



«The Lifetime Achievement Award» of the Bar of Montreal to Me Casper M. Bloom, Q.C., Ad.E.



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“The Lifetime Achievement Award” To Me Casper M. Bloom, Q.C., Ad.E

March 22nd , 2016 Annual General Meeting
of the English-Speaking Section of the Bar of Montreal

By Me Ian M. Solloway, chair of the
English-speaking section of the Bar of Montreal

The Award is worded as follows: The “Lifetime Achievement Award” is to be given from time to time by the English-Speaking Section of the Bar of Montreal to a worthy recipient who meets the following criteria:

“is a current or former member in good standing of the Bar of Montreal; who, throughout his/her career has demonstrated excellence in the profession, outstanding leadership in the profession, outstanding service to the profession and has contributed to the enhancement of the image of the profession.”

The first recipient was Me J. Vincent O’Donnell, Q.C., in 2013 who is present this evening.

This year, after due deliberation, the English-Speaking Section has decided to present our “Lifetime Achievement Award” to one our Bar’s most distinguished members, Me Casper M. Bloom, Q.C., Ad.E.

John Coleman, one of Casper’s former partners of Norton Rose Fulbright was asked to say a few words on behalf of the firm. In his sardonic style,



Me Casper M. Bloom, Q.C., Ad.E.

Coleman had the whole audience laughing as he listed events Casper Bloom played a role in in his long career at the firm.

Ian M.Solloway said that when he advised Casper that he would be receiving the “Lifetime Achievement Award”, I did what any Chair of such an occasion would do- I asked him to send me a short biographical sketch with the highlights of his career, an abridged version of his cv, if you will.

“I quickly learned that asking Casper for a “short biographical sketch” is like someone asking the late Professor Paul Crépeau to summarize the Civil Code in 25 Articles. Simply put, it can’t be done!”



Bloom family

Casper Bloom received his Bachelor of Arts from McGill in 1957, his Masters in Business Administration from the University of Western Ontario in 1959, and his "Licence en Droit" with Distinction from "Université de Montréal" in 1966. Called to the Quebec Bar in 1967, he began his practice with the law firm of Ogilvy, Cope, Porteous, Hansard, Marler, Montgomery & Renault, later, Ogilvy Renault, which today is the law firm, Norton Rose Fulbright, where he rapidly developed a reputation as a specialist in a number of private and public domains: notably, in Administrative and Labour Law.

Me Bloom's long-standing relationship with his firm Ogilvy Renault, where he eventually became senior partner specializing in employment, labour and transactional law, continued for 33 years until 2000.

From 2000 to 2002, Me Bloom served as President and Chief Executive Officer of the Canadian Lake Carriers Association, where he was responsible for the labour relations of all the major carriers in the Great Lakes and St-Lawrence Seaway system. From 2002 to 2006, Me Bloom served as legal counsel and Director of Academic and Employer relations at Concordia University.

From 2007-2013, Me Casper Bloom served as Chair of the Public Service Labour Relations Board of Canada, an independent quasi-judicial tribunal responsible for administrating the collective bargaining and grievance adjudication systems in the federal public service and institutions in Parliament – the House of Commons, Senate, Library



of Parliament and the Office of the Conflicts of Interest and Ethics Commissioner. In 2013, Me Bloom joined the firm of Bergman & Associates as Counsel.

Recognized both provincially and nationally for his public-law advocacy, Me Bloom, who is fluently bilingual, has been active in the political life of Quebec and Canada throughout his distinguished career, working for linguistic rights and for Canadian Unity. As such, he has been called upon to testify regularly before numerous Federal and Quebec Government Commissions, including Royal Commissions, on matters of linguistic rights, constitutional issues and electoral law.

He has served in a host of professional capacities, including terms as Membership Chair of the Canadian Bar Association (1984-1985) ; Bâtonnier of the Bar of Montreal (1993-1994); President of the Lord Reading Law Society (1997-1998), where he continues to sit on the Executive Committee; and President of the Canadian Bar Associations, Quebec Branch (2006-2007).

In addition, he has served as a member of the Federal Court Challenges Program, the Comité Administratif / Conseil Général du Barreau du Québec (1992-1994), as well as a Governor of the Quebec Bar Foundation since 1995, and is currently a Trustee of the Foundation for Legal Research.

His community activities include serving as a director of the Council of Quebec Minorities (1980 – 1981); being one of the Founders of Alliance



Alan Stein, Ian Solloway, Eric Maldoff, and Hon. Irwin Cotler, former Minister of Justice and Attorney General of Canada



Hon. Jacques R. Fournier, Chief Justice of the Québec Superior Court Hon. Nicole Duval Hesler, Chief Justice of Québec Ian Solloway

Quebec and serving as its Chair from 1985-1987; serving on the Board of Canadian Jewish Congress, where he was Honorary Legal Counsel from 2001 - 2004, the Friends of Tel Aviv University and the Board of Directors and Executive Committee of the McGill University Health Centre Foundation. He is also a Life Governor of the Douglas Hospital.

Casper has received many awards and distinctions during his illustrious career. Appointed as a Queen's Council in 1985, he is recognized in the Canadian Legal Lexpert Directory as a leading practitioner in Canada in the Labour and Employment Law. In 1994, Me Bloom received the "Lord Reading Law Society Human Rights Award" for "his commitment to the law and to the Jewish Community". In 1998, he received the "Award of Distinction" of the Department of Justice Canada for "his contributions to Canada's legal, linguistic and cultural duality".

In 2000, Me Bloom received the "Merite du Barreau du Quebec" for his outstanding contribution to the activities of the Quebec Bar. "In 2007, Me Bloom was conferred an Ad. E. ("Advocatus Emeritus"). In 2009, he received the "Distinguished Service Award" from the Canadian Jewish Congress, as well as the "Sheila and Victor Goldbloom Distinguished Community Services Award" for, and I quote, "having gone above and beyond in contributing to the vitality and understanding of English-Speaking Quebec". Casper was awarded "The Past Presidents' Medal" of the Lord Reading Law Society in 2012, for "having achieved excellence in the legal profession, having made a significant contribution of service to the community and for embodying the highest standards of integrity".

Me Bloom a reçu "la médaille de l'Assemblée Nationale" en 2007, et "la médaille du Jubilé de la Reine" en 2012, "en reconnaissance de son dévouement envers le Canada". En 2016, Me Bloom était

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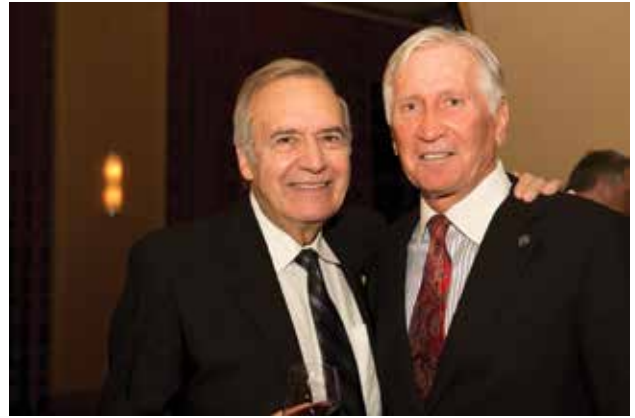
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Norton Rose Fulbright congratulates Casper Bloom on receiving the Lifetime Achievement Award from the English-speaking section of the Bar of Montreal.

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Hon. Jacques R. Fournier, Chief Justice of the Québec Superior Court, Hon. Nicole Duval Hesler, Chief Justice of Québec, Hon. Eva Petras, Associate Chief Justice of the Québec Superior Court



Hon. Morton S. Minc, former Chief Judge of the Montreal Municipal Court Casper

nommé "Diplômé de l'Année" par L'Université de Montréal.

Tout au long de sa carrière, Casper Bloom a été reconnu pour son engagement et sa volonté à faciliter l'accès à la justice en langue anglaise par

le grand public ainsi que par la profession légale partout dans le district judiciaire de Montréal. Depuis 2008, il a été président du comité permanent du Barreau de Montréal à l'accès à la justice en langue anglaise qui a pour mission d'assurer l'accès à la justice en langue anglaise à tous les justiciables qui y ont droit devant toutes les instances judiciaires, quasi-judiciaires, ou administratives qui tiennent des audiences sur le territoire desservi par le Barreau de Montréal."

Most recently, Casper has played a lead role in convincing the Government of Quebec of the paramountcy of immediately establishing a procedure to deal with correcting the dismal English version of the New Code of Civil Procedure which came into force on January 1st, 2016, and is now part of our day to day reality as lawyers, as well as to establish a process that will ensure in the future, French and English versions of Quebec legislation will be drafted together and adopted at the same time.

