



**The Institute
of Law Clerks
of Ontario**

LAW CLERKS' REVIEW

This issue:

Page 4
Education Awards

Page 9
Law Clerks and
Paralegals....What's the
Difference

Page 10
E-Discovery Pricing and the
CJC's Discussion Paper on
Cost Benchmarks

Page 12
Winter Social 2013

Page 14
Conference 2013

Page 20
Golf Tournament
– Sponsored by RICOH

President's Message

It is hard to believe that we are already at the mid-point of 2013. The first half of this year has been a very productive one for The Institute of Law Clerks of Ontario. From our annual Winter Social to Education Awards and Annual Conference, the Board, staff and our many volunteers have worked diligently to provide our members with continuing education programs and networking events to assist them in achieving excellence.

Our annual Winter Social was by all accounts a very successful event, which would not have been possible without the support of our sponsors ESC, Do Process and Stewart Title. The King Edward Hotel provided a beautiful backdrop for old friends to reconnect, and the opportunity for our members to make new connections.

The Education Awards, held again at the Park Hyatt Hotel, recognized students with the highest marks in all practice areas. Recipients



and their families joined us for a celebratory lunch to honour their accomplishments. I would personally like to take this opportunity to congratulate each award recipient on achieving great success in their program.

ILCO's 23rd Annual Conference "Take It To The Top" was another great success. Our keynote speakers were an excellent addition to the top rate speakers that were secured in individual practice areas. Dr. Natasha Turner spoke to restoring our health and reducing stress by addressing the two most common hormonal imbalances in our bodies. Chris Cummins taught us how to change our external circumstances by changing our internal thinking. He made us laugh, cry and appreciate everything life has to offer – all in one hour. Rose Reisman educated us in strategies to live a longer and healthier life, and taught us to "Choose It And Lose It". The addition of Rose's chocolate brownies put her session over the top!

As we head into the lazy days of summer, the ILCO Board, staff and various committees will continue to develop programs that provide our members with education opportunities and career development. Stay tuned!!

Wishing you all a happy and safe summer.



MARSDEN
LEGAL SEARCH & RECRUITMENT

Kelly Smith

marsdengroup.com

linkedin.com/in/kellysmithrecruits

CARTEL INC.



since 1975

Building relationships is our business.

"My candidates ask me what's kept me at Cartel for so long ... 13 years ... It's the people. The people I work with, as well as the people I meet everyday. I'm lucky to be able to say that I enjoy what I do and like the people I work with. I give hope to candidates when they need it and find satisfaction in finding them a job to call home."

The relationships we build last a lifetime. When you call, you can count on me to be here to listen and to assist in any way I can. I've found my home away from home at Cartel. Let me help you to find yours!"



Zaheeda Merali
Senior Law Clerk Consultant
Zaheeda@cartelinc.com

Toronto's Most Trusted Authority in Legal Personnel

SAVE THE DATE!



Plans for ILCO's 24th annual conference are well underway! Mark your calendar with next year's conference dates and location
- May 28 to May 31, 2014 at Deerhurst Resort in Huntsville, ON

ILCO PERSONAL ACHIEVEMENT

Suzanne VanSligtenhorst, ILCO Director, co-Chair of Education Committee and Certification Committee and Associate member, completed her first Around the Bay 30k Road Race on Sunday March 24, 2013. The sky was clear and the sun was shining as Suzanne and over 8,000 other racers made their way through the streets of Hamilton, over the Burlington Lift Bridge, through the rolling hills of scenic North Shore Boulevard, up Valley Inn Hill, returning to York Boulevard and finishing inside Copps Coliseum at York Blvd. and Bay Sts.

Since 2005, the Around the Bay Road Race has been a charity event. All funds raised support the compassionate patient care and groundbreaking research that are the hallmarks of St. Joseph's Healthcare Hamilton. See their web-site for more details: www.stjoesfoundation.ca

Please send your personal achievements to Leslie_Reynolds@ilco.on.ca so that we may include it in our newsletter.



LAW FIRMS' ACHIEVEMENT



How the Sporting Life 10k Law Challenge Sends Kids with Cancer to Camp

Alex Robertson, Executive Director, Camp Oochigeas

Why a camp for kids with cancer? Because in a world of doctors, hospitals and chemotherapy, sometimes kids need a chance to

just be kids. That's where Camp Oochigeas, or "Ooch" comes in.

Ooch is the only residential camp in Ontario to offer on-site chemotherapy IV treatment and blood transfusions. We also offer year-round programs for children and families affected by childhood cancer in Muskoka, SickKids Hospital, two other regional cancer centres, and Ooch Downtown in the heart of Toronto. Through these programs, Ooch provides fun and meaningful experiences to approximately 800 children affected by cancer each year, at no cost to their families. How do we do it? We rely on the generous support of donors, volunteers and passionate community event fundraisers.

One of our biggest annual fundraising events is the Sporting Life 10k. This year, on May 12, 27,000 people ran and walked down Yonge Street. This year the fundraising goal is \$2.4 million, a goal which we will achieve with the help of over 3,000 fundraisers and 100% of net profits benefit Ooch – enough to fund our entire summer residential program. The event started in 1998, and Sporting Life brought in Camp Ooch as the charitable partner in 2003. From 2003 to 2006, the event raised a total of

approximately \$100,000 for Ooch, but in 2007 some innovative fundraising tactics took the event to the next level.

In 2007 a group of Davies Ward Phillips & Vineberg LLP employees, led by Jim Bunting, created the Law Challenge. They started a friendly fundraising competition between the largest law firms in Toronto and raised over \$150,000. That year we launched a new online fundraising portal on our website that allowed people to set up personal campaigns. The result was an increase to nearly \$400,000 raised in a single year. Based on Jim's success with the Law Challenge, we created the Industry Challenge, which now includes 12 industries and over 100 companies, contributing 1/3 of the fundraising total for this event. The Law Challenge is still the benchmark for success and raises the most money of any industry each year. Since the creation of the Law Challenge in 2007, industry teams have contributed nearly \$1 million dollars to Camp Ooch.



