RATIO



Editor's Note



Oops. This is embarrassing. It seems that in the hustle and bustle of gathering all of the amazing content you've come to expect in every quarterly edition of *The Ratio*, we forgot to actually release an edition. We're about a month and a half late to be precise.

As the saying goes, good things come to those who wait. With that extra month and a half, we've managed to bring you a *Wright Side of History*, *Speech from the Throne* and *Horrorscopes* that are 1.5 times better than what we would ordinarily publish. Hard to believe, isn't it?

While we try to maintain a culture of efficiency and reliability at *The Ratio*, sometimes we run our operation like the train system in Italy: we're doing our best but we may be a little late.

So stretch your eyelids, relax your neck muscles, take a deep breath, and enjoy the latest (yet late) edition of *The Ratio!*

By Jordan Lester

Editor-in-Chief/Forgetful Jones

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"I busted a mirror and got seven years of bad luck, but my lawyer thinks he can get me five."

- Stephen Wright

The Wright Side of History

Historically, the Bar dinner encouraged collegiality amongst the members of the Bar. It also provided a mechanism for the transmission of the lore and traditions of the Bar. Regrettably, the Bar dinner seems to have been taken over by the Bar reception.

The lack of dinners was identified as early as the mid-1980s. On several occasions, a dinner in honor of St. Ives, the medieval patron saint of lawyers, provided an excuse for a dinner where members of the Bar had fun exchanging stories of former practitioners and judges. One such dinner resulted in a note being printed in the Law Society of Upper Canada Gazette. It highlighted the more serious benefits of such dinners.



Tonight we come together to celebrate the feast of St. Ives, former patron saint of the Law. We do this, not because St. Ives is considered to be a Christian saint -- that is not the point. Some of us are Christians, some are not; some are believers, some are not. The point is that we are all members of a great fraternity, the fraternity of the Bar. Economic conditions have forced us to think like businessmen and to act like businessmen. But we are not businessmen! Businessmen themselves recognize that we are different. What makes us different? What is the difference between the lawyer and the insurance adjuster?

Between the lawyer and the real estate agent? The difference lies in our sense of history, our traditions and our values. St. Ives is part of that tradition. St. Ives represents all that is best in our profession. Aside from values, no other profession is noted as we are for our sense of collegiality, our sense of congeniality, and our sense of camaraderie.

Tonight then as we celebrate St. Ives we celebrate ourselves and we take the opportunity to refresh our traditions.

St. Ives was born in Britany in 1252. He studied theology and then law. He became an advocate. His austere life, his boundless charity and his humane sympathy for the poor made him universally beloved.

His motto was always: Pro Deo te adjuvabo (for the sake of God I will help you).

As a judge he was wise and upright. His first thought was always for reconciliation and settlement. In this respect he might be considered to be the inventor of the pretrial.

Tonight we dine in this Officers Mess. The advocate too is a warrior. He is a mercenary whose arms are for sale to whomever will pay. But the arms which he sells are the arms of the warrior and not of the assassin.

Tonight St. Ives reminds us that though the Advocate may sell his arms he does not sell his soul.



Mr. Justice John deP. Wright
TBLA Honourary Historian

Speech from the Throne

Happy New Year!

On November 8th and 9th I attended the Federation of Ontario Law Associations Plenary with our Vice-President (Claudia Belda) and Past President (Rene Larson).

There were various presentations from committees on licencing and accreditation, paralegals and real estate. There was also an update regarding LIRN, the replacement board for Library Co. The new board is in the process of being established, although an effective date for the commencement of the new board has yet to be determined.

The focus at the Plenary was to recognize stress and promote wellness in the profession. A very interesting panel discussion took place with members of the bar who had experienced some degree of personal stress and mental health issue. The panel offered suggestions for addressing such issues with association members who may be experiencing these issues.

On November 15th members of the TBLA and court staff gathered at Sleeping Giant Brewery to celebrate the retirement of Justice Bode. It was a very well attended event. Justice Bode was presented with a gift from the TBLA. We wish Justice Bode all the best for an amazing retirement with years of enjoyment to come!



The TBLA and Thunder Bay Police Service have implemented a revised Thunder Bay Courthouse Access Protocol Agreement which will be available on TBLA's website for review. The Agreement establishes the procedure by which TBLA members access the Courthouse and when such access will be terminated. Members of the TBLA should review the Agreement to ensure compliance.

*By Terry-Lynn Miettinen
TBLA President*



Word-wise Vandals Hit Local Firms

A pack of language-savvy mischief-makers are having their fun with our legal community's signage -- but you've got to hand it to these punks: at least they're witty.

The first target was White Macgillivray Lester, who arrived at their offices on Monday morning to find sacks full of statements of claim and process servers lined up well past the Prospector, together with no fewer than nine separate groups of religious zealots staging sit-ins and revival-meetings of various kinds.