I would venture to say, however, that the work Casper and the members of his advisory committee accomplished on the amendments to the Civil Code of Quebec is perhaps one of his proudest, if not his proudest accomplishment.

This was a 20 + year saga which began on January 1st, 1994 with the coming into force of the then newly revised Civil Code of Quebec.

Even before the new Civil Code came into force in 1994, the Montreal Gazette declared in an editorial:

There are 4 English-Speaking positions on this year's (2016-2017) Montreal Bar Council :

The following persons were acclaimed for these 4 positions at the Annual General Meeting of the Bar of Montreal held on May 4'th, 2016.

- Me Brian Mitchell (First Councillor);
- Me Michael Bergman (Treasurer);
- Me Robin Schiller (Councillor);
- Me Ashley Kandestin (Young Bar representative)

Ian M. Solloway was acclaimed as Chair of the English-Speaking Section of the Bar of Montreal for 2016-2017 (an 8'th consecutive term) at the Annual General Meeting of the English-Speaking Section held on March 22,2016, which preceded " The Lifetime Achievement Award" ceremony for Me Casper Bloom.

"Unfortunately, the English language version of the 3,168 articles is a disaster...The translation sometimes reads like a robotic, word-for-word rendering from a computer on the blink. In fact, the quality is so spotty that it defeats the purpose of a legal code, which is to establish the principles of justice in clear language".

Casper Bloom happened to be the Batonnier of Montreal at the time and declared publicly at the "rentrée judiciaire" that year what a terrible mess the government had left the legal profession and the public in with the new Quebec Civil Code. That is when the Barreau du Quebec approached Casper and asked him to do something about this legislative mess. Casper accepted what would prove to be a monumental mandate and challenge which occupied him for the next 20 + years. He created the Joint Committee of the Quebec Bar and the Quebec Chambre des Notaires whose function it was to oversee the work to be undertaken by 10 specialized sub-committees set up to review each of the 10 Books of the Civil Code. Over the next 20 years, over 5,000 recommendations for the modification to the 1994 Civil Code were made. During the Spring Session of the National Assembly in 2014, some 3,600 amendments of an administrative nature were adopted. Just last month, Bill 89 was tabled in the National

Assembly, dealing with 400 articles of a substantive nature. The enormous work of Casper Bloom and his Committee was praised publicly in the National Assembly that day Minister of Justice Mme Stephanie Vallée and Opposition Justice critic, Mme Véronique Hivon, the latter referring to Casper as follows;

"...juste pour vous dire à quel point il y a des gens qui sont tenaces et persévérants et à quel point il y a des membres, donc, de la communauté Anglophone, notamment juridique, du Québec, qui se sont mobilisés pour améliorer la concordance entre les deux versions".

Bill 89 has now completed the committee stage of article by article study and I have it on good authority that the Bill should be adopted any day now.

Again, a monumental and historical achievement by Casper Bloom and his team!

Permit me some personal re-

marks about Casper whom I have known and worked with as a colleague for over 30 years at The Lord Reading Law Society and in our various roles at the Bar of Montreal. To describe Casper is to describe a man who is thoughtful, who not only hears, but listens before he speaks; a man who, when he speaks, does so with conviction, yet always with fairness and with respect for the other's point of view. Casper Bloom is a man of principle, and of integrity – a tireless advocate and champion for what he believes in.

What words come to mind if I were asked to characterize the work, contributions and accomplishments of Casper Bloom – the words are "service", "justice", "engagement" and "the rule of law". These words are not just "motherhood, "apple-pie expressions" when it comes to Casper. They are an integral part of who he is concluded Ian M.Solloway, chair of the English-speaking section of the Bar of Montreal who presented the award to Casper M. Bloom at the May 22nd annual meeting at the St.James Club.



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Lex Est Dictamen Rationis

In recognition of Casper Bloom's lifetime of dedication to and advocacy of the law and justice.

Congratulations to Casper Bloom, counsel to Bergman & Associates, Lawyers.

Volume 3, number 1

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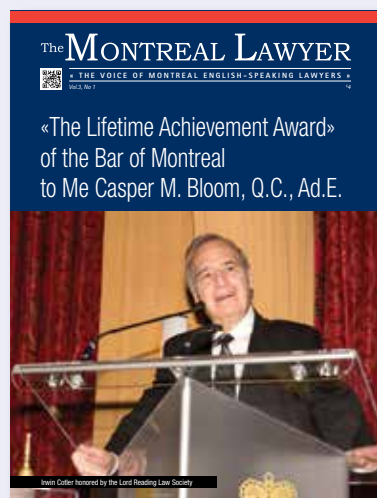
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Goodwill and other intangible assets of a law firm

— Part 2

By Richard M. Wise Partner, MNP LLP

GOODWILL

The English Law Lords had addressed the subject of goodwill from a legal perspective on several occasions in the 19th century and early part of the 20th century.

Lord Macnaghten:

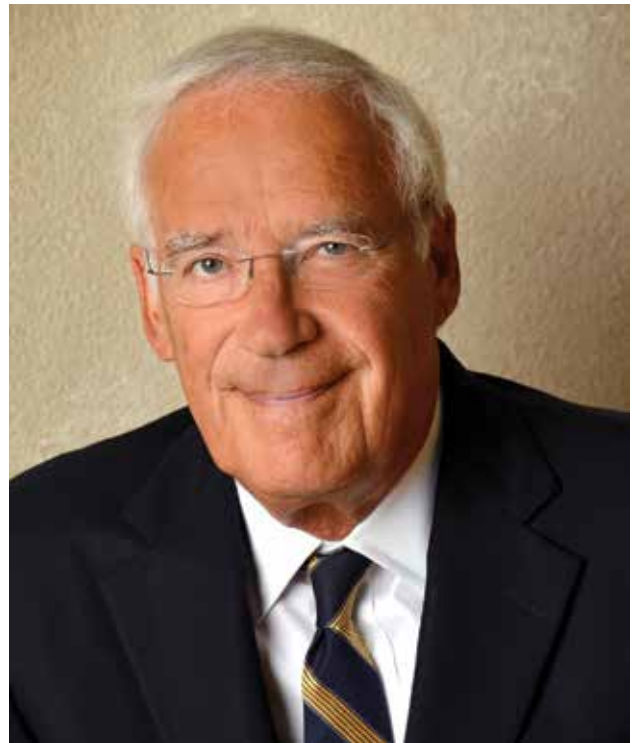
"What is goodwill? It is a thing very easy to describe, very difficult to define.

...

"... it is the one thing which distinguishes an old-established business from a new business at its first start. The goodwill of a business must emanate from a particular center or source. However widely extended or diffused its influence may be, goodwill is worth nothing unless it has power or attraction sufficient to bring customers home to the source from which it emanates. Goodwill is composed of a variety of elements. It differs in its composition in different trades and in different businesses in the same trade. One element may preponderate here and another element there."¹

Lord Lindley described goodwill as follows:

"Goodwill regarded as property has no meaning except in connection with some trade, business, or calling. In that connection I understand the word to include whatever adds value to a business by reason of situation, name and reputation, connection, introduction to old customers, and agreed absence from competition, or any of these



things, and there may be others which do not occur to me."²

Lord Herschell's definition was:

"It is the connection thus formed, together with the circumstances, whether of habit or otherwise, which tend to make it permanent, that constitutes the goodwill of a business. It is this which constitutes the difference between a business just started, which has no goodwill attached to it, and one which has acquired a goodwill. The former trader has to seek out his customers from among the community as best he can. The latter has a custom ready made."³

Lord High Chancellor Chelmsford stated in his 1858 decision in *Austen v. Boys*:⁴

"It is very difficult to give any intelligible meaning to the term 'goodwill', as applicable to the professional practice of a solicitor in this abstract sense. Where a trade is established in a particular place, the goodwill of that trade means nothing more than the sum of money which any person would be willing to give for the chance of being able to keep the trade connected with the place where it has been carried on. It was truly said in argument that 'goodwill' is something distinct from the profits of a business, although, in determining its value, the profits are necessarily taken into account, and it is usually estimated at so many years' purchase upon the amount of those profits. But the term 'goodwill' seems wholly inapplicable to the business of a solicitor, which has no local existence, but is entirely personal, depending upon the trust and confidence which persons may repose in his integrity, and ability to conduct their legal affairs".