AT THE END OF THE RACE, CAMP OOCH WINS.

As the Executive Director, I've seen firsthand the positive impact camp-style programs can have on children and families dealing with childhood cancer. Cancer is a traumatic experience for the whole family and Ooch brings back the friendship and fun that can be so easily lost in such a hectic time. As we're told by our partners at The Hospital for Sick Children, Ooch is the social cure for cancer. Every year, I'm humbled by the support we receive through the Sporting Life 10k. Our organization's vision is to provide "more Ooch, more often, for the kids who need it most", and with the help of Ooch Champions like all those participating in the Sporting Life 10k Law Challenge, we're making a difference.

EDUCATION AWARDS

"Learning is a treasure that will follow its owner everywhere. – Chinese Proverb"

"The beautiful thing about learning is that no one can take it away from you. – B.B. King"

On Saturday April 20, 2013, ILCO's Education Committee held its annual Education Awards ceremony at the Park Hyatt Hotel. The ceremony recognizes students that are members of ILCO (i) who have achieved the highest mark in each of the Associate and Fellowship courses, and (ii) who have achieved an honours standing (80%) or higher on each of the four provincial examinations (Litigation, Corporate, Real Estate and Estates).

The ceremony was attended by a dedicated group of students and their families, who shared personal insights about what these awards meant to them, as well as some of the instructors who taught the ILCO courses to the students receiving awards.

Jacqueline Cummins, former ILCO Director and former co-Chair

of the Education Committee was the keynote speaker and spoke about how to move your legal career forward.

Following the awards presentation, attendees were treated to a delicious lunch generously sponsored by Torys LLP, a large downtown law firm, Emond Montgomery, publisher of texts used in ILCO courses, Cartel Inc., a legal recruiter and Humber College, where some of ILCO's courses are held.

On behalf of the ILCO, we congratulate the 2011-2012 award recipients and wish you much success in your future endeavours.

Suzanne VanSligtenhorst, Co-Chair Education

Margaret Tsetsakos, Co-Chair Education

Balfour Award for Excellence in Real Estate, David Boakes Award for Excellence in Estates

by Ann Naluzny (Seneca College),
2012 Award Recipient

Jo-Ann P. Vickers Award for Excellence in Real Estate & Estates at Seneca College and Honours Certificate

Many times over the years various people have told me I should have been a lawyer. With that in mind, in the fall of 2010, I decided to take the ILCO Associate Level Litigation course through Seneca College's part-time education program. I thoroughly enjoyed the course material and decided to complete the Associate level program with the goal of obtaining an Honours Certificate. I took the Litigation, Estates and Corporate courses at Seneca College and self-studied for the Real Estate course.

Taking the four ILCO Associate level courses was not an easy task, returning to school after years in the workforce was challenging but I loved expanding my knowledge base and learning new material. After spending many hours each week attending school at night and studying and completing homework on the weekend, I was extremely proud and excited to obtain my goal of an Honours Certificate.

When I found out that I had been awarded the David Boakes Award for excellence on the Estate exam, the Balfour Award for excellence on the Real Estate exam and the Jo-Ann Vickers Award I was surprised.

I was very proud and honoured to attend this year's Annual Education Awards ceremony to receive recognition for my achievements. I would like to thank the ILCO executive along with the sponsors for hosting the event and honouring the academic efforts of the students. I would also like to thank my husband and mother for encouraging me in my efforts over the last two years. Without their constant support and help I could not have achieved such outstanding results. I look forward to continuing as a member of The Institute of Law Clerks of Ontario and taking further courses at the Fellowship level.

James Bristow Award for Excellence in Litigation

by Lilia B. Figueiredo (Conestoga College),
2012 Award Recipient

I believe that everyone has an obligation to support and promote ongoing education regardless of your field. Even after almost thirty-five years in the legal field, I find that there is so much more to be learned.

I initially took the Civil Litigation course through Conestoga College in order to support and get our legal assistants interested in upgrading and developing their skills. I have always believed that the best example is to lead, and so it was that entire staff at McSevney Law Offices found themselves

attending the Civil Litigation course that was taught by a well-known and respected litigator, Ross F. Earnshaw.

The course itself is quite substantive covering a vast area of practice and procedures and it was helpful to be able to work and study together, which reinforced the lessons taught.

I personally viewed the course as an opportunity to get up-to-date and discovered you can still teach an old dog, brand new tricks. Time does not stop and neither does the

EDUCATION AWARDS

evolution of law. There are always new procedures being put in place and challenges constantly being presented.

I have worked for the last 19 years with McSevney Law Offices and its predecessor, Onorato Law Offices where I have been privileged to develop my law clerk skills to the fullest potential.

In addition to being a law clerk in the area of litigation, I also work with the lawyers in estates and family law and

am the office administrator. The challenges are many and often daily. It would have been impossible to do all of this and do it reasonably well, without the support of my co-workers, husband and two sons.

Throughout the years I have relied upon the wisdom of Archimedes in that, "Give me but a firm spot on which to stand, and I shall move the earth." Well perhaps not the earth, but my own tiny corner of it.



From left to right: Jackie Foster, David Boakes Award for Excellence in Estates Law; Lilia Figueiredo, James Bristow Award for Excellence in Litigation; Lynne Brigant, Torys LLP Fellowship Award; Ann Naluzny, Balfour Award for Excellence in Real Estate Law, David Boakes Award for Excellence in Estates Law and Jo-Ann P. Vickers Award for Excellence in Real Estate Law and Estates Law; Betty Ann Dawson, David Boakes Award for Excellence in Estates Law; Mariya Ivanova, Victor Award for Excellence in Corporate Law

David Boakes Award for Excellence in Estates

My journey to become a law clerk began by asking people if they enjoyed their current careers.