Only when partner Duncan Macgillivray happened to look up at the exterior wall facing Red River Road, was the cause of the mayhem noticed: the second "o" had been spray-painted out of their catchy slogan, and the firm had been unwittingly declaring itself to be "Agents of God."

"Well, it appears so far that most of the claims we're getting are for damages resulting from 'Acts of God.' Until this morning, if your damages were caused by an Act of God, that meant you had no remedy. But I guess this morning, things have changed."



A Law Society point-person on new advertising guidelines, made clear that the firm was stuck with their new role, whether they liked it or not.

"Look, if you hold yourself out as Agents of God, even briefly, even inadvertently, then you're just going to have to face the music when your doors open that day. And there'll surely be music to face...I hear they're being targeted by anybody who has a beef with the Vatican, right on down to small claims against the parish priest."

But the vandals did not stop on Cumberland Street. Also hit was Tony Potestio on Balmoral Street, who lost his "-estio" to spray paint, such that morning commuters passing by his offices were confronted with a large sign reading simply, "Pot." Unsurprisingly, Potestio spent his day chasing dreadlocked stoners out of his lobby, which was quickly hot-boxed despite his best efforts. On the upside, Potestio notes that clients have never been more inclined to settle reasonably, and fired-up parties spoiling for litigation to the death, have been replaced by easy-going gigglers with a bad case of the munchies.

Petrone and Partners was swamped with enthusiastic seekers of furry friends, after spending the morning unknowingly advertising itself as "Pet Partners."

Busets was contracted to "Bus," causing mass confusion for Thunder Bay Transit, as dozens of commuters crowded Richard Buset out of his parking spot, eager to get first dibs on what was believed to be a convenient new cross-town route.

And Carrels was puzzled to find itself inundated with inquires as to whether they offered "no money down," or could provide hybrid models -- puzzled until Johanna Maki, on leaving for lunch, found her sign advertising "Cars" in towering capitals.

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The Beautiful Game

On a cool, blustery autumn day at St. Ignatius Field, Bora Laskin School of Law students challenged the Thunder Bay lawyers to a soccer game. The students, prepared to risk job prospects for a meaningless athletic competition, displayed not only their great athleticism but the fierce competitive instincts that make the practice of law the adversarial delight that it has been since feudal days.

Despite the efforts of Tim Henderson (channeling his inner Matt Murray), the students defeated the lawyers 5-0, although the score was not indicative of the quality of the play. The students were actually much better than that. Rob Stefanelli, Thomas Hunter, Ahmed Mohammed (with two) and Tamaira Davidson were the goal scorers for the students.

For the lawyers, well, Robin Clinker made a good pass once, George Joseph largely stayed on his feet, Tiffany Boisvert declined to prosecute students for their various infractions and Rosa Carlino reminded us all that she was voted Thunder Bay's favourite lawyer.

Neil McCartney was nowhere to be seen on game day, although it is unknown what difference he would have made.

Shots on goal were students-65 and lawyers-3. But the lawyers made good, intelligent shots.

It is difficult to understand for the first time participants how last year's soccer game went to penalty kicks. But that is the legend....

It is a pleasure to be allowed to interact with

our local law students. They are not only fine athletes, but genuinely nice people who will ensure that the local bar remains civil, professional and congenial. The law students are reminded that one day they too will be sixty years old and have the pleasure of watching younger people run past them.

Many thanks to Jackson Kohne and Tiffany Boisvert for organizing the event. Next year's game may be far more interesting when Mr. Pele and Mr. Maradona start their Thunder Bay law practices and pursue the most elusive and coveted honour of all; Thunder Bay's favourite lawyer.

And lawyers are much better basketball players anyway.

*By Kevin Clegorn
TBLA United*



Shortly after this photo was taken, hooligans destroyed the St. Ignatius pitch, mistaking it for Wembley Stadium due to the quality of soccer observed.

Library News!

Photocopying in the Library

After discussion with the Library Committee and the Executive, it has been decided to reduce the cost of photocopying to 0.10 cents per page for black & white copies. The cost for colour copies remains at 0.70 cents per page, but I will be bringing up a request to reduce the cost of colour copying at our next Library Committee Meeting. Any questions can be directed to the library.



Library Inventory

Inventory of the library collection is currently being done. Unfortunately, the missing items detailed in the last issue of *The Ratio*TM remain missing! Replacing Pozner and Dodd, "The Masters of Cross-Examination" DVD, Third Edition, or "The Canadian Law of Mortgages" by J. Roach is expensive and not easily covered by the library budget. Hopefully we will not find any more missing items during our inventory process.

Coffee Fund is Broke!