The practice of law through a partnership as opposed to a sole proprietorship increases the likelihood that there is goodwill (i.e., practice goodwill) because it is more probable that a firm will continue even if one of its partners leaves the practice. Notwithstanding, as goodwill it must nonetheless be established that goodwill actually existed for it to be a transferable asset.⁵ In a Québec case, *Marwick and Mitchell v. Kerr*, Supreme Court Justice Brodeur stated that ... "what was acquired by W.B. Peat & Co. was [an] interest in the business and goodwill of Marwick, Mitchell & Co." (and not the individual partnership interests owned by Messrs. Marwick and Mitchell).⁶

A firm's clientele cannot be sold in the same way as an object. The continuity of a clientele's relationship is based on the clients' perception that the successor firm will maintain the professional qualities sought by the clients. As was noted in Part 1 of this article, to assure continuity, the transfer of clientele between lawyers involves co-operation between the vendor and the purchaser, as well as acceptance by the client. The objective of a transfer is to "replace" the personal characteristics of a lawyer who had attracted the clients with other characteristics of the purchaser (successor) while guaranteeing the same legal expertise, quality of service and trust. In effect, what is being transferred is the

"transferable" client list and identified members of the professional team.

There are the following types of goodwill:

- Commercial goodwill.
- Individual goodwill.
- Personal goodwill.

Commercial Goodwill

Commercial goodwill attaches to the business or firm. It generally can be subdivided into three categories:

- (a) Goodwill of product, which accrues to a business because of the quality/identification of the product in the eyes of the public (e.g., recognizable national brand).
- (b) Goodwill of service, which accrues to a business by virtue of the identity, reputation and acceptance of its services in the eyes of its clients or customers. It attaches to the firm, and therefore is commercial. In a commercial business, as opposed to a professional practice, its value is a function of the excess of the profits or cash flows of the business over a normal return on the value of its net tangible assets (excluding non-operating assets). This excess is "capitalized" (converted to a risk-affected, present-valued, capital sum expressed as of the effective valuation date).
- (c) Goodwill of location, which accrues to a business because of its physical or strategic location (e.g., retail store in a high-traffic location, fast-food restaurant, newsstand, etc.).⁷

Practice goodwill is commercial goodwill and, in the case of a law firm, the various factors that were enumerated in Part 1 of this article are considered, as applicable, in valuing a law practice.

The Canada Revenue Agency notes with respect to goodwill in general:

"Goodwill cannot be divorced from the business itself. It follows the business and may be sold with the business, but it cannot be sold separately. Generally, goodwill arises as a recognizable asset only when a business is acquired at a price

in excess of the value, as a going concern, of its net assets.”⁸

Presumably, the “net assets” are the net tangible assets and identifiable intangible assets (e.g., patents, copyrights, licences, customer/client list, etc.)

Individual Goodwill

This category of goodwill (to be differentiated from “personal goodwill” – discussed below) accrues to the business by virtue of having one or more employees who are highly capable, have valuable business contacts (customers, suppliers, bankers, contractors, etc.), a good reputation and special know-how, such that – absent such abilities – there would be an adverse effect on the sustainability of the firm’s level of gross billings or net income earned by the practice. Should such employee resign from the employ of the business and then compete with it either on his or her own or join a competitor, the firm could suffer. In such a situation, the business would likely seek and be able to employ other able and talented individuals to assume the role of the departed individual who decided to compete with the business. Unlike personal goodwill – as will be noted below – individual goodwill does not expire when the individual departs or withdraws from the business or dies.

When a non-competition agreement is sought by an employer who hires the employee or purchaser of the business, the agreement results in individual goodwill having commercial value (which can generally be quantified).

Personal Goodwill

Because personal goodwill is not transferable, it has no commercial value.⁹

Personal goodwill may add to, or be included in, the value of the firm, but cannot be sold as an asset of the firm. It belongs to the individual (personal skills, reputation, special relationships, etc.).

If personal goodwill is present, the question is how much an informed, uncompelled purchaser would pay for the business, knowing that the loss of this employee or “rain-maker” may adversely impact the firm.

Other intangibles, including intellectual property

Lawyers will often take the necessary steps to protect their clients’ intellectual property and other proprietary assets, but rarely pay much attention to the intangible assets that their own firm might possess. As noted earlier in Part 1 of this article, a law firm’s balance sheet will rarely reflect the intangibles, including intellectual property, of the practice. The intangibles often represent the highest proportion of any firm’s overall value, whether a trading company or a professional firm.

Law firms can and do own many different kinds of intangibles. The types of intangible property a law firm may own include, inter alia:

- clients and client relationships (the transferable client list, recognizing that clients are ultimately free to choose their lawyers whenever they wish);
- network of contacts and referral sources;
- trained, assembled, professional staff (human capital);
- proprietary computer software, e.g., internally-developed software for research, procedures or tracking



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down or monitoring data;

- copyrights of technical material, e.g., manuals, client newsletters and literary works;

• logos;

- relationships or affiliations with other law firms in a global setting, international affiliations potentially be-

Depiction of Law in Film and Television is Subject of July 20 Program

The depiction of the law in art and culture is as old as storytelling. Its manifestation in moving pictures often focuses on questions and concerns about the rule of law and equal citizenship in a well-functioning democracy.

The Law Library of Congress and the Library's Packard Campus for Audio Visual Conservation will offer a program highlighting the depiction of law in film and television at 1:30 p.m. on Wednesday, July 20 at the Packard Campus Theater, located at 19053 Mount Pony Road, Culpeper, Virginia. The event is free and open to the public, and no tickets are required.

The event will feature Professor of Law Jessica Silbey from Northeastern University School of Law. Silbey will present a lecture titled "A History of Law in American Film" with a focus on the courtroom process—from the beginning of film in 1895 to the present day. She will also reference the depiction of the law in other forms of popular culture. As part of the Law Library's ongoing commemoration of the 50th anniversary of the United States Supreme Court decision, *Miranda v. Arizona*, the program will also feature a film montage that will show the reading of the *Miranda* Warning over the past 50 years in film and television.

Silbey is an expert on the use of film to communicate about law. Her writing explores how film is used as a legal tool and how it becomes an object of legal analysis. Her publications on this subject include "Law and Justice on the Small Screen" with Peter Robson (Hart, 2012); "Picturing Moral Arguments in a Fraught Legal Arena: Fetuses, Phantoms and Ultrasounds," 16 *Geo. J. Gender & Law* (2015); "Images In/Of Law," 57 *N.Y.L.S. L. R.* 171 (2012/2013); "Evidence Verité and the Law of Film," 31 *Cardozo L. R.* 1257 (2010); "Cross-Examining Film," 8 *U. Md. J. Race, Religion & Gender & L.* 101 (2008); "Filmmaking in the Precinct House and the Genre of Documentary Film," 29 *Colum. J. L. & Arts.* 107 (2006); and "Judges as Film Critics: New Approaches to Filmic Evidence," 39 *Mich. J. L. Reform* 493 (2004).

Silbey teaches in the areas of intellectual property and constitutional law. Her intellectual property research focuses

on the empirical and humanistic dimensions of the legal regulation of creative and innovative work. She explores this theme in "The Eureka Myth: Creators, Innovators and Everyday Intellectual Property" (Stanford University Press, 2015). Silbey holds a bachelor's degree from Stanford University and a JD and Ph.D. in comparative literature from the University of Michigan.

The Library of Congress is the world's largest library, offering access to the creative record of the United States—and extensive materials from around the world—both on site and online. It is the main research arm of the U.S. Congress and the home of the U.S. Copyright Office. Explore collections, reference services and other programs and plan a visit at loc.gov, access the official site for U.S. federal legislative information at congress.gov, and register creative works of authorship at copyright.gov.

The Library of Congress Packard Campus for Audio Visual Conservation is a state-of-the-art facility funded as a gift to the nation by the Packard Humanities Institute. The Packard Campus is the site where the nation's library acquires, preserves and provides access to the world's largest and most comprehensive collection of motion pictures, television programs, radio broadcasts and sound recordings (loc.gov/avconservation/). The Packard Campus is home to more than 7 million collection items. It provides staff support for the Library of Congress National Film Preservation Board (loc.gov/film/), the National Recording Preservation Board (loc.gov/rr/record/nrpb/) and the national registries for film and recorded sound.

