



KDLA NEWS MARCH 2023



QUARTERLY NEWSLETTER OF THE
KENORA DISTRICT LAW ASSOCIATION



Phaedra Olinyk
Hook Seller & Lundin LLP
President of KDLA

Message from KDLA President by Phaedra Olinyk

I hope everyone had a wonderful fall, it was certainly a busy one for the KDLA!

Happy spring everyone! It's been an eventful year for our local Bar so far!

As I am sure everyone is aware by now, the Community Justice Centre has launched, and we have had four successful court sittings. Right now, we are sitting every Tuesday but as of April it will be every Monday and Tuesday. I encourage all counsel with clients appearing at the Community Justice Centre to reach out to me if you have any questions or concerns.

WHAT'S INSIDE

President's Message	p. 1
Randy Seller LSO Medal	p. 2
On Being a Bencher	p. 3
Bruce Findlay Memoriam	p. 4/5
NAN Legal	p. 6
FS Kaneski UnRuh LLP	p.7
New in the Library	p.-8
View from My Window	p. 8

We will be having our Annual General
Meeting on April 21, 2023.
Please stay tuned for details.



Randy Seller

I am very excited and honoured to congratulate Randy Seller on behalf of the KDLA! For those of you who do not already know, Randy is the recipient of a 2023 Law Society Medal. This medal is awarded only to a few lawyers who have made a significant contribution to the legal profession, and the Law Society couldn't have chosen a more deserving recipient.

I am sure this comes as no surprise to many if not all of our members, considering Randy's level of devotion and commitment to our legal profession and community.

Randy has been practicing law in Kenora for 45 years, and he has truly done it all. From family and criminal law in his earlier career, to real estate and complex development in more recent years. He was also a part-time Crown Attorney in earlier years, and for over 20 years he was a Small Claims Court Deputy Judge.

Professional commitments and obligations aside, Randy has been a leader in developing and contributing to community programs through his volunteerism. It is difficult to think of a community organization in which Randy hasn't played some role. He has sat on various Boards as a member or President over the years including the Rotary Club of Kenora – where he has taken initiatives to start traditions, such as the Highway 17 cleanup.

Randy has further mentored and educated a generation of lawyers on complex areas of development transactional work, and other areas, all while ensuring the understanding that putting the client first is the ultimate goal. As someone who's been so fortunate to have the opportunity to work with and learn from Randy, it's hard to imagine a legal dilemma or situation that he wouldn't have the answer to. Both legally and personally, Randy is respected for not only his abilities but his integrity and commitment to his clients and the community as a whole.

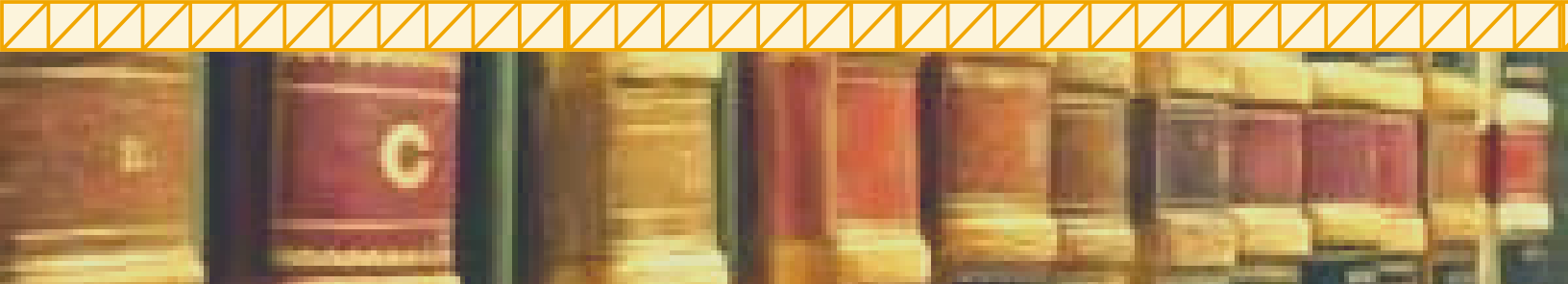
On behalf of the KDLA, Congratulations Randy. It is difficult to imagine what our local profession or the community of Kenora would be like without you. Thank you for all of your commitment, expertise, mentorship and dedication throughout the years.

submitted by Phaedra Olinyk



Randy Seller
2023 recipient of the
Law Society Medal





A new Benchers view of Convocation and why you should care about the 2023 Bencher election

By Cheryl Siran, current LSO Bencher

“You’re A What?”