Coffee, tea, hot chocolate is available in the Lawyer's Lounge for the very low price of \$1.00 per cup. If you have been enjoying many cups of coffee since January without submitting payment to Helen, now is the time to pay up! Let's get the coffee fund back into the black, or at least half and half.

2018 TBLA Fall Conference Door Prize Winners

Thursday, Oct 18th

TBLA Door Prizes

- 1st (\$250 gift cards) – Meghan de Souza
- 2nd (\$150 gift cards) – Claudia Belda
- 3rd (\$100 gift card) – Fhara Pottinger



Friday, Oct 19th

TBLA Door Prizes

- 1st (\$250 gift cards) – Fhara Pottinger – AGAIN!!!
- 2nd (\$150 gift cards) – Bert Agostino
- 3rd (\$100 gift card) – Natalie Gerry

By Helen Heerema
TBLA Librarian

Coming up...

- TBLA Board meeting – February 8th @ Noon – Vic Inn
- TBLA Annual General Meeting – March 27th – Vic Inn
- Law Society Benchers Election- April 30th – The Internet
- Law Ball – May 11th – Chantrelle

Legal Horror=scope

Aries (March 21 - April 21): Instead of LPP students having to pay their law school in order to work for free at your law firm, the law school is now shifting the burden to law firms to pay for LPP students' tuition.

Taurus (April 22 - May 21): On the eve of a complicated fraud trial which you spent a considerable amount of time preparing for, you receive an email from MAG telling you that due to "a lack of resources", the trial is being adjourned until further notice.

Gemini (May 22 - June 21): A local college asks you to help run a law clerk program on an interim and unpaid basis. You ask your boss for permission, who then asks her boss for permission. They all agree. Everyone thinks you would be a perfect fit! After reading a blog post by someone who doesn't agree with your appointment, and despite no actual complaint being filed, the Law Society begins the process for having you disbarred for what it calls "diminishing the respect of the bar".

Cancer (June 22 - July 21): In exchange for their testimony, Robert Mueller has cut plea deals with your firm's law clerks, articling students, associates, I.T. person and receptionist.

Leo (July 22 - August 22): The small claims court limit is being increased from \$25,000 to \$5,000,000.

Virgo (August 23 - September 21): In an effort to modernize, the Court is embracing cloud filing. But rollout of the new system isn't going smoothly. Every single document, from every single case, in every single court in Ontario, is all getting saved in the same cloud folder, with no standardized file-naming convention.

Libra (September 22 - October 21): In response to declining marriage rates among millennials, the provincial government is replacing the *Family Law Act* with the Roman *Lex Papia et Poppaea*. Not only is the change wildly successful in encouraging marriage, but the province's population doubles within 2 years.

Scorpio (October 22 - November 22): Everything is going swimmingly in your bench election campaign until your opponent begins accusing you of sometimes dealing with clients from your private email account. Now no matter what you say while campaigning, everyone says you're untrustworthy "because emails".

Sagittarius (November 23 - December 22): A prospective client calls you saying they've just been charged under one of the "zombie laws" in the *Criminal Code*. You interpret this term literally and begin researching zombie laws by binge-watching George Romero movies.

Capricorn (December 23 - January 20): The Canadian court hierarchy is being flipped upside down. Now your court of first instance is a 9 judge panel of the Supreme Court. Your appeals then go to a 3 judge panel at the Court of Appeal panel. Then (with leave) your case goes to a single judge.

Aquarius (January 21 - February 18): In response to the Supreme Court's recent decision to strike down the mandatory victim fine surcharge, the government is looking for a new get-rich-quick-scheme. The only idea on the table so far: mandatory lawyer fine surcharge.

Pisces (February 19 - March 20): You know the old saying that a judge is like a baseball umpire? Interpreting this literally, the Minister of Justice is only appointing baseball umpires.

The TBLA L.E.A.Fs

LEAF Thunder Bay's annual Persons Day Breakfast, held on October 25th at the Finlandia Hall was an overwhelming success. On behalf of LEAF Thunder Bay, thank you to all of the generous sponsors and attendees, thank you to the Finlandia for the finntastic breakfast, and thank you to our wonderful speakers for your words and wisdom.

Pamela Grant, the Acting Executive Director of LEAF National gave opening remarks and provided a summary of the cases and works LEAF has been involved with in the past year.

Celina Reitberger presented on the opportunities for restorative justice in Thunder Bay, the Indigenous People's Court, sentencing circles, and what lawyer's need to know to utilize these services.

Jamie McGinnis spoke on the Indigenous Services provided at the Human Rights Legal Support Centre and the work that the HRLSC does.

We hope to see you all again next year, and for those who wish to become involved with LEAF or learn more about the organization and its efforts, please visit: www.leaf.ca or contact Molly MacDonald (mmacdonald@esquegalaw.com) or Natalie Gerry (ngerry@ericksonslp.com)

By Molly MacDonald

Esquega Law Office

...continued from page 4.