The Law Library of Congress was founded in 1832 with the mission to make its resources available to members of Congress, the Supreme Court, other branches of the U.S. government and the global legal community, and to sustain and preserve a universal collection of law for future generations. With more than 2.9 million volumes, the Law Library contains the world's largest collection of law books and other resources from all countries and provides online databases and guides to legal information worldwide through its website at loc.gov/law/.

ing the source of important referrals;

- leasehold interests, e.g., where the firm has a long-term lease and, say, might be paying rent that is substantially lower than current and future market rates; possibly for an entire floor or two of a "prestigious" building;
- non-competition agreements with former firm members, particularly when such firm members are high-powered lawyers;
- contracts with clients, e.g., large government contracts, retainer agreements, etc.
- databases containing jurisprudence, articles, client records, client industries, leads and information on competitors, etc.;
- a law library, particularly at a larger firm, including law books and reference materials, some of which may be highly specialized or date back to the 1800s;
- historical items (particularly at older firms — these could have value even if only to frame and hang in the reception area of the office);
- the law firm's reputation in the public marketplace and the confidence potential clients have in it (included in practice goodwill);

- marketing, public relations and proprietary graphic-design materials — extensive work may have gone into the creation of such documents, such as market testing or surveys;
- Internet domain names; and
- communications bandwidth and security to support massive data transfer/storage, remote functionality and state-of-the-art video conferencing (as compared to multi-line telephone with voice mail and a dedicated telecopier line).

When an acquisition or merger is being negotiated, the foregoing factors are considered by the purchaser and vendor, or merging practices.

Part 3 of this article will identify the types of factors generally considered in allocating a law firm's profit among the partners in establishing annual compensation.

¹ *CIR v. Muller & Co's Margarine, Limited*, [1901] AC 217, 223 (HL).

² [1901] AC 217, 235 (HL).

³ *Trego v. Hunt*, [1896] AC 7, 17-18 (HL).

⁴ *The Jurist — Reports*, Vol. IV-Part 1 (1858), p. 721.

⁵ *Hill v. Fearis*, [1905] 1 Ch. 466 (Australia); *MNR v. Ouellette et al*, [1971] CTC 121 (Ex. Ct.), *aff'd* [1975] CTC 111 (SCC).

⁶ *Q.R. 24 K.B. 321 (Que.)*, *aff'd* (1916), 53 SCR 1.

⁷ *The Queen v. Saskatoon Drug & Stationery Co.*, [1979] 1 FC 442, and *Cruttwell v. Lye*, 17 Ves. R. 335, 34 ER 129, 134 (Ch. 1810).

⁸ *Interpretation Bulletin IT-143R3*, "Meaning of Eligible Capital Expenditures", August 29, 2002, para. 5.

⁹ *Losey v. MNR*, [1957] CTC 146 (Ex.Ct.).

The advertisement features a red and white color scheme. At the top left is the CRAC logo, which consists of a stylized eye icon above the letters 'CRAC'. To the right of the logo, the text 'Trade-mark Services' is written in a bold, sans-serif font, with 'Corporate Research and Analysis Centre' underneath it in a smaller font. Below this header, there are three main sections, each with a red header bar and a white content area. The first section is titled 'Benefits of Trade-mark Registration in Canada' and lists five bullet points: 'Presumption as to trade-mark's ownership', 'Exclusive right to use the trade-mark throughout Canada', 'Incontestability after 5 years of registration', 'Efficient means of dissuading third parties from adopting confusing trade-marks', and 'Increased market value'. The second section is titled 'Advantages of Using our Trade-mark Services' and lists four bullet points: 'Variety of searches to meet every budget', 'Strategic advantage: we provide a summary evaluation as to availability', 'Interruption of a search if a highly similar mark is located (Canada & U.S.)', and 'Filing and Registration services'. The third section is titled 'Other IP Services' and lists five bullet points: 'Ordering Official Documents', 'Registration of Assignments and Securities', 'Trade-mark Watching Service', 'Opposition Proceedings (Canada)', and 'Summary Expungement Proceedings (Canada)'. At the bottom of the advertisement, a red banner contains the text 'Visit www.crac.com for a free quote'.

Cotler nominated for Nobel Peace Prize by Dershowitz

By Janice Arnold of *The Canadian Jewish News* reprinted with permission

It would be the crowning achievement of Irwin Cotler's lifetime of human rights advocacy and the pursuit of justice: the Nobel Peace Prize.

The retired member of Parliament and McGill University law professor will be ascending the stage at Oslo city hall if Alan Dershowitz, the prominent Harvard law professor, criminal defence lawyer and author, has his way.

Dershowitz, who described Cotler as "the most important human rights activist in the world today," has nominated his longtime friend and colleague for the prize, he announced at a tribute dinner for Cotler, hosted by the Lord Reading Law Society (LRLS) on May 25 at Congregation Shaar Hashomayim.

Before the sold-out audience of more than 600, Dershowitz read the letter he sent to the Nobel committee.

He cited Cotler's "apolitical, non-partisan" approach to advocacy, which has seen him defend people across the political and geographical spectrum.

Unlike many others working in human rights, Dershowitz contends Cotler espouses "no ideological agenda."

"His human rights agenda remains pure, and not hijacked or diluted by any political group," he said, and that has been the case for over 50 years. Activists today commonly have "hidden agendas" and only "pretend to be neutral," he claimed.

Cotler acts without seeking remuneration or personal recognition, added Dershowitz, who first met Cotler a half-century ago at Yale.

"He speaks truth to power and, because he is Canadian, he does it politely; he is so nice."

This was no swan song for Cotler, who stepped down from politics after the federal election in October, after serving as MP for Mount Royal for 16 years, and is now professor emeritus.



Honoree Irwin Cotler, left, is seen with guest speaker Alan Dershowitz, right, and dinner MC Raphael Schachter. JANICE ARNOLD PHOTO

Cotler has founded and heads the Raoul Wallenberg Centre for Human Rights, through which he continues his advocacy, notably in the defence of political prisoners, genocide prevention and combating anti-Semitism and racism.

Part of the evening's proceeds will go to the centre.

Also paying homage were Nicholas Kasirer, a justice of the Quebec Court of Appeal and former McGill dean of law, who was a student of Cotler's; Supreme Court Justice Rosalie Abella, and, in absentia, Prime Minister Justin Trudeau and former prime minister Paul Martin, who appointed Cotler justice minister and attorney general in 2003.

In case the Nobel doesn't come through, the LRLS, "the collective voice of Jewish jurists" in Quebec since 1948, sent an "express mandamus" to the government of Canada requiring it to appoint Cotler to the Supreme Court. There will be a vacancy when Thomas Cromwell retires in September.

Abella, also a longtime friend of Cotler, had the sad duty of delivering the unanimous decision of the High Court that, while Cotler "in theory would be an outstanding justice," it had to dismiss the application.

In a parody of legal lingo, tongue firmly in cheek, she enumerated the reasons: he is not from the Maritimes, at 76 he

is past the mandatory retirement age, and his international experience in attempting to free political prisoners would contribute little to the Supreme Court's current preoccupation with "standard of review jurisprudence."

In summary, the High Court did not buy the LRLS's argument that putting Cotler on the bench would have "a discriminatory effect on 76-year-old Jewish lawyers from Montreal with a passion for human rights."

Abella was one of five Supreme Court judges attending the event.

In a more serious vein, Abella praised Cotler for turning his "profound commitment to his Jewishness... into a crusade of tolerance for all," and, on a personal note, characterized him as both "a legal sophisticate and a schmaltzy mensch."

In his remarks, Cotler reiterated his belief that Canada should enact a so-called "Magnitsky" law to punish Russian officials believed to be responsible for the death of whistle-blowing Russian lawyer Sergei Magnitsky in 2009.

Magnitsky was arrested and tortured to death in prison after investigating tax fraud involving senior people in government.

In 2012, Cotler was unsuccessful in getting a private member's bill accepted by the House of Commons that would penalize the perpetrators by such means as denying them visas and seizing their assets. The U.S. Congress had just passed a bipartisan bill to that effect.

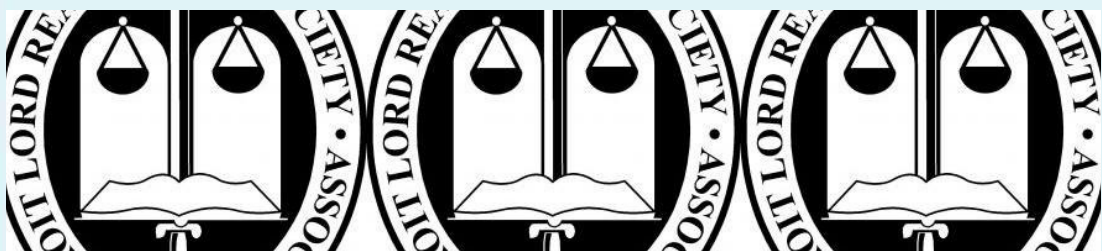
The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) is an independent academic institution of Lund University established in 1986 after monumental humanitarian work of Raoul Wallenberg. The mission of the institute is to promote universal respect for international human rights law and international humanitarian law by means of research, academic education, and international development, and intent to be a centre of excellence meeting the highest international standards in all its fields of operation, contributing to the development of societies based on a human rights culture.