Being asked to comment on what it is to be a Bencher inevitably leads to this question. For whatever reason, individuals both within the profession, and in the community, have a limited or non-existent view of what a Bencher is, what a Bencher does, and why it matters to them. Here, I hope to shed some light on these questions, to inform licensee voters on why voting is important both for the profession, and the people of Ontario.

What is a Bencher?

Benchers are tasked with governing the legal profession in the public interest. A Bencher is an elected or appointed member of the Board of Directors for the Law Society. There are 40 lawyers Benchers – 20 inside Toronto, and 20 outside Toronto - along with five elected paralegal Benchers and eight appointed lay Benchers. There are eight regional seats to ensure geographic representation, with the balance of Benchers elected based on overall votes.

What we do we do?

We are the governing body for the legal profession. The Law Society’s authority to license and regulate lawyers and paralegals in the public interest is granted by the Ontario government through the Law Society Act and regulations made under the Act. As a self-governing profession, we have been entrusted to govern for the protection of the public. This is a privilege, not a right, and the government has the authority to revoke this privilege should we fail to fulfill our legislative aims.

As per our mandate, we are tasked with ensuring the rules and regulations for the practice of law accord with the aims of public protection. This includes everything from regulation on trust accounts, client identification, and confidentiality; to professional development and competence requirements; to individual and firm audits, discipline proceedings, and penalties up to and including disbarment. Sadly, it is the last items that raises the most attention, and seemingly puts licences at odds with the regulator, which is unfortunate as the LSO has many supports and resources for licensees that are often overlooked.

Why does it matter to you?

If you are a licensee, I would think the answer to this question is simple. Those you elect to put in Convocation are responsible over a four year term to take steps to amend rules, regulations and guide the LSO in terms of strategic planning and priorities. You should vote because the work of Convocation impacts you, in all aspects of your everyday practice, right down to the fees you pay. Even if you work for the government, you are impacted by the fees through your personal taxes!

However, as lawyers, it is my view we have a duty to think beyond our self-interests, and ourselves and consider the impact of law generally and legal regulation specifically, on the people of Ontario. Our highest responsibility is to act in their best interests of people in all that we do from the initial client meeting, right to those of who sit in Convocation. To that end, in the context of a Bencher election, is the public protected by a Board filled with self interested individuals? Or those with narrow or single issue views? What about those who have never acted for the clients on the front lines, or are divorced from the significant challenges faced by those practicing in rural and remote communities across the province? As a voting licensee, these are the types of questions you should be asking of candidates for the items that matter most to you.

Where does that leave us?

In my view, being a Bencher requires significant understanding of legislation, regulation, and board structures. For me, I want a Convocation filled with different voices, from geographically different areas, a myriad of practice areas, and representative of the Ontario community at large in our personal diversity.

In particular, an increase in solicitors in Convocation would be welcome, as there remains a disproportionate number of litigators in Convocation, who often do not understand the nuances of practising in solicitors work, yet are tasked with regulating it. Ultimately, an effective governing body needs to be reflective of the public it serves. Benchers work to preserve, and build, public confidence in the ability of the profession to govern itself effectively. It is an important role, and I hope you will take the time to involve yourself in the process, whether by running, or by voting.

The next election is in April 2023 - another 4 year term for lawyers and paralegals to govern and guide the profession. I hope you will take a few moments to ask a few key questions of those running for Bencher, myself included, and then take the time to record a vote. My key goals are: (1) to reduce the size and composition of Convocation, as I feel it is too large to be a nimble and responsive regulatory Board, (2) complete an operational review of the LSO budgets and spending to lessen the overwhelming financial burden on solo and small firms lawyers across the province, (which in my view, reducing the size of Convocation will directly lead to a direct cost savings), and (3) maintain and improve our provincial law library system known as LiRN, as this helps maintain the competence of rural and remote practitioners, and provides supports, that due to skyrocketing subscriptions costs, are not available to all.

