

WINTER 2020

OCLA ACCESS POINT

The Newsletter of the Ontario Courthouse Libraries Association



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Editor: Laura Richmond

From the Chair

A note from Jen Walker, Chair, OCLA

As I write this greeting – my first as the Chair of OCLA - the soothing predictability of a Hallmark Christmas movie is playing in the background. The cheerful optimism of whether this big city career gal can find love, and the Christmas spirit, with her high school sweetheart is a stark contrast to how I feel about my budget right now, a feeling I'm sure many of you are sharing. 2020: what a year this has been.

And yet, we'll do what we always do: make it work. OCLA has always been a source of support for me, and I hope that we will all continue to find ways to support and inspire each other as we enter 2021 with leaner budgets, uncertainty about the pandemic, new responsibilities and requests from our justice partners, and a whole lot of questions about the future.

Out of these times, however, comes opportunity. On the OCLA front, we're putting together monthly professional development programs for our group. With the rapid integration of Zoom into the legal industry, we're also jumping in with both feet and scheduling virtual sessions that will hopefully be of interest to you and give you new skills and information.

We sincerely hope we'll be able to gather in person again for COLAL and future CALL conferences, but in the meantime, this will hopefully give you lots to learn and look forward to. We're also putting the OCLA spirit of cooperation to work with an informal call list for OCLA members on standby to help others with budgeting. No matter the size of your budget cut for next year, OCLA is here to help if you need it. Please feel free to reach out to any of these OCLA members with questions about your collection decisions for the upcoming year:

- Local: Ciara Ward – Northumberland (Cobourg) - ncla@bellnet.ca
- Local: Mary Jo Mustoe – Welland - wcla@execulink.com
- Area: Kelly Elliott – Lincoln (St. Catharines) - library@thelcla.ca
- Area: Helen Heerema – Thunder Bay - library@tbla.ca
- Area: Pia Williams – Waterloo - pwilliams@waterlowlaw.org or cell phone at 905-912-2695
- Area: Betty Dykstra – York Region (Newmarket) - bdykstra@yorklaw.ca
- Regional: Jen Walker – Carleton County (Ottawa) - jwalker@ccla-abcc.ca
- Regional: Doug Hewitt – Essex (Windsor) - essexlaw@mnsi.net
- Regional: Laura Richmond – Hamilton - lrichmond@hamiltonlaw.on.ca
- Regional: Shabira Tamachi – Middlesex (London) - shabira@middlaw.on.ca
- Regional: Joan Rataic-Lang – Toronto - jrataiclang@tlaonline.ca

Finally, and importantly, we're continuing to be strategic in how we communicate the value of our libraries and the work of legal information professionals to the Law Society of Ontario, LIRN, and FOLA. We all want to contribute to the competency of the Bar and to the equitable provision of legal services to the people of Ontario, and all of us on the Executive understand the huge task we have right now. We want to engage productively with our partners.

With all that in mind, I wish everyone a wonderful holiday season, or if you're not celebrating anything in particular, a relaxing time with those you keep close. It may be the optimism of Hallmark movies rubbing off on me, but I am confident we will have a better 2021, together.

Welcome to the Following New Members of OCLA!

Shega Berisha joined **The Hamilton Law Association** in the Fall of 2019 as an Events Coordinator and during the Summer of 2020 transitioned to a Library Assistant role. She attended The University of Guelph for her undergraduate degree in Criminal Justice, Public Policy and Philosophy, and McMaster University for her Master of Arts degree in Critical Theory and Cultural Studies. In her spare time, she enjoys reading and gardening.



Curtis Ellwood began working with the **Carleton County Law Association** as a Library Technician in October 2020. He attended Algonquin college to earn his diploma in library and information technology. He has worked in customer service and sales management for a number of years, and is excited to be moving into the library field. His hobbies include rock climbing and tabletop games.

Melanie Silvestro started as the **Hamilton Law Association's** Library Assistant in August 2020. She has a B.A. from McMaster University in Justice, Political Philosophy and Law with a minor in History, as well as a post-graduate certificate in Event Management. She loves reading, cooking, and hiking and camping in the great outdoors. She is excited to be part of the OCLA community and is looking forward to meeting you all!

Megan Strain started working at the **Toronto Lawyers Association** as the new Reference & Outreach Librarian in September. She attended the University of Edinburgh before graduating with a Master of Information from the University of Toronto.

Prior to starting at TLA, Megan was a Research Analyst at the City of Toronto Archives. She's excited to be working in a library again and can't wait to meet the other OCLA members in person when it is safe to do so!