Consistently, I received a response of "I love my job" from anyone who worked as a law clerk.

Thankfully, McMillan LLP, offered me a legal assistant position in their superb Estates group and combined with the ILCO estates law clerk course, the material was brought to life.

The courses and instructors at George Brown College have been exceptional. Richard Desrochers and Rose Plue both provided a wonderful learning environment which welcomed participation, which in turn encouraged me to prepare for each lecture. Studying for the ILCO exams was both challenging and rewarding.

The course material applies to everyday life as we must all

by Betty Ann Dawson (George Brown College),
2012 Award Recipient

live within the law.

However, a key element in the process was to have a supportive family. My husband, son and friends were always there to encourage me on to the next step!

At the ILCO Awards luncheon in April 2013, I had the good fortune to speak with experienced law clerks who shared their work experiences with me. Some worked in Litigation and others had chosen the non-law firm route. This has opened up my eyes as to the future opportunities I can experience with my new-found knowledge.

I am looking forward to working as a Law Clerk.

Now I have more of an understanding as to why law clerks say "I love my job!"

Continued on page 6

EDUCATION AWARDS

ASSOCIATE AWARDS

REAL ESTATE Balfour Award Excellence in Real Estate

In 1971, David Boakes (founding member of ILCO) expressed a wish to donate an award for excellence in Real Estate. In honour of David's father Balfour Boakes, this award is presented to an ILCO member who attains the highest mark on the Real Estate provincial exam.

2012 Recipient: **Ann Naluzny** (Seneca College)



Balfour Award,
David Boakes Award,
Jo-Ann P. Vickers Award
and Honours Certificates

Ann Naluzny

LITIGATION James Bristow Award Excellence in Litigation

ILCO has been donating an award for Excellence in Litigation since 1995 to recognize the hard work and dedication of James V. Bristow to ILCO. This award is presented to an ILCO member who attains the highest mark on the litigation provincial exam.

2012 Recipient: **Lilia Figueiredo** (Conestoga College)



James Bristow Award
Lilia Figueiredo

ESTATES David Boakes Award Excellence in Estates

Since 1995, ILCO has donated an award for excellence in Estates in commemoration of David Boakes (founding member of ILCO). This award is presented to an ILCO member who attains the highest mark on the estates provincial exam.

2012 Recipient:

Ann Naluzny (Seneca College)

Betty Ann Dawson (George Brown College)

Jackie Foster (Sheridan College)



David Boakes Award
Betty Ann Dawson



David Boakes Award
Jackie Foster

CORPORATE Victor Award Excellence in Corporate

In 1971, James Bristow, founding member of ILCO, expressed an interest to donate an award for excellence in Corporate law in honour of his father Victor Bristow. The award is presented to an ILCO member who attains the highest mark on the Corporate provincial exam.

2012 Recipient: **Mariya Ivanova** (George Brown College)



Victor Award and
Honours Certificates
Mariya Ivanova

REAL ESTATE & ESTATES Jo-Ann P. Vickers Award

Excellence in Real Estate & Estates at Seneca College

In 2003, The Institute of Law Clerks of Ontario donated an award for excellence in both Real Estate and Estates. This award is to be given to a Seneca College student who attained the highest combined mark on the Real Estate and Estates Provincial Examinations. This award is given by ILCO in memory, honour, recognition and in dedication to Jo-Ann P. Vickers, a fellow member of ILCO, a member of the Education Committee, a supporter of ILCO and an instructor at Seneca College for a period of 10 years. Jo-Ann P. Vickers passed away in 2003.

2012 Recipient: **Ann Naluzny** (Seneca College)



Tory LLP Fellowship Award
Lynne Bright

FELLOWSHIP AWARDS

Tory LLP Fellowship Award Excellence in Real Estate

Torys has been donating this award since 1995. The award is presented to a member of ILCO who attains the highest mark in a Fellowship course.

2012 Recipient: **Lynne Brigant** (ILCO)

EDUCATION AWARDS

HONOURS CERTIFICATES

ILCO has been presenting honour certificates to students that have taken the 4 provincial exams since 2002. These certificates are presented to the student members that achieve an honours standing (80%) or higher on each of the four (4) provincial examinations (Real Estate, Litigation, Estates and Corporate).

2012 Recipient:

Ann Naluzny (Seneca College)

Mariya Ivanova (George Brown College)



Ann Naluzny

Mariya Ivanova



Search & Registration Services

Corporate Search Services

Corporate and Business Name Searches, Profile Reports, Certificate of Status. Certificates of Compliance.

Corporate Document Filings

Corporate Article filings, Business Name and Limited Partnership Registrations.

Due Diligence Search Services

Litigation, Bankruptcy & Insolvency, Bulk Sales Act, Bank Act, Writ of Execution/Sheriff and Land Registry Searches.

PPSA/PPR Services

Personal Property Security Searches & Registrations.

Litigation Support

Litigation searches, Court Document Copies & Research, Bulk Sales Act and Civil Litigation Filings.

NUANS Name Searches

NUANS Reports, Preliminary searches, Federal and Provincial Name Reservations.

Corporation Supplies

Corporate Kits, Minute Books, Embossers, Share Certificates and more.

Document Authentication & Legalization Services

Document processing at the Official Document Services in Toronto and the Department of Foreign Affairs & International Trade office in Ottawa. Consulate and Embassy processing.

For a more information, or to place an order please

Call: 416.599.4040 | 1.877.239.6616

Fax: 416.599.8655 | 1.877.239.0244

Email: search@centrolegalworks.com

CentroLegalWorks.com

EDUCATION AWARDS

David Boakes Award for Excellence in Estates

The Law Clerk Certificate program was a very challenging and rewarding experience. Estates was my first class in the program which I took concurrently with Corporate and, having never worked in a law office, I did not know what to expect. I found my excitement to be entering a new field increased as the program progressed. The work load was quite heavy at times but I was fortunate to have a flexible work schedule and family support.