In addition to research and academic education programmes, RWI has provided development programme for institutions in developing countries, including Asia Pacific Forum, mainly with the support of Swedish International Development Cooperation Agency (Sida).



THE LORD READING LAW SOCIETY WAS HONoured TO PAY TRIBUTE TO OUR LONGTIME MEMBER IRWIN COTLER, PC, OC AT THE SOCIETY'S ANNUAL HUMAN RIGHTS DINNER ON MAY 25, 2016.

WE WISH PROFESSOR COTLER CONTINUED SUCCESS AS HE CONTINUES HIS PURSUIT OF JUSTICE AT THE HELM OF THE RAOUL WALLEMBERG CENTRE FOR HUMAN RIGHTS.



How to pay \$235,000 for a diamond that costs more than 4 million dollars

By Olga Shevchenko

Every now and then, lawyers and courts are dealing with the cases related to jewelry. For instance, this one – about how a large, 20 carats diamond has become notoriously famous.

The story started in 2013 when an antiques and jewelry dealer Thomas DePrince got on a cruise ship Starboard Cruise Services. While visiting the ship jewelry boutique, he saw a large 20.73 ct. E VVS2 emerald-cut diamond and asked about its price. Needless to say, that diamonds of this size are rare, particularly with such good characteristics. The boutique manager had never dealt with such exceptional jewelry and he asked the company corporate office regarding the price.

The supplier's response was \$235,000 USD; however, it was not specified that that price was per carat. Unfortunately, the salesperson was unaware of those technicalities. After the consultation with his life partner, who turned out to be a gemologist and who realized the value of the diamond (LePrince quickly paid \$235,000USD for) which price in those days would only be \$4.85 million! Not a bad deal for a 20.73 ct. E VVS2 emerald-cut diamond!

Only five days later, Starboard discovered the mistake. Naturally, they wanted to cancel the sale and, thus, they offered DePrince discounts for further cruises. However, what all these cruises would mean compared with millions of dollars comprising the diamond value! DePrince did not



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want to annul the sale and he filed a suit in Miami-Dade County court; the claim was a breach of contract.

In the first round, the judge granted the cruise line's motion for summary judgment. He argued that Starboard committed a unilateral mistake, and DePrince would not suffer any damages if the sale was canceled. However, the ruling was reversed by Florida's Third District Court of Appeal; it was called an open question whether Starboard acted negligently.

At trial, the jury found that Starboard had committed a "unilateral mistake" and therefore did not have to go through with the deal selling the diamond at the price that had never been meant.

However, according to the lawyer of DePrince, he is not satisfied by the jury's verdict. His comment is: "The Florida Appeals Court one year ago corrected significant errors committed by the trial court. That court was very clear as

to how the case should be handled. It is clear that, once again, Mr. DePrince will have to request the assistance of the Appeals Court to correct fundamental error committed by the trial court. We are confident that in the end, Starboard will be held responsible for their own contract—a deal is a deal."

Being a jewelry dealer, DePrince had obviously realized the value of the diamond and he knew that it was a bargain. Should he have advised the salesperson that the latter was making a very expensive mistake and the diamond price

was much higher than \$235,000 USD? Or, a deal is a deal and it is not De Prince's fault that Starboard's salesperson was incompetent?

Probably, we should go on a cruise - maybe we will have a chance to have a bargain as well?

You may purchase designer jewelry created by Jewelry Olga at the Boutique of Museum of Fine Arts of Montreal.

A Journey Through Time

About Pompeii exhibition at the Montreal Museum of Fine Arts.

A unique Pompeii Exhibition is being held in the Montreal Museum of Fine Arts. This is a fantastic opportunity to see an ancient Roman town of Pompeii that was destroyed by a fatal eruption of Vesuvius in 88 AD. Due to the nature of the volcano, the town had been buried under meters of hardened ashes of ashes for more than 16 centuries, to be rediscovered only in the 1748.

Among the artifacts, pieces of jewelry are exhibited. Mainly, it is gold jewelry, sometimes embellished with pearls and gemstones, e.g. emeralds, amethysts, cornelian. Actually, in antiquity, pearls were one of the most rare and valuable gemstones.

Being a gemologist, a jewelry appraiser and designer, I am always looking for interesting jewelry pieces. A few things should be mentioned about the jewelry found in Pompeii. First, its craftsmanship is superb. It is hard to believe that those jewelry pieces have been created two thousand years ago. An astounding fact - jewelry forms and designs are similar to these that women like and wear today - bracelets resembling snakes; chokers are in vogue now and then;

dangling earrings are among the favourites today. The rarest and the most valuable gems were diamonds, emeralds and, of course, pearls. One fresco discovered in Pompeii features a wealthy woman wearing a strand of pearls and pearl earrings. One more surprise - a pair of pearl earrings exhibited at the Museum looks as if the pearls have been extracted from an oyster couple of years ago. Pearls are organic gems, rather fragile, very sensitive to chemicals, abrupt temperature changes etc. However, the pearls found in Pompeii, look amazing. The artifacts found on the site including pearl jewelry are phenomenally well-preserved thanks to lack of air and moisture. This happened due to the nature of the eruption itself - it was not lava, but ashes that created the burial of the town.

Looking at this "frozen in time" town with its amazing artifacts you get a feeling that the habits and tastes of people have not changed that much since two thousand years ago. There is a proverb that "Everything new is a well forgotten old". I would agree.

You still have time to see the Pompeii exhibition yourself - it is on until September 5th.

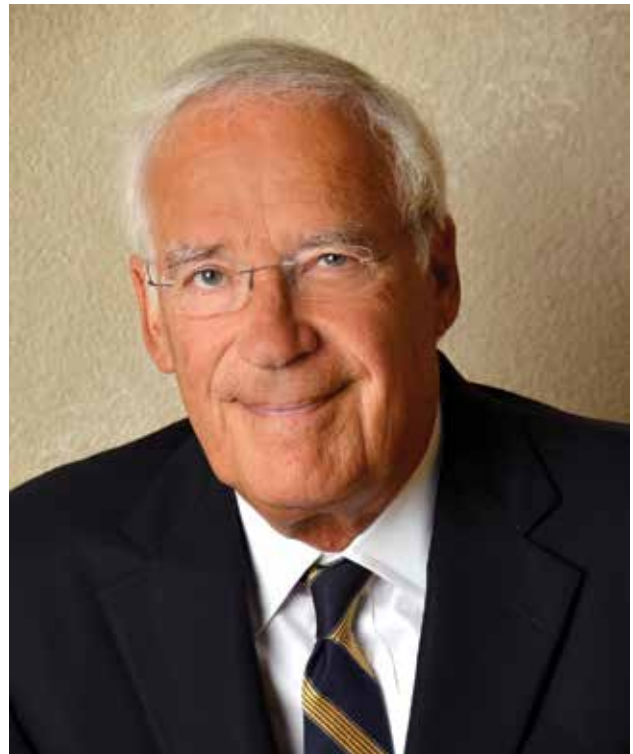
Richard M. Wise Receives the Thomas Porter Lifetime Achievement Award

Richard M. Wise, FCPA, FCA, FCBV, CA•IFA, CFF, C.Arb., Valuation and Litigation Support Partner in MNP's Montreal office, has received the Thomas R. Porter Lifetime Achievement Award from the National Association of Certified Valuators and Analysts (NACVA) for demonstrated exemplary character, leadership and professional achievement in the community.

As a pioneer in the field of Valuations in Canada and the U.S., Richard has dedicated his forty-year career to creating and improving the standards of the business valuator profession and guiding students and young professionals interested in joining this industry.

His fundamental role in the profession and his impact on the community have been recognized by his peers many times. Richard was inducted into the ASA College of Fellows in 2006. In 2012, he was presented the Queen Elizabeth II Diamond Jubilee Medal by the Governor General for his 35 years of leadership in the Canadian valuation profession and in 1992, he was awarded the Canada 125 Commemorative Medal for his contributions to Canada. His involvement in the community, especially with the Canadian National Institute for the blind and the Cancer Research Society, have been noted as well.