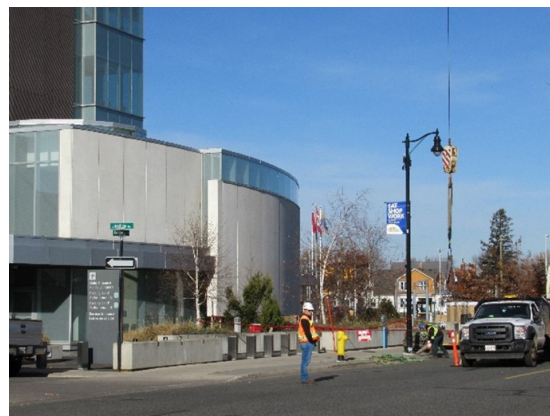
We are also happy to welcome:

- Roxanne Toth-Rissanen, Algoma District Law Association
- Melissa Judd, Temiskaming Law Association

News from Thunder Bay

By Helen Heerema, Thunder Bay Law Association

The fire on October 4th at the Thunder Bay Courthouse has certainly cramped our ability to provide assistance to our local association members. Activity had just begun increasing with some loosening of the COVID restrictions in our area, the expansion of in-person court hearings, and I was set to begin working five days a week in the library, instead of three days. After ten days I was finally allowed to enter the building to retrieve my work computer and some files as long as I wore steel toed work boots, safety vest, hard hat and a mask (and yes, the rest of my clothing!). Luckily, I do own these items. The last time I wore my work boots was when my husband & I were renovating our current home in 2002 so it was a time-consuming search to find these boots in our back shed!



Heading to the courthouse entrance, notice all the porta potties in the trees!

On October 14th I entered the courthouse, signed in twice, had a temperature check, and then was escorted to the library to gather what I needed. At this point there was no power in the building, so there was no elevator available. It was a relief to see that there was no water damage in the library/lounge. I boxed up my computer/printer and various files and hauled them to the top of the stairs. With the assistance of one of the young construction workers, all items made it down the stairs to the main floor and to my car without incident! And procedure required that I sign out of the courthouse before exiting as well. I am not sure why I needed steel-toed boots as there was no construction happening at the main entrance, stairwell, or on the second floor in the area where the library is located, but in these situations, one must just follow the rules.

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After an afternoon of rearranging my rec room to accommodate my temporary office, I was back in business with access to almost everything I needed, except the library print collection and most of my files. Since October 4th, it was not possible for Iris to do any work. Most of our new books, which had arrived the week before the fire, were still at the library - as well as all of her processing supplies. My next challenge was advocating for another visit to the library with Iris to retrieve books, supplies, circulation records, etc.



Crane moving materials in/out of the courthouse

We were permitted to enter the courthouse on November 5th, with all the appropriate safety attire of course. A local criminal lawyer who is retiring in December joined our little jaunt into the building so he could empty his locker. The three of us met in the parking lot with all our gear on and went through the same protocol as I did on October 12th. With temporary power now working in the building, the service elevator was available. We were escorted to the library by security and allowed up to one hour to gather what we wanted, box it up and then be escorted out. On this visit we did see that workers had opened up the ceiling just outside my office and they had moved furniture away from the outside wall in the lounge (so maybe some water found its way across the second-floor plaza area).

Iris & I gathered up what she needed from her desk, all the new books, some more of my files, and some of the popular texts in our collection. When the hour was up Security was waiting to escort us out. It was great being able to use the service elevator this time and one of the security guards helped us bring everything out to our vehicles.



Iris & Helen with our boxes & bags

We are planning to send out to our membership a list of our “limited circulating collection”, both by title and subject, within the next couple of weeks. If someone wants to borrow a title, we will sign it out to them and “bookmobile” it over to their office.

I haven't asked for a third visit yet, but that may come soon now that we have sent out overdue notices and driven a “bookmobile” route to pick many of them up from offices. My current bookshelf is my couch and it is getting full.



In the meantime, my life at work is on Shirley Road in my basement rec room and my exercise now consists of walking down the road to the mailbox!

Trees and the Law in Canada

By Betty Dykstra, York Region Law Association

“The tree which moves some to tears of joy is in the eyes of others only a green thing that stands in the way...”