The decision to make a career change at this point in my life was a difficult process. I did a lot of research into the field and I talked to lawyers and law clerks about the ILCO courses. One thing that stood out to me was that the ILCO program was highly recognized in the field. Once I decided on the program the greatest challenge I faced was closing my mind to the negativity about seeking new a

by Jackie Foster (Sheridan College),
2012 Award Recipient

career and finding employment at my age.

You hear constantly how difficult it is for someone in their 50's to find new employment. In that regard it was a struggle to remain positive, however, I am happy to say I was hired by the Real Estate Council of Ontario within 3 weeks of completing the certificate program. Just this week I received a call for another interview, which I have declined, but it certainly speaks to the success of the program.

I would like to give special thanks to the instructors at Sheridan College Brampton; Tanya Tanti, Colleen Broderick and Valerie Cain for their knowledge and dedication to the students and their patience with my never ending questions. I am proud to be a member of ILCO and honoured to receive such an award.



From left to right: Suzanne VanSligtenhorst, Co-Chair Education; Ann Naluzny, Honours Certificate Recipient; Mariya Ivanova, Honours Certificate Recipient; Margaret Tsatsakos, Co-Chair Education

Victor Award for Excellence in Corporate

My studying experience was genuinely interesting and enriching. I took the four courses (Real Estate, Litigation, Estates and Corporate) at the George Brown College. Thank you to the instructors, Rose Plue and Richard Desrocher, for their dedication to provide a stimulating learning atmosphere. The course material presentations were truly motivating and helped me to prepare for the provincial examinations.

by Mariya Ivanova (George Brown College),
2012 Award Recipient

Also, thank you to my family for all their support and encouragement.

It was challenging to balance between taking care of my family and attending school, but I'm happy with the choices I have made and the results I have achieved.

LAW CLERKS AND PARALEGALSWHAT'S THE DIFFERENCE

The terms law clerk and paralegal are often used interchangeably; however, in Ontario there are very notable differences.

In Ontario, a law clerk is an individual qualified through training and experience to work under the supervision of a lawyer in accordance with Rule 5 of the Law Society of Upper Canada Rules of Professional Conduct. Law clerks typically are employed in all areas of law and will secure employment in law firms, corporations, and government agencies. Law clerks perform much of the "behind the scenes" legal work such as drafting correspondence, contracts, pleadings, conducting legal research, interviewing clients, managing and closing transactions, assisting legal counsel with hearings, just to name a few. Many law clerks in Ontario will receive their education and training from an Ontario Community College, or after a few years' experience working in the legal environment, take courses part-time through the Institute of Law Clerks of Ontario, a professional organization for law clerks.

At Durham College, in Oshawa, a three year advanced college diploma in Legal Administration/Law Clerk is offered. Students enrolled in this program take a suite of procedural and substantive law courses such as corporate, wills and estates, family, civil procedures and litigation, numerous property and real estate courses, insurance, administrative, criminal, torts, contracts, legal research, alternative dispute resolution, ethics, taxation, and options in advanced estates or intellectual property, together with skills-based programming in legal accounting, computers, and specialized legal software and advanced communications skills. Students are immersed in the legal environment by participating in an extensive field work component in both the second and third year of their programming whereby the student works in the legal environment. This program is designed to prepare a graduate with the skills, attitudes, and abilities for a junior law clerk position in the legal environment. This program is also approved by the Institute of Law Clerks of Ontario.

Paralegals in Ontario are licensed and regulated by the Law Society of Upper Canada. A licensed paralegal is permitted to independently provide full legal advice and representation within the scope of the paralegal license, granted by the Law Society of Upper Canada. The scope of practice of a licensed paralegal includes legal services in the areas of: Provincial Offences, administrative tribunals, boards and commissions, summary criminal matters, and Small Claims Court. In Ontario, paralegals are not permitted to independently practise in an area of law that is outside of the scope of the

license. For example, a paralegal is not permitted to provide independent legal services in the areas of family law, wills and estates, real estate transactions, or an indictable offence in criminal law.

At Durham College, in Oshawa, two Law Society of Upper Canada accredited paralegal programs are offered: a two year Paralegal diploma and a Paralegal graduate certificate. The graduate certificate is designed for the student who has an existing legally related degree or diploma upon entering the program.

Paralegal students at Durham College receive extensive training to equip them to write the LSUC Paralegal licensing examination, if they wish, and upon successful completion of the examination to independently provide legal services in the permitted practice areas in accordance with the Law Society of Upper Canada Paralegal license and regulations.



Paralegal students attending Durham College receive substantial practice and procedural training in Small Claims Court, Provincial Offences Court, criminal summary conviction, Residential Landlord Tenant, Workplace Safety and Insurance, Financial Services Commission of Ontario, commercial vehicle registration, administrative law, substantive law training in torts, contracts, and employment law, foundational skills in evidence and advocacy, ethics, practice management, legal accounting, legal research and writing, alternative dispute resolution

principles, and communications and computer skills required for the legal professional.

Realizing the value of real world experience, paralegal students at Durham College complete an extensive field work program wherein they work with a licensed paralegal or lawyer during their college program.

Should you wish to learn more about programming at the School of Justice & Emergency Services at Durham College visit: <http://jes.durhamcollege.ca/>

Virginia Harwood

This article was originally published in the March 2011 edition of TLOMA Today.

E-DISCOVERY PRICING AND THE CJC'S DISCUSSION PAPER ON COST BENCHMARKS

In a discussion paper sponsored by the Canadian Judicial Council entitled, "Guidelines on Benchmarking of Costs," Sandra Potter of Indicium Legal has presented for discussion an approach to determining appropriate costs for standard ediscovery services. The paper should serve as a useful source of guidance, even as a sanity check, for anyone trying to figure out what is a reasonable price for ediscovery services — whether they are offering those services or paying for them.