Finally, I am running as a member of the Good Governance Coalition to ensure competent, broadly representative leadership at the Law Society, and if you are considering a vote for me, I hope you will also support this outstanding group of lawyers from across the province.

IN MEMORIAM

BRUCE FINDLAY JAN 7, 1932 – JAN 14, 2023

By Randy Seller

On January 14 of this year we witnessed the passing of Bruce Harper Findlay (or as most of us referred to him, BHF) in his 91st year.

One of Bruce's greatest accomplishments as a lawyer was his single-handedly adding future long time members to the bars of both the Kenora and Rainy River Districts through providing articling positions to numerous law school graduates, starting with Jim Hook, then Richard Cummine, followed by Bruce Ormiston and Duncan MacDonnell, then Will Vermeer and Mark Van Wallegghem, followed by myself, Randy Seller, then David Elliott, followed by Wes Derksen and Rob Morgan.

Bruce was a diligent advocate for his clients throughout his many years of practice, which continued well into his seventies.

I personally appreciated his mentorship, being a new lawyer and also new to Kenora. Bruce introduced me to a wide variety of legal work, including acting as a part time crown attorney, which provided a crucial base for my years in practice here in Kenora. Bruce also pointed out to each of his articling students the importance of community service as part of our professional duties.

His loyal support staff, including his long time legal clerk Shirley Schussler (who also recently passed away) taught me the importance of "team players" in a law firm. As his obituary so aptly states, Bruce was indeed "one of a kind".

OBITUARY

Bruce Findlay January 7, 1932 – January 14, 2023

"A good tale never tires in the telling"

He was one of a kind.

Bruce grew up on Park Street with his parents Alexander and Mary (nee Kerr), his two brothers Dave (Jeannette) and Ron and his sisters Patricia Huntus (Hoit) and Judy Favreau (Bud). His family shaped the strong values he stayed true to throughout his life.

His early years in the militia and the reserves led to a military-like discipline in his life from his ship shape boats to raising his family and running a busy law office. He was famous for his beret, a life-long signal that those military days were never far away.

Bruce was a Queen's University man through and through, trying to talk each of his children and then the grandchildren into following in his footsteps.

It was while he was at Osgoode Law School in Toronto that Bruce was introduced to Eileen Haffey. In January, 1959, they were married and in October, 1959, had their first child. He graduated from law school with two children and another on the way. He supported his growing family and his education with a wide array of jobs including railroading, construction, transport truck driving, and the pipeline.

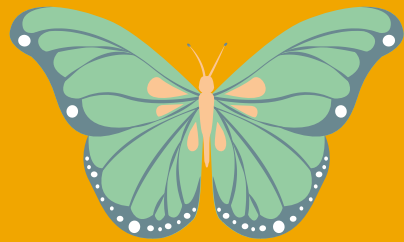
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Bruce Findlay

1932-2023





Invoices for 2023 KDLA membership dues have been sent out.

Please check your listing on our website, and let Maria know if updates are needed.

Your dues should be paid before the AGM on April 21.

There have been a lot of changes in our area's legal community lately. Please contact the law library if anyone in your office was missed, or if you plan to withdraw from the association.



BRUCE FINDLAY - CONTINUED

In 1962, he and Neen headed to Kenora to build their life. He loved his time in Toronto and always had an attachment to the city life, but also valued the importance of growing up in a small community. The law was a perfect fit for a man with such strong principles and a gift for twisting a tale to convince the jury, his family or anyone else who was listening. He was a force to be reckoned with in and out of the courtroom. He built his law firm from a one-person practice to a multi-lawyer firm with offices in Dryden and Fort Frances. The family has fond memories of the many law students who passed through and became a part of our lives, and the long-term staff especially Shirley Tresoor and Carolyn Johnson.

In 1968, Bruce and Neen purchased a camp on Coney Island. The neighbours loved to tell the story of the lovely young couple and their new baby who were going to move in next door. The reality hit when the family arrived that first summer, landing at the dock and swarming up and over the hill like an army. We became firm family friends with the Inman's from that moment and became part of the extended Coney Island family. The departure of Bruce means that another elder Coney Island statesman is gone. The family lived at Coney for three months each year and, in 2000, Bruce and Neen built their year-round home and retired full time to the island. The property holds many great family memories of beach days and family dinners for three generations.