As the president of the Canadian Institute of Chartered Business Valuators (CICBV) in the 80s, Richard contributed to making the CICBV



the pre-eminent business valuation organization in Canada, providing an educational program in business valuation, accrediting individuals with the Chartered Business Valuator (CBV) designation and establishing practice standards and ethical guidelines which promote the integrity of the CBV profession in Canada.

Respected international author, speaker and business valuator in Canada and in the U.S, Richard is the first Canadian to receive this award from NACVA.

The Bar today: Drawing on the strength of a new generation

I am pleased to speak to you following my inauguration as the 151st Bâtonnier of The Bar of Montreal.

During my term of office, I intend to do a grand tour as Bâtonnier and consult the members and various associations of lawyers in Montreal concerning the future of The Bar of Montreal. At a time when the profession is becoming younger, more diverse, with a strong feminine component, where sound governance regulations are more prevalent than ever, we must review the democratic rules and operations of The Bar of Montreal, examine the place assigned to the younger cohort, and the different linguistic groups, whether anglophones, allophones or other groups, on the Council or the various committees, and even reflect on the possibility of calling for certain Barreau du Québec reforms.

In addition, I would like to find and acquire a building that would meet current needs while staying within the allocated budget.

As far as actual practice goes, I dream of the day when screens, located outside the courtrooms and the Lawyer's Lounge at the Montreal Courthouse, will show the order and expected time for each case. Such an application would reduce costs for litigants and promote settlements and help in the preparation of hearings. Lawyers could negotiate with their colleagues to settle files or simply work on other matters, instead of waiting silently in a courtroom.

I also hope to forge ties between the city of Montreal and the Bar of Montreal so that they can work together at various levels and on a permanent basis. I therefore intend to highlight the 375th anniversary of Montreal at the 20th Salon VISEZ DROIT and support Éducaloi by organizing a flagship event to be held on March 16, 2017.



*Simon Tremblay,
bâtonnier*

The Young Bar of Montreal will also benefit from The Bar of Montreal's support in seeking to provide better access to the profession.

Finally, I expect to set up two new committees: one for lawyers with alternative careers and the other, ad hoc, to update the book on the history of The Bar of Montreal, whose most recent edition dates back to 1999.

The time has come to stop, take a good look at ourselves and at the same time observe what is happening elsewhere and rethink our approach. With the recent changes at the Barreau du Québec, the time is right for some introspection, and I hope to present, by the end of my term of office, what The Bar of Montreal of tomorrow could look like.

Why not!?

New IBAHRI report calls for greater involvement of the legal profession in UN human rights mechanisms

The International Bar Association's Human Rights Institute (IBAHRI) today publishes a report calling for greater involvement of the legal profession within the United Nations Universal Periodic Review (UPR) – a peer assessment of the human rights records of all 193 UN Member States – in order to maximise the impact of the international mechanism and ensure that the administration of justice is at the forefront of human rights protection.

The role of the Universal Periodic Review in advancing human rights in the administration of justice is to be launched at a high-level event at the UN's Palais des Nations in Geneva, Switzerland. The publication of the report follows comprehensive analysis of the 38,928 recommendations made by states to the UPR between 2008 and 2014. It was found that just over three per cent of the recommendations related to the independence of judges, lawyers and prosecutors; the independence of lawyers and prosecutors has thus far been given very little attention by states; and that concrete and actionable recommendations on the independence of the judiciary remain limited.

IBAHRI Director Dr Phillip Tahmindjis AM commented: 'The new IBAHRI report highlights the need for greater inclusion of the legal profession within the UPR process. Through their roles in the administration of justice, judges, lawyers and prosecutors play an essential part in the protection of human rights, and in the advancement of law reform in their respective countries. It therefore seems logical that greater engagement of legal professionals in the formulation and implementation of UN human rights recommendations will only benefit the UPR process. Our hope is that the recommendations made in the report will be duly implemented.'

The IBAHRI advocates for the involvement of legal professionals at the UPR as a key condition to maximise the impact of the process on the administration of justice, and contains

a number of recommendations in the report to different stakeholders, including:

To recommending states:

- Consider the separation of powers and the independence of legal professionals as priority issues to be addressed at the UPR as a necessary requisite for the protection of all human rights.
- Call for judges, prosecutors and lawyers to be recognised as subjects of specific protection measures to ensure that they carry out their professional duties without any external or internal interference.
- Call for a national independent, self-governed and self-regulatory bar association to be the primary institution charged with protecting the legal profession and fostering lawyers' engagement in the protection of the rule of law and human rights.

To states under review:

- Involve the judiciary and professional organisations of lawyers in the implementation and monitoring of international human rights recommendations, including the UPR recommendations, especially relating to the administration of justice and legal reforms.

To lawyers and lawyers' associations:

- Monitor the independence of the judiciary and independence of lawyers and prosecutors in their country and take part in the UPR process.

IBAHRI Co-Chair Baroness Helena Kennedy QC observed and concludes: 'Since it began in 2008, the UPR has opened up the international human rights system for non-state actors to have an influence. The success of the mechanism depends on a good understanding of the international human rights standards and a rigorous implementation of the recommendations. The IBAHRI hopes that this report will positively

influence further involvement by legal professionals in the UPR and in UN human rights mechanisms in general. By giving the legal profession greater prominence within UPR

recommendations, the international community can ensure that this important mechanism continues to affect human rights positively around the world.'

David and Donald Sobey give \$2 million for StFX's Mulroney Institute of Government

St. Francis Xavier University President Dr. Kent MacDonald is pleased to announce that two of Canada's outstanding entrepreneurs and business leaders David F. Sobey and Donald R. Sobey, have donated \$2 million to StFX's planned Mulroney Institute of Government.

The Sobey Scholarships have been established to support full-time undergraduate students who are academically focused and socially engaged, and enrolled in courses that will be associated with StFX's Mulroney Institute of Government. The endowment will support two annual scholarships of \$10,000 each, renewable for three additional years, and is part of the Xaverian Fund for Scholarships and Bursaries, established by Dr. MacDonald with a goal of raising \$50 million for scholarships and bursaries.

"We are extremely grateful for this investment in the Mulroney Institute at StFX," Dr. MacDonald says. "David and Donald Sobey are true champions of education. Theirs is a long history of support for higher education, including some of the great work being done on our campus. This gift will provide tremendous financial support to the Mulroney Institute, providing pathways and opportunities for outstanding and deserving young men and women who wish to attend StFX."

Both David and Donald Sobey have a long friendship with StFX. In 2010, they were awarded honorary degrees from StFX in recognition of their outstanding contribution as Canadian corporate leaders and philanthropists. This latest gift is a continuation of the support that they have been providing over the years to educational excellence at StFX.



David and Donald Sobey

"We are pleased to recognize, support, and share in Dr. Kent MacDonald's important vision for the Xaverian Fund and the Mulroney Institute at StFX. With this gift, we are proud to support the initiative to ensure a high quality post-secondary education is accessible to all deserving students, regardless of their financial background," says David Sobey and Donald Sobey. "Canada needs future leaders with the skills and knowledge required for good government, the Mulroney Institute will further StFX's leadership in this field of study," they added.

Recipients of The Sobey Scholarships must be a graduate from a high school in Canada, have a high school leaving average of at least 85 per cent, be enrolled in a full-time undergraduate program at StFX and taking courses associated with the Mulroney Institute of Government. Further, they must demonstrate financial need, leadership, and community involvement in a program or area that makes a difference in their community.

Carol Xueref announced as winner of the 2016 IBA Outstanding Woman Lawyer Award

Today the International Bar Association (IBA) named Carol Xueref, Secretary-General at Essilor International SA, as winner of the 2016 IBA Outstanding International Woman Lawyer Award.

Given biennially, the award recognises professional excellence, women who have influenced other women to pursue careers in law, and women who have advanced opportunities for other women within the legal profession. Ms Xueref will be presented with the award in Berlin, Germany, during the 7th IBA World Women Lawyers' Conference Law in a changing world – how women can contribute to innovation of the legal profession, being held from 7-8 April 2016.

Responding to the news, Ms Xueref commented: 'I am honoured to be recognised by the IBA Women Lawyers' Interest Group as "Outstanding International Woman Lawyer 2016". I am also proud that the award ceremony takes place during such a high-level and prestigious meeting of women lawyers, when they come together in Berlin as agents for change in the legal profession, share their viewpoints and achievements and contribute to the challenges of the legal profession. I take this award to be the recognition of a team, my professional peers and colleagues. I have attempted throughout my career to open doors, remain accessible and attentive, give equal opportunities and show that a lawyer's strategic contribution to corporate bodies is a major advantage; as a result, I believe this has made key positions more accessible to other women.'