The main point of the paper is to address how law firms can manage and then justify the work they perform on behalf of clients. Much of this work has always been and will continue to be handled within the firm. However, my focus here is on those elements that are out-sourced to service providers and on how law firms and service providers might develop a more intelligent approach to this aspect of ediscovery costs. But first, a little more on the discussion paper.

As stated in the Foreword: "These guidelines have been prepared by the Canadian Judicial Council to assist courts. Judges retain discretion in making any cost orders in a particular matter. Use of these guidelines should assist both lawyers and judges in considering e-discovery as an affordable tool, particularly when pursued in proportion to the scope of the litigation."

Noting the recent Practice Directions issued by BC and Alberta, as well as the CJC's own National Standards, the paper argues for the value of benchmarks for the pricing of ediscovery services. Benchmarks, it argues,

- 1.....provide a guide for the Courts to assess costs in a matter where technology has been used to assist with the litigation
- 2.....ensure that Law Firms which choose to do this type of work in house are still able to get money back for their client if they win a matter; [and]
- 3.....provide a guideline to firms and end clients alike as to how the Court might rule on such costs and provide a predictive costing model.

The paper deals in quite some detail with the line-item components of ediscovery. The point is to present a framework, a common taxonomy. Sample costing is provided based on B.C. surveys. The structure of the paper and its proposed framework reflect the structure of ediscovery itself:

1. Document Preparation
2. Database Creation
3. Numbering (Electronic Bates)
4. Scanning
5. Objective Coding
6. Processing Electronic Files
7. Database Management
8. Determination of Production Set (Legal Analysis)
9. Project Management
10. Examination for Discovery
11. Common Trial Book Preparation

12. Hearing Preparation
13. Hearing
14. Appeal Preparation

The paper presents sample costs, derived from consultations with jurists and lawyers in B.C.), but it does more than that: it offers a method for developing benchmarks in other jurisdictions. For this broader, forward-looking initiative, it draws on definitions and approaches already in place in B.C., Ontario, N.S. and elsewhere. The framework it presents allows interested parties to continue this important work on a local basis.

A few examples might help to illustrate the kind of analysis and discussion that's called for:

1. 5 cents per page for scanning (see p. 14) may reflect B.C. rates. Is that the standard rate in the Toronto market? Hamilton? Ottawa?
2. Is the rate very different for in-house scanning and outsourced scanning?
3. Does \$250 per GB for ESI processing (see 14) reflect market rates in Toronto? How many vendors charge per GB for processing? How much variability is there across vendors?
4. The assumption of 4 pages per document is reasonable as an average. But how often – and in what kinds of cases – would this number be different? How much difference does the assumed number of pages make to the overall cost of the project? [This is of course more likely to matter in TIFF-and-coding scenarios than in native review situations.]
5. Where separate costs are presented on p. 14 for Scanning, Unitization, Attachment linking and Hard copy Bates, does this reflect practices in Ontario and, specifically, Toronto?
6. Do the overall "scale" costs set forth on p. 20 seem reasonable as encompassing all of the elements of an ediscovery project?
7. Finally, does it seem to you as if developing an Ontario- or Toronto- or Ottawa-specific cost spreadsheet would only require plugging in slightly different numbers, or do you think a completely different structure is required, given how things are done in your market?

It seems to me that now is a good time to use this CJC discussion paper as a jumping-off point for Ontario-specific data collection and analysis, aimed at developing a standardized approach to costing.

And finally, I'd like to raise a different issue – one that is complementary, certainly not contradictory: If the goal implicit in the CJC discussion paper can be achieved – namely, a set of standards that law firms can use to justify their ediscovery costs for purposes of recovery or cost-shifting – can't we also imagine a set of standards that law firms can use when soliciting

bids from ediscovery service providers? To put it simply, if law firms decide they like the CJC spreadsheet, can we get vendors to offer pricing that lines up with that spreadsheet?

This opens up a whole world of questions about why we do ediscovery pricing the way we do. Do we all use per-gig pricing? If not, when and why not? Do some use a per-hour model? What are the risks – and who bears those risks – of relying on a per-gig model? Who would most like to see the “standard approach” changed, and which approaches might make more sense? I hear more and more talk about – and certainly, among law firms and corporate clients, more interest in – a value-based approach to billing. One approach, easy to articulate but harder to hammer out in practice, is to set the cost/value of ediscovery services as x% of the total value of the case.

What makes this all the more interesting is that, instead of living in a world in which upstream licensing and pricing arrangements (such as an annual license fee to use a hosted review platform, or a per-document fee to run near-duplicate analysis) determine how vendors present pricing to law firms, this new approach would be driven by what best satisfies the needs of the ultimate paying client. We might see things turned on their heads, with the providers of equipment and software being forced to adopt value-based pricing for their

clients – namely, the ediscovery vendors and the major law firms.

Overall, I’d say we are uncertain about ediscovery pricing because we’re uncertain about all of the risks inherent in the early stages of an ediscovery project: we don’t know who will bear the cost, within the pricing structure we just agreed to, when we find out how many custodians there really are, how many gigs there are to process, how long the review will last...

I think if we had a show of hands, we would all agree that we’d like to see a better approach. I’m not going to propose anything specific here; there are others in this market with far more experience, and many of them (of you) will already have some well-developed thoughts.

The CJC discussion paper is an excellent contribution to the development of a standardized framework for discussing, evaluating, managing and seeking recovery for specific line-item costs in ediscovery. I believe we would also bring real beneficial change if we find a way to get ediscovery service providers to present pricing that matches these line items.

Or at least have a discussion about the sharing of risk in an open and transparent manner...

How that might happen in practice, I don’t know. But I think it’s a discussion worth having.



The title insurer that puts you front row, centre

Putting the legal community front and centre has made us the #1 choice with Canadian legal professionals for over a decade. While other title insurers go head to head with you for your business, Stewart Title does not support programs that reduce or eliminate the legal professional's role in real estate transactions. Instead, we focus on what matters to you:

- unsurpassed policy coverage
- competitive pricing
- underwriting expertise

At Stewart Title, we keep real estate transactions where they belong – in your office!