— William Blake

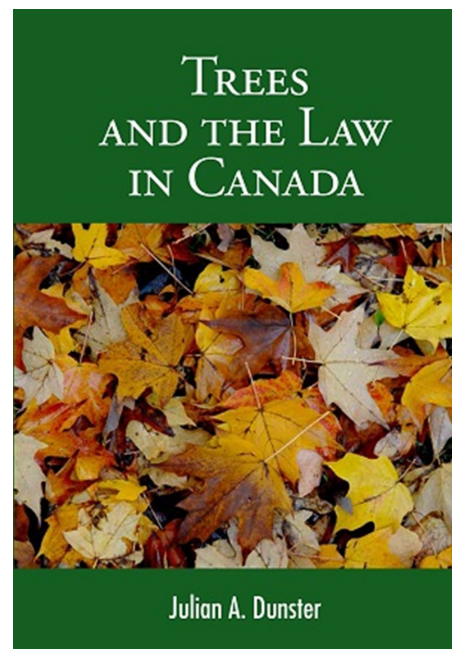
I spent part of this weekend raking up the leaves that formerly belonged to my neighbour’s trees on either side, yet all seem to congregate on my property. Since I can’t control the wind and neither tree are boundary trees there was no self help remedy (and no offer of help from the neighbours either).

My complaint is made in jest but for some people, trees are a big issue.

Tree law resources are fairly scarce, but questions do arise on these issues. I was personally aware of a fairly recent case by Justice Libman, *Gross v. Scheuermann* 2017 ONCJ 722 which gives a great legislative history of boundary tree provisions and caselaw but there is so much more to trees than just the issue arising. This little gem might be the answers to other questions.

Written by Dr. Julian A. Dunster, one of Canada’s leading consulting arborists, *Trees and the Law in Canada* covers nuisance, trespass, negligence, damage appraisal, personal injury, and property damage. It is available for purchase for \$100.00 plus shipping at <https://treelaw.info/>

This book came to my attention by request by one of my lawyers and rather than ILL from one of 2 libraries in our system who have this book, I decided it was worth the purchase for our collection.



What's New at LexisNexis

By Melanie Silvestro, Hamilton Law Association

In early November, OCLA members were invited to attend training sessions hosted by Jackie Munro and Gordon Brough, where they highlighted some changes and enhancements to the LexisNexis platform. Most notably, LexisNexis Practice Advisor was recently renamed and is now known as LexisNexis Practical Guidance. OCLA Libraries who subscribe to Practical Guidance can offer their members free remote access during the pandemic. Anyone interested is asked to send their names to Jackie, and she will process these requests.

Libraries may now purchase a redistribution package for the Lawyers' Daily. While it will not be possible to distribute the entire day's news or newsletters, library staff will be able to download and send ad hoc articles to their members.

New functionality have been added to searching and document delivery options on Quicklaw. For example, Topic Alert can now be limited to only newly added cases. Additionally, when downloading cases, it is now possible to select double-spacing, and under "Specific Options" users are now able to choose whether they want to eliminate the case summary or the case from the download.

Jackie and Gordon also introduced a new filter for Precedents, Motions, and Facta (PMF) which was added some months ago but is not part of the LIRN subscription. Should LIRN choose to purchase this new add-on package, lawyers will be able to view a gallery of filings from precedential cases for the last five years using this filter. It is currently not possible to purchase this package as an individual library.

As a closing note, Gordon shared that he is available to provide a one-hour CPD session for members. If your members are interested in this option, you may contact Gordon at Gordon.Brough@lexisnexis.ca.

Many thanks to Jackie and Gordon for this very informative session!

eBooks on Lexis Advance Quicklaw

Below are the titles available online through our Quicklaw subscription. This list may come in handy as you contemplate your purchases for next year. Special Thanks to **Betty Dykstra** at the **York Region Law Association** for compiling the list!

- Administrative Law in Canada, 6th Ed. (Blake)
- Aviation Liability Law, 2nd Ed.
- British Columbia Courtroom Procedure, 2nd Ed. (Bracken, Dull)
- Business and Human Rights as Law: Towards Justiciability of Rights, Involvement and Remedy (Aftab, Mocle)
- The Business in Transition: Making the Succession Plan Work (Bollefer and Malach)
- Canadian Business Corporations Law, 3rd Ed. (McGuinness)
- Canadian Civil Procedure Law, 2nd Ed. (Abrams, McGuinness)
- Canadian Collective Bargaining Law: Principles and Practice, 3rd Ed. (Rayner, Rayner, Knight, MacDonald)
- Canadian Contract Law, 4th Ed. (Swan, Adamski, Na)
- Canadian Franchise Law - A Practical Guide (So)
- The Canadian Law of Mortgages, 3rd Ed.(Roach)
- The Canadian Law of Unjust Enrichment and Restitution (McInnes)
- Canadian Securities Regulation (Johnston, Rockwell)
- Canadian Tort Law, 11th Ed.(Linden, Feldthusen, Hall, Knutsen, Young)
- Castel & Walker: Canadian Conflict of Laws, 6th Ed.
- Class Actions Law and Practice
- Competition and Anti-Trust Law - Canada and the United States 5th Ed. (Facey, Assaf)
- Corporate Social Responsibility - A Legal Analysis (Kerr, Janda, Pitts)
- Counselling Corporations and Advising Businesses (Iacovelli and Lan)
- Criminal Procedure in Canada, 2nd Ed. (Penney, Rondinelli, Stribopoulos)
- De la détermination de la peine - Principes et applications (Dadour)
- Director and Officer Liability in Corporate Insolvency (Sarra, Davis)
- The Doctrine of Res Judicata, 4th Ed(Lange)
- Drafting Trusts & Will Trusts in Canada, 5th Ed (Kessler and Hunter)
- Employment Law in Canada, 4th Ed.
- Employment Litigation Manual
- Expert Evidence, 3rd Ed. (Anderson)
- The Family Dispute Resolution Handbook, 6th Ed. (Landau, Wolfson, Bala, Fidler, Fitch, Huddart, Maisel)