Prior to being appointed Secretary-General of Essilor International SA, Ms Xueref held the position of Director for Legal Affairs and Group Development at the ophthalmic lens manufacturer. She has been with Essilor for 20 years. Over this period she has expanded the legal department from 15 employees to a 90-strong multinational high-performance team providing legal advice and infrastructure to Essilor's businesses around the world. In 2002 she was appointed to the Essilor group's Executive Committee. Her international career is expansive, encompassing industry, banking, international relations and diplomacy at organisations including

Essilor, Crédit Lyonnais, the International Chamber of Commerce and the British Embassy. Ms Xueref has conducted international business and trade relation negotiations, supported and led several hundred company acquisitions, and transformed and accelerated business development and commercial projects during her, thus far, 30-year career. In 2008 she was made a 'Chevalier de la Légion d'Honneur' by the French government, for her contributions to the French legal and business communities.

In the letter nominating Ms Xueref for the award, Linda Hesse, Head of the Paris Capital Markets practice at international law firm Jones Day, wrote: 'Carol has demonstrated throughout her career what women of intellect and commitment can accomplish, both in our professional endeavours and as agents for change in the legal profession and beyond... Carol consistently recognises her team and colleagues ("putting them in the limelight") so that as she has advanced others are able to advance as well. Carol has ensured that the members of her team are given equal opportunities and remuneration as well as the time and resources... to achieve a proper work-life balance. This strategic opening of opportunity is a hallmark of a true leader and exactly the kind of woman we should honour with this award.'

The IBA Outstanding International Woman Lawyer Award is generously sponsored by LexisNexis and includes a US\$5,000 donation to a charity of the winner's choice.

Stephen Macliver, Chair of the IBA Section on Public and Professional Interest, commented: 'The calibre of all the nominations received this year was once again outstanding – truly inspirational women making remarkable contributions all around the world. We are delighted to confer Carol Xueref with the 2016 IBA Outstanding International Woman Lawyer Award. Carol stood out for her international stature, accomplishments, intelligence, compassion, commitment to the promotion of women and continued innovation, all of which personifies the spirit of the award and complement precisely past distinguished recipients.'

LinkedIn® Premium

Is It Worth It For Lawyers?

By Amber Vincent

There are lawyers across the country using LinkedIn's Premium upgrade and making it work for them.

However, I train in social media and am consistently asked by lawyers whether the upgraded service is "worth it."

For the majority of law firms and lawyers using LinkedIn the answer is no. Most often, attorneys and professionals using LinkedIn's free profile are able to use the platform effectively for marketing and networking purposes.

I have put together a few of the benefits describing LinkedIn Premium. This may help to determine why, and when, it may be beneficial to upgrade.

There are four types of premium accounts (Job Seeker, Business Plus, Sales Navigator Professional and Recruiter Lite). The best premium account for lawyers would be the Business Plus which costs \$59.99 per month.

Benefit #1: More Powerful Search Tool

With a free LinkedIn account, you can do some basic searching. For example, the advanced search feature within the basic profile can be used to search a keyword such as 'general counsel' within 10 miles of your zip code. It will also show how you are connected to those general counsel (through a 1st or 2nd degree connection). From there, you would ask that 1st or 2nd degree connection

to introduce you through LinkedIn to the desired general counsel contact.

Using the free profile, the search results are limited and are not able to narrow the search terms for a more focused target. For example, with a paid premium account you can perform a search that includes Fortune 1000 companies or get more specific and narrow it down to results for Fortune 50 companies. This reduces search time immensely and allows lawyers to search for people based on company size, seniority level and more.

Benefit #2: More Detailed Profile Information

Without a premium account, individuals will only see profile information from contacts that are 1st and 2nd degree connections. The premium account allows you to have access beyond your network to everyone on LinkedIn (not just 1st and 2nd degree connections).

Benefit #3: InMail

With a basic LinkedIn account, you can't easily email someone beyond your network. InMail allows an individual to email any connection on LinkedIn without having a 1st or 2nd degree connection introduce them. Many job seekers find this tool essential, but it can be used to build a business network, as well.

In most cases, lawyers and firms are able to access the connections desired and find leads using the free basic LinkedIn profile. Is a permanent upgrade worth it? Answer: it depends on how the attorneys are using LinkedIn.

Since the networking platform will be around for the long haul, I would recommend keeping the free profile and upgrade when needed.

Robin Camp, who berated sex assault complainant, says counselling will make him a better judge

Federal Court justice will fight to keep his job at judicial council hearing in September

By Alison Crawford, CBC News

Federal Court Justice Robin Camp agrees in his submission to the Canadian Judicial Council that he made insensitive and inappropriate comments during a 2014 sexual assault trial, but wants to keep his job.

Camp insists he'll be a better judge after undergoing training and counseling with a judge, psychologist and expert on the law of sexual assault, "with a view to interrogating his beliefs and improving his understanding of the law, the social context of sexual violence and the psychological impact of sexual assault."

- Robin Camp, Federal Court judge, faces inquiry after berating sexual assault complainant
-
- Robin Camp case: What does it take to remove a judge from the bench?
-
- Judge Robin Camp rape remarks led to appeal before Peter MacKay promoted him

All three professionals will testify at a public hearing in Calgary into the judge's conduct. It's scheduled for seven days in early September.

The case in question involved the alleged rape of a 19-year-old woman by a Calgary man. She had accused him of raping her over a bathroom sink during a house party.



The Canadian Judicial Council will hold a public hearing in September into the conduct of Federal Court Justice Robin Camp, dating back to when he presided over a 2014 sexual assault case as an Alberta provincial court judge. (Andrew Balfour/Federal Court of Canada)

During the trial, Camp repeatedly and erroneously called the woman "the accused" and asked her, "Why couldn't you just keep your knees together?" and, "Why didn't you just sink your bottom down into the basin so he couldn't penetrate you?"

A five-person committee of judges and lawyers will recommend whether Camp should remain on the bench at the Federal Court even though the conduct in question occurred when he was a provincial court judge in Calgary.

The hearing was called after the CJC was deluged with public complaints after the judge's offensive comments surfaced last year.

The judge's notice of response, filed with the CJC, explains that Camp understands his comments were hurtful to survivors of sexual assault and to Canadians in general. It goes on to say Camp wishes to continue to serve as a judge because he believes he can make a positive contribution as a member of the judiciary.

"He believes his training, counselling and this process as a whole have left him better equipped to judge cases with the empathy, wisdom and sensitivity to social context to which all judges aspire," the document says. "He now understands that some of his prior thinking was infected with stereotypical beliefs and discredited myths."

As for the six allegations facing the judge that focus on his comments about Canada's rape shield law, the female

complainant and Crown prosecutor, the notice of response makes it clear Camp agrees they were insensitive and inappropriate, but that he did not engage in any biased reasoning. The document says he will make several more apologies.

"Justice Camp agrees that his comment to the Crown that 'I hope you don't live too long' was rude and derogatory. For this he will apologize unreservedly."

At the original trial, Camp acquitted Scott Wagar of sexual assault, but Alberta's Court of Appeal overturned the ruling last year and ordered a new trial. Wagar was rearrested in May.

Camp's hearing will begin Sept. 6.

McCarthy Tétrault is very pleased to announce that Madeleine Renaud, partner in the firm's Competition Group, was recently appointed to the C.D. Howe Institute's Competition Policy Council (CPC).

The Competition Policy Council comprises top-ranked academics and practitioners active in competition policy. It provides expert, independent analysis of emerging competition policy issues, including those potentially faced by the Competition Bureau.

Recognized as a leader in competition law in Canada, Ms. Renaud advises a broad range of Canadian and international clients on all aspects of Canadian competition law, including domestic and international mergers, criminal investigations into cartel and bid-rigging conduct, and class actions. Ms. Renaud has been involved in several landmark cases involving competition legislation before all levels of courts, including the Supreme Court of Canada. Ms. Renaud is rated by the Martindale-Hubbell Directory and appears as a leading competition lawyer in the most recent editions of the Canadian Legal Expert



Madeleine Renaud

Directory, Lexpert Leading US/Canada Cross-Border Litigation Lawyers, Chambers Global: The World's Leading Lawyers, Chambers Canada and Competition Law Handbook. Over the years, Ms. Renaud has sat on the board of various non-profit community organizations. She is currently Vice-chair of L'Arrêt-Source, a shelter for young women in difficulty.