New arrivals on Balmoral Street, Atwood Labine, were not spared, wondering why enormous loads of spruce logs were being deposited against their front door, accompanied by frequent visits by faculty from Lakehead's forestry department. Chris Arnone solved this one, noting out his window that his large new sign had been forcibly modified to read "Wood Lab."



Cheadles lost its C and added an s, to wind up "Headless;" Tim Henderson was visited by pleasure-seekers of all kinds, his sign now reading "Hedonism," and Ericksons caused curiosity over what disgusting substance they might be concealing behind a sign that said simply "ick."

But back down town, Peter White feels there may be a way to turn it all to his advantage. "I mean, think about it. You cross us, and you might get smote. Or smited. Whatever.. We'll smite you anyway. White will smite you. You know, like, the Agents of God will Smite You? You get it, right?"

*By Neil "Wood Lab" McCartney
Atwood Labine LLP*

The Latest from Lakehead

A new term is underway at the Bora Laskin Faculty of Law. Here are some updates on what some of our student groups have been up to outside of class and what they have planned for the coming months:

- The Bora Laskin Human Rights Law and Social Justice Club aims to provide students with exposure to topics on human rights issues, such as race, gender and poverty. They present on a different topic each month and bring speakers in to discuss a human rights topic. Last semester, the club had seminars on the prison system in Canada and internationally, LGBTQ2 and sports, and a human rights lawyer from the Thunder Bay community, Warren Mouck, gave an educational presentation to students. This semester they hope to continue this process with more meaningful discussion topics, speakers and group activities.
- The Lakehead Law Journal team has been working hard to organize the publication of Volume 3: Issue 1. The new issue, to be published later this month, will feature three new articles including an article by one of Bora Laskin's own 3L students! Stay connected with the Lakehead Law Journal at www.llj.lakeheadu.ca
- The Bora Laskin Mental Health and Wellness Initiative held a successful event for Worldwide Suicide Awareness Day in September, highlighting mental health issues and concerns within in the legal profession. For this upcoming term, they have arranged for the St. John's Ambulance Therapy Dogs to attend the PACI building twice monthly for the remainder of the school year. In early March they will be holding a Mental Health and Wellness Bazaar where students will have the opportunity to listen to guest speakers, learn meditation techniques, and learn how to deal with stress in preparation for the future legal career. Anyone interested in supporting their initiatives can contact our Coordinator, Katie Akey, at kaakey@lakeheadu.ca
- The Sports Law Committee raised over \$3,000 for Dennis Franklin Cromarty High School and their athletic programs through their Annual Back-to-School Golf Tournament fundraiser in September. Thank you to all who took part!

If you would like information on any of the groups mentioned in this update, please email president.lss@lakeheadu.ca and I would be happy to put you in touch!

*By Jordynne Hislop
President – Lakehead LSS*

**Your legacy
is enriching
my future.**

For information on how to include a charitable gift in your will to Lakehead University contact Lee-Anne Camlin at:

The support I received through the estate of Florence Shuttleworth-Higgins has allowed me to focus more on my studies, bringing me closer to my career goals and dreams.

– **Marinda Tran**, Bachelor of Arts, Recipient of the Florence Higgins Music Scholarship (2017), Lakehead University



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All requests remain confidential with no obligation

 **Lakehead**
UNIVERSITY

The Fishbowl

(Still not sure how we feel about this name yet)

New members:

Adam Blake-Gallipeau - **Articling, Bird & Thatcher**
 Geoffrey Chambers-Bedard - **Articling, Buset LLP**
 Elisa Coates - **Articling, PM Law**
 Serena Dykstra - **Articling, Cupello & Company**
 Adam Mason - **Clerking, Superior Court of Justice**
 Allister McGillivray - **Articling, Petrone & Partners**
 Lilian Taylor - **Articling, City of Thunder Bay**
 Ryan Venn - **Articling, Ericksons LLP**

New Associates:

Jessica Alves - **Buset LLP**
 Deborah de Bakker - **de Bakker & de Bakker**
 Leslie de Meulles - **Weiler Maloney Nelson**
 Richard Garrett - **Bird & Thatcher**
 Christopher Gash - **McKitricks**
 Karen Hagman - **Atwood Labine LLP**
 Melanie Mayhew-Hammond - **Johansen Law**
 Justin McConnell - **Stam Law**
 Stella Njogu
 Matthew Smiley - **Buset LLP**
 Patricia Vo - **Sacevich Law**
 Hayley Yorke - **O'Neill & Associates**



Photo of the Quarter

Duncan Macgillivray gives a riveting presentation at the civil law program of the CLE, while Warren Mouck (far right) struggles to stay awake, and someone in a blue suit against the back wall occupies themselves on their phone.