It was at Coney that Bruce learned to make the porridge he was famous for, as all the grandkids and visitors to the camp were served porridge with maple syrup for breakfast.

Bruce was a man who loved to spend time messing about with boats, starting with "the pontoon boat" and later the 24' Grew, the 30' "Russian Boat" hydrofoil, and the 40' Nord Ouest, all driven at "Bruce speed". His years with Power Squadron served him well and he navigated the Nord Ouest to adventures throughout the Lake of the Woods, including annual trips to Warroad and often following LOWISA. Stories about adventures on the Nord Ouest will be told for many years to come. He instilled this love of the lake in all of us.

After Neen's death in 2014, Bruce experienced some health issues and lost his zest for life, until he met Loretta Edlund in 2016. Loretta gave him love and laughter again. The two of them spent hours together laughing, playing bridge, telling stories, and enjoying the peace and nature at Coney. It has been so good for us to see Bruce happy again and we love having Loretta as part of our family.

Bruce's final life transition happened in September, 2022, when he moved to Pinecrest. He understood he could no longer get in and out of a boat the way he used to and that life on the island needed younger legs. He took Pinecrest by storm and made an impact for the short time he was there. Bruce is survived by his children: Jennifer (Tim), Richard (Diane), Allison, Alexandra (Rick), Janet (Joel), Alana, and Trish. And his grandchildren: Marston (Synthia), Ryan (Kristin), Nelson (Veronik), Colin, Taylor (Cory), Colter (Cody), Hannah, Brad (Emily), Erika, Nick, Emme, Ircia, Tyvan, Jakob, Emily, Hayden, Logan, Holly, and Megan. And his great grandchildren: Isaac, and Axton.

We offer many thanks to our Coney Island family who helped Bruce to stay on the Island for as long as he did. Thank you to the staff and residents at Pinecrest with special mentions to Nicole Pell, Starr Schott, Brenda Robertson, Michael Limerick, and Dr. Kerry Anderson. And a shout out to Heather Baker at Pharmasave for her gentle, caring, and patient explanations. Thank you also to Lou Swancar for literally keeping him on his feet these past few years, and Kathy Kantola for keeping him trimmed and handsome.

Changes at NAN Legal - Staff Lawyer Program

Under the supervision of the Director of Legal Services, Don Rusnak, the new staff lawyer program at NAN Legal was established in 2022. Our team of four staff lawyers includes Megan Wood, Sarah Munsch, Oana Cristea and Kevin Romyn. Part of our services includes providing summary legal advice to NAN clients in the areas of criminal and family law. In addition, our staff lawyers also make duty counsel appearances in certain fly-in communities across the NAN Territory, and participate in developing and providing public legal education to NAN communities and NAN members.

Sarah Munsch

Sarah Munsch has been a staff lawyer at the Nishnawbe-Aski Legal Services Corporation (NALSC) since March 2022. Sarah is based in Thunder Bay and assists clients from the Nishnawbe-Aski Nation with their criminal matters. Prior to joining NALSC, Sarah was an Assistant Crown Attorney in Thunder Bay and acted as Legal Counsel for the Department of Justice in the Legislative Services Branch. Fluently bilingual, she completed her law degrees at McGill University, and holds a Bachelor of Arts from Queen's University. In her free time, Sarah enjoys everything the great outdoors of Northwestern Ontario have to offer!

Kevin Romyn

Kevin is from Northwestern, Ontario born and raised in the Rainy River, District. After completing his post-secondary education in Southern Ontario at University of Toronto and Osgoode Hall Law School he returned in 1993 and opened his own Law Office in Sioux Lookout in 1994. Operating and managing a general practice in Sioux Lookout has always meant working closely with NAN Legal. Kevin is proud to say he has travelled to and worked with NAN members in every community serviced by the Kenora District Circuit court. After 30 years in private practice, Kevin joined the team at NAN Legal as a Staff Lawyer in the Sioux Lookout office in January of 2023. He brings his knowledge and experience gained through working in the north and plans to continue with efforts to expand on the legal services and community initiatives already provided by NAN Legal.