Anthonie Vézina-Crawford and Paméla Kelly-Nadeau organized “Québec 1608”, an original event bringing together the new generation of professionals



Paméla Kelly-Nadeau



Antonie Vézina-Crawford

Québec's new generation invited its counterparts at Ernst & Young – Québec to a unique networking activity entitled “Québec 1608”, which was held at Station touristique Duchesnay. Instead of a traditional cocktail, Antonie Vézina-Crawford and Paméla Kelly-Nadeau, two lawyers from Lavery, organized a friendly competition that drew on teamwork skills and mental and physical abilities.

The accountants and lawyers pretended to be pioneers and faced a series of tasks with the goal to build a pioneer village. They built a church, planted a vegetable garden, ensured the transportation of water from a well, and participated in a giant vegetable hunt. Fun and team spirit were at the heart of this truly original activity, which proved to be a great success!



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Avocats Sans Frontières raises an unprecedented amount of money at 8th annual diner



Chief Justice Beverly McLachin of the Supreme Court of Canada, and spouse Frank McArdie join Pascal Paradis, director general of the lawyers' organisation at the recent Montreal bash. *Photographie d'Ivan Boiarski*

Laval University law school More than a hundred Montreal alumni gather



Former Prime Minister Jean Chretien was host of regional Montreal alumni earlier this year at gathering. He received last month an honoris causa doctorate as former law student (1958) who spent an unusual number of years on the federal scene as minister holding several portfolios and the most important job, Prime Minister of Canada. Eugénie Brouillet, dean of law, Denis Brière, chancellor, Jean Chretien and Yves Bourget, director general of the Laval University Foundation are united in this picture.

Me Catherine Ouimet's new challenge



After eight years as director general of the 4600 strong Young Bar of Montreal association, Me Catherine Ouimet decided the time had come for a new challenge. She resigned and joined the «bureau des plaintes du public», the Quebec Bar office of public complaints. She has been nominated to head this department which has grown over the years as complaints against lawyers are growing.

She holds an MBA and has a lawyer for more than 10 years. She will now be an official of the Barreau du Québec.

Honoured for military services

Former Brian Mulroney assistant chief of staff, Luc Lavoie, now Colonel of the Fusilliers Mont-Royal Regiment was recently honoured by Governor General David Johnston



who handed him a decoration for military services. Lavoie pointed out with humor he got the decoration for his role in organising the celebrations surrounding the 100th anniversary of the Royal 22nd Regiment (the Vendouze).

Use this simple exercise to solve the tech problems bugging you

Source: ABA Journal Weekly Newsletter

Lawyers like to complain about the shortcomings of the technology they use. A lot. What if we took the energy we spend on complaining and turned it into positive action? Could you take your technology annoyances and use them to create a truly beneficial tech strategy?

I once had a lawyer approach me after a technology presentation to ask what portable printer I used for travel. He had tried—very unsuccessfully—quite a few of them and had spent quite a bit of time and money. He was frustrated and hoped that I had the perfect answer.

It turned out that all he wanted was to print out articles and other information he found on the Web so he could read it later. I confessed that I didn't have a portable printer. For that purpose, I simply saved the articles as PDFs that I could read on the screen and print later.

It really looked like a lightbulb went on over his head. He saw the solution, his frustration went away and he planned to buy Adobe Acrobat the same day.

So I suggest this exercise to turn a big technology annoyance into a simple action plan that solves your problem. The key is getting to the heart of the issue and reframing the need. There's a concept you might hear about, called "root-cause analysis." For our purposes, that means drilling down into an issue far enough that we start to really understand what the need or problem is.

The "portable printer problem" became "How do I keep articles to read later?" That opens up many options, and the Acrobat choice was especially good because it allowed for reading on a screen later, printing later and making the articles searchable.

A common and simple approach to root-cause analysis is generally referred to as the "5 Whys." Start with something

like "My email drives me crazy." Why is that? Answer that and ask "Why?" until you get to five of them. Odds are that you will reach an insight—sometimes a profound one.

For many lawyers, I'm guessing the final answer will be because your technology won't let you provide the level of client service you strive for.

Below is my simple exercise that should not take more than 30 minutes (known to lawyers as 0.5 hours). Try these steps and see what quick results you can get. Then enjoy how much your tech is helping you—until you hear yourself complaining again.

HACKING TECH HASSLES

1. Throw out the demons. Take a piece of paper and spend 10 minutes listing every tech annoyance that is bothering you. Revel in the cathartic energy it gives you.
2. Look for patterns. It's possible that you will recognize that a new computer, solid state drive or second monitor would solve a cluster of annoyances. Pick two or three of the biggest annoyances and try the "5 Whys."
3. Make a quick plan. Take your best results from step No. 2 and write them as action steps, such as: "Take class on Outlook rules." Divide the list into long-term and short-term actions. To your surprise, you might have an actual written technology strategy to implement. At the least, you will have talking points for your technology consultant or IT director.
4. Take action. I've seen lawyers get big improvements very cheaply in a single day.

This article originally appeared in the March 2016 issue of the ABA Journal with this headline: "Whys, not Whines: Use this simple exercise to solve the tech problems bugging you."

Chambre des Notaires Secretary honoured by Canadian-Italian Jurists



Me Danielle Gagliardi, notaire

Me Danielle Gagliardi, Secretary of Chambre des Notaires, was honoured at 12th annual banquet held on May 20th at the Italian community popular hall restaurant Le Rizz.

Bâtonnier, the Chamber's chairman, dozens of Italian-Canadian jurists, justices, judges and private practice and corporate lawyers and notaries attended the event with music and compliments of all sorts during the evening.

he association organises an annual banquet to promote and honour distinguished guests.

Over its 12 year existence, former Supreme Court Justice Frank Iaccabucci, US Supreme Court Justice Scalia (who recently passed away) were among prominent guests.

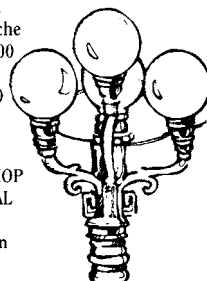
Cofounded by (now retired) Montreal municipal court judge Antonio Discepolo and other prominent jurists and presided by prosecutor Philippe Messina of the Montreal municipal court it regroups several hundred jurists of Italian origin who make it a point of keeping their heritage alive.

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Paul B. Schabas elected Treasurer of the Law Society

Paul B. Schabas has been elected to lead The Law Society of Upper Canada as its 66th Treasurer. The Treasurer is the top-elected official of the Law Society, which regulates Ontario's lawyers and paralegals in the public interest. Treasurer Schabas succeeds former Treasurer Janet E. Minor.

"It's an extraordinary privilege to lead the Law Society," said Schabas. "The legal profession and our justice system face great challenges in a changing legal landscape. I'm looking forward to meeting those challenges. The Law Society has a critical role to play in bringing about change to ensure that competent and appropriate legal services are accessible, and that the legal professions are inclusive, supported, and have the confidence of the public. I look forward to working collaboratively with my fellow benchers and with others in the justice system to further these goals."

The Treasurer presides over Convocation, the Law Society's governing board, and is elected by the members of the board, known as benchers.

Treasurer Schabas is a partner and senior trial and appellate counsel at Blake, Cassels & Graydon LLP. He has argued many seminal cases before the Supreme Court of Canada, developing new law in areas such as defamation, free expression, equality rights and access to justice.

He was first elected a bencher of the Law Society in 2007 and was re-elected in 2011 and 2015. During his time as a bencher, he has been chair of the Human Rights Monitoring Group, the Access to Justice Committee, and the Professional Regulation Committee. He has also been a mem-



ber of the Equity and Aboriginal, Tribunals and Finance committees and the Articling and Mentoring task forces.

He is chair of the Law Foundation of Ontario and a past president of Pro Bono Law Ontario.

Treasurer Schabas earned both his LLB and BA (Hon.) from the University of Toronto (1984, 1981). He was called to the Ontario Bar in 1986.

The MONTREAL LAWYER

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Many, many thanks to readers and advertisers

The Montreal Lawyer has completed its first three years as a quarterly magazine.

The Publisher and Editor wishes to thank all those who have helped to make it a viable publication responding to the needs of its audience : first and foremost, Me Ian M. Solloway, president of the English-speaking section of the Bar of Montreal who has announced he will not seek another mandate.

Many thanks to former Bâtonniers, private practice lawyers women and men who have contributed to The Montreal Lawyer as their special link to other law and other professionals. contributors frequent or less frequent have carved a special path designed to help their colleagues or offer them information about current trends and issues, products or services available to them.

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