1-888-667-5151 or www.stewart.ca

stewart
title guaranty company

WINTER SOCIAL 2013

FROM A DIRECTOR

The Institute of Law Clerks 5th Annual Winter Social took place at the King Edward Hotel in downtown Toronto on February 28, 2013. Members gathered to mingle with old friends and munch on some fabulous nibbles. Special thanks to our sponsors for their continued support - ESC,

Do Process and Stewart Title - and to the staff at the King Edward Hotel for a very memorable evening.

*Maddalena Lepore
Director, Chair of Public Relations*



DO PROCESS

Do Process has been a proud supporter of ILCO for many years and we always welcome the opportunity to participate in your events. We were very fortunate to attend the ILCO Winter Social for a third year in a row. It was a wonderful evening that afforded everyone the chance to mingle with colleagues, old and new friends. It was a great way to end a busy work day.

Do Process has been in the legal real estate industry for over 24 yrs and we are grateful to see continued enthusiasm among law clerks and lawyers who are willing to learn and

to continue to improve their businesses. We appreciate that your events provide us with the occasion to speak with our valued users of our products, such as The Conveyancer, to gain a better understanding of how our software has benefited their practices. There is nothing more valuable to us than being able to meet our supporters and offer our thanks face to face! We sincerely look forward to the next ILCO event!

For more information about us and our services, please visit www.doprocess.com

ESC CORPORATE SERVICES LIMITED

ESC was delighted to sponsor another successful Winter Social for the 5th consecutive year alongside our colleagues Do Process, Stewart Title and ILCO. This year's event was held on February 28th, 2013 at The King Edward Hotel and was attended by more than 100 law clerks.

The venue choice was fit for royalty, it set the mood to mingle, make new acquaintances and reconnect with familiar faces. The food was plentiful and delicious, cocktails and wine flowed throughout the evening. A wonderful time was had by all!

Thank you to all who attended and as always we look forward to seeing you again.

ESC Corporate Services "a service provider" with a lasting legacy, an incredible history and a promising future. ESC is an independent Canadian company. Building on solid foundations, ESC shares all of the goodwill, knowledge and experience of its predecessor companies, including the highly skilled and dependable teams of corporate service and real estate experts that have built and maintained strong and enduring relationships with our customers.

With a keen interest in our customer's needs, ESC intends to increasingly offer new and innovative methods of delivering exceptional information solutions for our corporate customers through service channels of our customers choosing.

Visit us @ www.eservicecorp.ca



STEWART TITLE GUARANTY COMPANY

Stewart Title was proud to sponsor and attend this year's ILCO Winter Social on February 28th in Toronto. Ontario law clerks are an integral part of the title insurance business and this event provided a wonderful opportunity to speak directly with ILCO members and other industry representatives who were eager to learn more about Stewart Title's products

and services.

Thank you for allowing us to participate and we look forward to future ILCO events down the road!

For more information on Stewart Title, visit www.stewart.ca

CONFERENCE 2013

This year's 23rd Annual ILCO Conference "TAKE IT TO THE TOP" held at Blue Mountain Conference Centre, Blue Mountains, Ontario marked another very successful and unforgettable few days. Each year the Conference Committee tries to create an event that is unique, educational, fun, and one that would ultimately be remembered. The dedication, creativity and hard work of this year's Committee Members surpassed the high standards it set.

The success of such an event, however, is not possible without the support of the Sponsors, Exhibitors and Attendees whom we depend on each year and sincerely thank. The Exhibitors showcased and demonstrated their new products and services, which would prove to make the legal industry the best it can be.

The sessions were headed by dynamic and inspiring speakers who took the time from their very busy schedules and travelled from different parts of Ontario and from as far away as the Atlantic Provinces. They empowered the law clerks to expand their knowledge, efficiency, professional ability, growth and development thereby enabling them to take their career to the top.

Each day commenced with a little more insight and awareness of one's personal health and wellbeing, highlighted by our keynote speakers. Dr. Natasha Turner addressed the two most common hormonal imbalances and how to restore

your health and reduce stress. Chris Cummins provided us with the tools for living and declared that it's all about attitude "When you Believe, you Achieve". And finally, we closed the conference with Rose Reisman demonstrating how to achieve the passion for healthy longevity and shared her recommendation on making healthier choices at restaurants and never having to diet.

In addition to all the educational knowledge absorbed, the "Take it to the Top" conference allowed for some incredible networking opportunities and bonding friendships. What better way to start an event than at a golf tournament, especially at the fabulous Monterra Golf Club, followed by a reception with some wonderful give-away prizes. The Wednesday night meet and greet party also allowed for some amazing food, drink, and great schmoozing. Stewart McKelvey again sponsored our Thursday night event, a lovely sit down dinner and great entertainment which allowed a lot of us to reminisce down memory lane.

Once again we would like to thank our attendees, speakers, sponsors, and exhibitors for making this conference a success and invite all of you to join us next year at Deerhurst Resort, Muskoka, Ontario, on May 28th – 31st, 2014.