Oana Cristea

Oana completed her LL.B. at Universite de Montreal and her J.D. at Osgoode Hall Law School. She was called to the bar in 2017 and has been practicing in Timmins ever since. Originally from Montreal, she is fully bilingual in English and French. Oana joined NAN Legal in June 2020 after a few years spent in private practice. Her current role at NAN Legal involves assisting members of Nishnawbe-Aski Nation with their legal matters, reviewing Gladue reports and assisting the Gladue team, as well as managing the Indigenous Bail Verification and Supervision program, along with the Release and Reintegration program. In her spare time, Oana enjoys spending time with her family and learning new things.

Megan Wood

Born and raised in Thunder Bay, Megan Wood is thrilled to work in her hometown and assist people from all across NAN territory as one of NAN Legal's Staff Lawyers. Megan has always wanted to use her law degree to provide legal advice to individuals who would not otherwise have access to a lawyer. Since joining the Staff Lawyer program at the start of 2022, she has enjoyed providing sound and practical family law advice, providing public legal education workshops, and collaborating with her great colleagues across the organization. In her free time, she enjoys playing cards, kayaking, and spending time with her dogs.



Sarah Munsch



Kevin Romyn



Oana Cristea



Megan Wood



Winnipeg Law firms BD Oakes Jardine Kaneski UnRuh LLP & Deeley Fabbri Sellen LLP Announce Merger

The partners of BD Oakes Jardine Kaneski UnRuh LLP are pleased to announce that effective January 1, 2023, they will be merging with Deeley Fabbri Sellen LLP under the new banner DFS Kaneski UnRuh LLP. The merged firm will have a complement of 18 lawyers and 22 staff, continuing to provide a broad range of legal services to individual, corporate, and institutional clients.

Kerry UnRuh and Colburne Poapst, as members of the merged firm, will continue to practice in Ontario, predominantly in the Kenora area, in Real Estate, Wills and Estates, and Litigation.

The new firm will operate principally at 903-386 Broadway, Winnipeg, MB, R3C 3R6. You may continue to contact Kerry at (204) 957-8182 and (effective January 1) at kunruh@dfsku.com and Colburne at (204) 957-8190 and (effective January 1) at cpoapst@dfsku.com.



Kerry UnRuh



Colburne Poapst

Please remember that the KDLA library should not be used for audio or video court appearances. You are welcome to use the Lawyers' Lounge if necessary.



What's New in the Library

There were no new books added to the library's collection this quarter.

Have you taken advantage of the electronic resources that are available at our law library? (as well as at all 48 courthouse law libraries in Ontario)

We continue to provide access to Lexis Advance Quicklaw for searching caselaw and commentary. We have extended our Lexis subscription to include Practical Guidance. Here you can find forms and precedents that may be useful to your practice.

LiRN has also added Thomson Reuters resources to our suite of electronic resources. You can access Family Source, Criminal Source and Estates and Trusts Source at any of Ontario's courthouse libraries. Kenora's law library also offers access to Thomson Reuters Law Source. In addition to case law access, these databases allow you to search some of TR's key texts online.

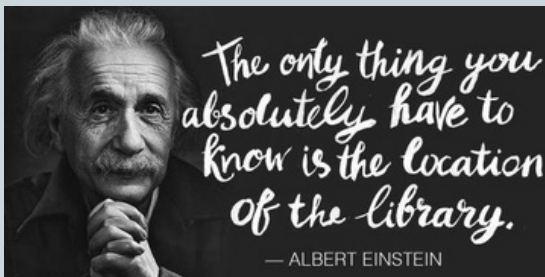
Finally, the LiRN is providing access to the vLex platform. vLex gives you access to full-text Canadian cases law, as well as the Irwin Law collection of legal books.

Unfortunately we are unable to provide remote access to these resources, as licensing agreements specify that the subscriptions are for in-library use only.

A View From My Window



Three hours before the Vernal Equinox, March 20, 2023 - still lots of ice. Not quite time to launch the boat.



KDLA EXECUTIVE

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