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- General Principles of Canadian Insurance Law, 3rd Ed. (Billingsley)
- Governance of Publicly Listed Corporations (Dorval)
- Impaired Driving in Canada, 5th Ed. (Kenkel)
- Insurance Bad Faith (Hilliker)
- Introduction to Canadian Insurance Law, 4th Ed. (Brown, Mercer)
- L'appel en droit criminel et penal, 2nd Ed. (Desjardins)
- The Law of Civil Procedure in Ontario, 3rd Ed. (Morden, Perell)
- The Law of Libel in Canada, 4th Ed. (Downard)
- The Law of Limitations, 3rd. Ed. (Mew)
- The Law of Nuisance in Canada, 2nd. Edition (Pun, Hall, Knapp)
- The Law of Search and Seizure, 11th Ed. (Fontana and Keeshan)
- Le droit de l'interprétation bilingue
- Les infractions d'ordre moral en droit criminel canadien (Desjardins)
- Liability Insurance Law in Canada, 7th Ed.(Hilliker)
- Litigating Competition Law in Canada (Iatrou)
- Manning, Mewett & Sankoff: Criminal Law (Manning, Mewett, Sankoff)
- Ontario Litigator's Guide to Evidence, 7th Ed. (Morton)
- Palmer and Snyder: Collective Agreement Arbitration in Canada, 6th Ed. (Snyder)
- A Practical Guide to Outsourcing Agreements (Vereshack)
- Précis d'interprétation législative, 2e éd. (Beaulac et Bérard)
- Procedural Strategies for Litigators in Alberta (Cascadden)
- Procedural Strategies for Litigators in British Columbia (Bennett, Goulden)
- Procedural Strategies for Litigators, 3rd Ed. (Morton)
- Real Estate Practice in Ontario, 9th Edition (Donahue, Quinn & Grandilli)
- Residential Tenancies in Ontario (Fleming)
- Sale and Supply of Goods (McGuinness)
- Sentencing, 9th Ed. (Ruby, Chan, Hasan)
- Solicitor-Client Privilege (Dodek)
- Sopinka and Gelowitz on the Conduct of an Appeal, 4th Ed. (Sopinka, Gelowitz, Rankin)
- Sopinka on the Trial of an Action, 3rd Ed. (McEwan)
- Sopinka, Lederman & Bryant: The Law of Evidence in Canada, 5th Ed. (Bryant, Lederman, Fuerst)
- Sullivan on the Construction of Statutes, 6th Ed.
- Title Searching and Conveyancing in Ontario, 7th Ed. (Moore)
- Vente internationale dans la pratique (Darankoum)
- Wilson on Children and the Law
- Wrongful Dismissal Practice Manual

OCLA Libraries' Holiday Hours



Below is a list of OCLA Libraries who responded with any changes in their hours over the holidays.

We hope that you all have a joyous and enriching holiday season, and wish you all the best for 2021!

The **Great Library's** research assistance and document delivery service will be closed for the holidays from December 23, 2020 to January 1, 2021. They will reopen on Monday, January 4, 2021.