*Elsie Karulas and Maddie Lepore
Co-Chairs, 2013 Conference Committee*



CONFERENCE 2013



2013 Conference Committee

Back row (left to right): Andrew James, Anna Traer, Evelyn Thompson, Margaret Tsetsakos, Brendan Cosgrove, Nancy Johnstone, Leslie Reynolds, Rose Kottis, Kristopher Rodrigues
Front row (left to right): Maddie Lepore, Elsie Karulas



Continued on page 16

CONFERENCE 2013



Board of Directors 2013 - 2014

Back row (left to right): Anna Traer, Maddie Lepore, Suzanne VanSligtenhorst, Elsie Karulas, Margaret Tsetsakos, Rana Mirdawi, Lidia D'Amata
Front row: (left to right) Rose Kottis, Lisa Matchim



CONFERENCE 2013



Discovery Plans, Anna Traer, Debbie Miller, Betty Montoni, Lorraine Klemens



The Tax Court, The Honorable Justice Eugene Rossiter



Lunch

Continued on page 18

CONFERENCE 2013



A Passion for Healthy Longevity - Rose Reisman



It's All About Attitude - Chris Cummins



Dr. Natasha Turner's session



Golf awards

CONFERENCE – THURSDAY NIGHT EVENT



GOLF TOURNAMENT – SPONSORED BY RICOH

This year's 14th Annual Golf Tournament had 26 golfers enjoy a beautiful sunny day at the Monterra Golf Club nestled at the bottom of Blue Mountain. Golfers at all levels participated in this fun best-ball format. Congratulations to this year's tournament winners - Michael Tait of LawyerDoneDeal, Justin Léveillé of Lexis Nexis Canada, Lou Bertoli and Shane Rea of Newell Rubbermaid Canada. Also congratulations to the contest winners – Catherine Ridout of Gowlings for Closest to the Pin; Melanie Steele of Revera Living for Ladies Longest Drive; Taha Lakda of Ricoh for

Mens Longest Drive; and Justin Léveillé for Straightest Drive Closest to the Rope. Special honour to Jamie Karulas who almost got a hole-in-one!

Once again we thank our title sponsor RICOH for making the tournament a great success and enjoyable experience.

Join us next year at Deerhurst on May 28th, 2014.

*Anna Traer
Director, ILCO Golf Tournament*



WELCOME MEMBERS

ILCO is pleased to welcome the
following upgraded and new members
as of January 30, 2013

Students:

Michelle N. Alexander
Jason C. Barkley
Latoya S. FanFair
Emily Fieguth
Jackie L. Foster
Domenico Grifone
Daciana S. Ionescu
Lisa C. Klassen
Jasmine S.T. Lam
Joyce Marsden-Oliver
Stephen W. Matta
Alison E. McIntosh
Sarah K. Morgan
Bethany E. Penner
Rebecca L. Pinch
Wayne D. Ramsbottom
Paul J. Rashotte
Samantha N. Reid
Christina P. Robson
Daniela B. Rodrigues
Beverly A. Rusk
Lorena Leon Sanabria
Cynthia A. Sneath
Elizabeth A. Vanderkleyen
Kimberley A. Walsh
Catherine T. Winterburn

Ordinary:

Maria Annarilli
Deloitte & Touche LLP
Kelly A. Blakey
Barriston LLP
Lina V. Calabro
Reisler Franklin LLP
Stephen S. Carbonaro
McCarthy Tétrault LLP
Ewa W. Czerwonka
Hughes Amys LLP
Jennifer C. De Sousa
Steinecke, Maciura & LeBlanc, Barristers & Solicitors
Sandra N. Dickson
Reisler Franklin LLP
Branka Donnelly
Moodie Mair Walker LLP
Cheryl P. Forsythe
Simmons DaSilva & Sinton LLP
Stephanie G. Friedt
Bell, Temple Barristers & Solicitors
Stacie-Marie D. Gayle (UG)
Steinecke, Maciura & LeBlanc, Barristers & Solicitors
Maria Golverk
Polly Faith LLP
Stephanie Ho
Fogler, Rubinoff LLP

Linh Hoang
The Law Society of Upper Canada
Michelle A. Iaccino- Leonard (UG)
Sorrenti Law Professional Corporation
Mariya G. Ivanova
Affleck Greene McMurtry LLP
Stella S.M. Kam
Borden Ladner Gervais LLP
Sunita G. Khelawan
Toronto Police Association
William D. King
Graydon Sheppard Professional Corporation
Cris M. Lam
Benmor Family Law Group
Jenna M. Landl
O'Donnell, Robertson & Sanfilippo Barristers & Solicitors
Amanda N. Lymer
Rogers Partners LLP
Suzanne M. Macdonald
Carter & Associates
Venessia Maloney-Campbell
Borden Ladner Gervais LLP
Vanna Manno
Judith Holzman Law Offices
Julie A. McDonald
Lerners LLP
Angie C. McMahon
Revera Inc.
Kelly C. Millard
Grillone Law Firm
Diane Moreira
Allen & Co. LLP
Wendy M. Newell
Barriston LLP
Linda PhaoThai
Bennington Financial Services Corp.
Sara Safran
Ronald V. Zaldin
Angie S. Sapalovski
LLOYD Burns LLP
Megan E. Saxe
Bell, Temple Barristers & Solicitors
Shannon SS. Smydo
MCAP Service Corporation
Jessica C. Spooner
McCarter Grespan Beynon Weir LLP
Jordan JP Sporniak
Karimjee Greene LLP
Soumyo P. Tripathy
Grillo Barristers
Susie Tse-Leong
Citi Cards Canada Inc.

Darla Weir
Russell Alexander
Annalise Zala
KRYLOV & Company, Barristers

Associate:

John J.A. Arduini
Reisler Franklin LLP
Pamela Calderone
James Wilson Barristers
Helen Cleland
Toronto Hydro
Stephanie M. Da Silva
Beard Winter LLP
Nicole S. Hiscox
Zarek Taylor Grossman Hanrahan LLP
Freda Kassis
Romano Law Firm Professional Corporation
Michelle M. MacKinnon
Flaherty Dow Elliott & McCarthy
Tania C. McClintock
Carters Professional Corporation
Lisa M. Moore
Reisler Franklin LLP
Ashley M. Piotto (UG)
Blake Cassels & Graydon LLP
Sylvia M. Vlaho
Lees & Lees
Stephanie A. Whitter
Dale & Lessmann

Fellow:

Rose Kottis (UG)
Borden Ladner Gervais LLP

Extra-Provincial:
Wanda M. Doiron
Stewart McKelvey

ANNOUNCEMENTS

CALENDAR OF EVENTS

DATE	EVENT
Wednesday, June 12, 2013	Advanced Full Day Family Law Program
Thursday, June 13, 2013	Open Doors Event
Friday, June 14, 2013	Provincial Real Estate Exam Registration Deadline
Friday, June 21, 2013	Provincial Litigation Exam Registration Deadline
Tuesday, June 25, 2013	Provincial Corporate Exam
Wednesday, June 26, 2013	Lunch Seminar - Develop Your Law Clerk Practice
Saturday, July 6, 2013	Alternate Provincial Real Estate Exam
Week of September 2, 2013	Real Estate Course Commences
Week of September 2, 2013	Litigation Course Commences
Wednesday, September 18, 2013	Legal Research Half Day Program
Wednesday, September 25, 2013	Advanced Full Day Corporate Law Program

ABOUT ILCO

ILCO BOARD OF DIRECTORS

Rose Kottis, President

Lisa Matchim, Vice President, Co-Chair Certification

Lidia A. D'Amata, Treasurer

Monique Jacob, Secretary

Elsie Karulas, Registrar

Anna Traer, Chair Newsletter

Suzanne VanSligtenhorst, Co-Chair Certification , Co-Chair Education

Maddalena Lepore, Chair Public Relations

Margaret Tsetsakos, Co-Chair Education

Rana Mirdawi, Chair CLE

JOB HOTLINE

Information on current employment opportunities is available at the ILCO website (www.ilco.on.ca) For information on placing an advertisement please contact Anne Smyth at 416.214.6252 or by email to anne_smyth@ilco.on.ca.

ADVERTISE IN THE LAW CLERKS' REVIEW!

The Law Clerks' Review welcomes advertising for law-related businesses. For information on advertising in the Law Clerks' Review contact Leslie-Ann Reynolds at 416.214.6252 or email to leslie_reynolds@ilco.on.ca

Our mailing address is:
The Institute of Law Clerks of Ontario
20 Adelaide Street East, Suite 502
Toronto, Ontario M5C 2T6

CHANGE OF ADDRESS?

Are you moving? Don't miss a single issue of the Law Clerks' Review. Forward your new mailing address to:

The Institute of Law Clerks of Ontario
20 Adelaide Street East, Suite 502
Toronto, Ontario M5C 2T6

or by email to:
leslie_reynolds@ilco.on.ca

or by fax to: 416.214.6255

The views expressed in articles, correspondence, etc. are those of the writer(s) and do not necessarily represent the views of ILCO. The Board reserves the right to edit all submissions. All submissions must be signed.

The Institute of Law Clerks of Ontario gratefully acknowledges the assistance of C.O.R.E. (formally the Morphy Centre) in the assembly and mailing of the Law Clerks' Review.

Remember to join us on our social media pages for further information regarding ILCO events and seminars:

www.facebook.com/pages/The-Institute-of-Law-Clerks-of-Ontario

www.twitter.com/InstituteLCO

www.linkedin.com/company/institute-of-law-clerks-of-ontario





Partner with a leader.

Partner with FCT.

The commercial real estate industry is fast-paced. But having to wade through all the required paperwork and due diligence can be a slow, complex process. To succeed, you need to be knowledgeable and thorough, yet extremely efficient.

That's where FCT can help.

You already know that by title insuring your commercial transactions you reduce requirements and lower your costs. What you might not know is that FCT can also help solve your title-related issues with expertise and experience only available from a leader in the industry.

FCT is a partner that truly values your business. Delivering on commitments and exceeding your expectations are the cornerstones of our promise to you.

Over 15,000 legal professionals
can't be wrong!

In 1995 we issued our first commercial title insurance policy and today we process more than 18,000 policies yearly. With an emphasis on integrity, the commercial team commits to working harder for you by thinking differently and getting you what you need to get the deal done.

For more information on the benefits of working with FCT, please visit the company website.

► **FCT.ca** | 1.866.804.3112



Insurance by FCT Insurance Company Ltd., with the exception of commercial policies, which are provided by First American Title Insurance Company. Services by First Canadian Title Company Limited. The services company does not provide insurance products. This material is intended to provide general information only. For specific coverage and exclusions, refer to the applicable policy. Copies are available upon request. Some products/services may vary by province. Prices and products/services offered are subject to change without notice.

® Registered Trademark of First American Financial Corporation



SMART CORPORATE AND LITIGATION SUPPORT SERVICES

We're committed to providing fast, efficient corporate and litigation support services that empower you to get better results for your clients. From business registration filings and corporate information retrieval to court filing and process serving, we offer a complete range of support services. No matter what your business requirement or area of practice, our services will help you be more productive than ever.

UNPARALLELED SCOPE

As Canada's largest legal support service provider, we offer a complete range of corporate and litigation support services in Canada and the U.S.

CORPORATE SERVICES

- Corporate and Business Searches
- Security Searches and Due Diligence
- Enhanced Search Report
- PPSA Searches and Registration
- NUANS® Names Searches
- Comprehensive Name Searches
- Business Registrations and Renewals
- Articles of Incorporation and Bundle Packages
- Corporate Supplies
- Agent for Service
- Corporate Information Filings
- Monitoring Services
- Corporate Database Management Software
- Authorization and Legalization of Documents

EXCEPTIONAL SERVICE

Empowered by knowledge, experience, a can-do attitude, and meticulous attention to detail, we are dedicated to anticipating your needs and exceeding your expectations.

LITIGATION SERVICES

- Court Filings
- Process Serving
- Real Estate Searches and Registrations
- Address Searches and Police Reports
- Document Acquisition

INTELLIGENT TECHNOLOGY

Our service is enhanced with intuitive technology that offers expert guidance and secure access to online services, real-time tracking, and status reports.

**Ask about our offerings in your jurisdiction
Call toll-free 1-800-267-0183, option 4
Visit www.cyberbahn.com**



THOMSON REUTERS