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|---|---|--|
| Carleton County (Ottawa) 1-866-637-3888 info@ccla-abcc.ca Closed between December 21 - January 1 | Hamilton (Hamilton) 1-866-213-6867 reference@hamiltonlaw.on.ca Closed between December 24th (pm) - January 1st | Middlesex County (London) 1-866-556-5570 library@midlaw.on.ca Unstaffed December 24 (pm) - January 1 |
| Northumberland County (Cobourg) 1-866-214-8450 ncla@bellnet.ca Closed/Unstaffed 21 December - 1 January | Perth County (Stratford) 1-866-365-0218 perthlaw@on.aibn.com Closed/Unstaffed December 21 - January 1 | Renfrew County (Pembroke) 1-866-705-8538 rcla@bellnet.ca Work Dec. 24 to 12:00 p.m. - Closed between Dec. 25 to Jan. 1 |
| Stormont, Dundas and Glengarry (Cornwall) 1-866-830-9118 librarian@sdgla.ca Closed from Dec 24 at noon to Jan 1st | Thunder Bay District (Thunder Bay) 1-866-684-1186 library@tbla.ca Closed at noon Dec 24th to Jan1st | Toronto (Toronto) 1-866-258-8886 library@tlaonline.ca Closing at 1 pm Dec 24-returning Dec 29. Closing at 1 pm on December 31- returning January 4. |
| Waterloo County (Kitchener) 1-866-201-0168 pwilliams@waterlowlaw.org Closed at noon on Dec 24th and Dec 31st. | | |

Remedies in *Tortes*

If you're looking for a new treat to enjoy over the holidays, try one of these tested-and-true recipes!

Clementine Oil Cake

Recommended by Laura Richmond, Hamilton Law Association

I love this cake because:

1. Other than the optional glaze/whip cream, it's a one bowl recipe!
2. It uses olive oil as the main fat, so you don't need to plan ahead and let butter come to room temperature.
3. It involves blending 5 whole clementines -- perfect for using up that big box you impulse bought at the grocery store.

Ingredients

5 whole clementines equalling 320g
 2 large eggs
 1 cup sugar (200 g)
 1/2 cup plus 1 tablespoon extra virgin olive oil (130 g)
 2 cups plus 1 tablespoon all purpose flour (290g)
 1 tablespoon baking powder
 1/2 tsp salt
 1 tablespoon sesame seeds (optional)

For the topping (Optional)
 1/2 cup orange juice (115 g)
 1/4 cup sugar (50g)
 1 cup heavy whipping cream (238 g)



Instructions

Preheat oven to 350F. Grease or spray an 8 or 9 inch cake or springform pan.

In the bowl of a blender or food processor, add the clementines and process until they are a smooth pulp.

Pour into a large bowl and whisk in the eggs, sugar, and oil.

Sprinkle the flour, baking powder, and salt on top of the wet ingredients. Whisk them together gently and then combine with the rest of the batter. Don't overmix, just combining until no streaks or flour bits. Pour batter into the cake pan- sprinkle with sesame seeds if using.

Bake for 35-45 minutes, until a cake tester inserted into the center comes out clean. (Bake time will be longer if using 8 inch pan vs. 9 inch.)

While cake is baking make the optional syrup:

In a small saucepan combine the orange juice and sugar. Stir until the sugar has dissolved it has reduced down a bit.

To finish:

While cake is cooling, prick the top with a fork. Generously brush it with about half of the syrup.

Beat the whipped cream to medium peaks, add the rest of the syrup (no more than 1 tablespoon,) then continue to whip until a bit more firm.

Turn cooled cake out of pan and top with whipped cream. Enjoy room temperature or even cold! Lasts in the fridge for up to a week.

Cranberry Cream Cloud Pie

Recommended by Helen Heerema, Thunder Bay Law Association

A superb dessert! Easy and no baking required.



Ingredients

- 2 cups chocolate wafer crumbs
- 1/3 cup butter, melted
- 56 g semi-sweet chocolate, about 2 squares
- 1 orange
- 250-g block cream cheese, at room temperature
- 415 mL cranberry sauce
- 1/4 cup granulated sugar
- 1 cup 35% cream
- 1 tsp vanilla

Place crumbs in a bowl. Using a fork, stir in melted butter until evenly moist. Press onto bottom and up sides of a 9-in. (23-cm) pie plate.

Coarsely chop chocolate. Finely grate peel from orange. In a large bowl, using an electric mixer, beat cream cheese until smooth. Then, beat in cranberry sauce and sugar, scraping down side as necessary until evenly mixed. Stir in chocolate and orange.

Place whipping cream and vanilla in another large bowl. Using an electric mixer, beat cream well until definite peaks form when beaters are lifted.

Using a spatula, gently stir 1/3 of whipping cream mixture into cranberry mixture. Then gently fold in remaining whipping cream just until no streaks remain. Don't overmix or you'll lose the airy fluffiness. Spoon into pie crust and form into a small dome. Gently swirl the surface. Cover with plastic wrap and freeze overnight.

Pie will keep well, covered and refrigerated, up to 3 days. Before serving, let stand at room temperature for about 10 min., then cut into wedges and serve.