

## **ESB LAWYERS LLP – A BRIEF HISTORY**

After about 25 years as a partner at Evans Philp, the full-service firm started by his father with which he had been associated since his call to the Bar in 1965, John Evans concluded that the firm's directions varied from his impression of the best path forward. In April 1991 John walked out, took his files with him, hired the newly minted Paul Sweeny and founded a civil litigation boutique firm. At the time, John was president of the Advocates' Society, but it did little to quash the certain fear that not one new file would arrive – ever.

And yet, it has all turned out pretty well. If you let him, John will tell you with unexpected modesty: “If I have one skill, I am pretty good at hiring the best.” From the outset, John's goal was to practise advocacy of the highest calibre in the province. The firm has flourished over the years by recruiting lawyers who share John's vision of the practice of law.

26 years and several name changes later we are now ESB Lawyers LLP. We have grown from 2 lawyers to 16. The litigation boutique has expanded its scope to include business law, estates, real estate and education law. Our firm and our lawyers have a reputation for excellence that has been and continues to be recognized by designations, awards and legal publications and organizations.

How did we get here?

Paul Sweeny, first to join the new firm had been highly recommended by the local official examiner, Mark Nimigan. Paul developed the cases, found the law and made John look good for a few years. Paul developed his own advocacy skills and reputation. From the outset we have specialized in professional negligence litigation. Over the years, a lot of lawyers have been rescued through our firm's well-planned repairs.

Liza Sheard found herself in a 1994 firm break-up. John appreciated her astute mind and signed her up. Liza had an interest in developing a speciality in estate litigation and became the toast of the estates litigation bar in south-central Ontario. She led the firm's development of an outstanding estate litigation practice.

Sean Lawler came on board in 1997 and the firm of 4 lawyers changed its name to John F. Evans & Associates. Sean stayed with the firm for 4 years, leaving in 2001 to practice law in Toronto. Then, in late 2001 Michael Bordin joined us, after practicing with Ross & McBride for four years, to continue his successful litigation practice. Michael's interest was in developing a commercial litigation practice. On January 1<sup>st</sup>, 2005 John Evans, Paul Sweeny and Michael Bordin forged a partnership and the firm Evans Sweeny Bordin LLP.

Together, John, Paul and Michael, with unified vision, grew the practice. Grant Brailsford (now with the City of Hamilton), Alexandra Mayeski and Shane van Engen (now with Desjardins) were with us in that endeavor for a few years. After their departure, we were successful in recruiting other excellent litigators to the firm. Among them were Andrea Hill who came to us in 2006 from Bay Street who, together with Liza, grew the estate litigation

practice, and Scott Beattie in 2009 who has developed a thriving commercial litigation practice. As our client base grew, so did the breadth of our experience and the depth of the resources we could deploy to meet the challenges of even the most complex and demanding litigation.

Our litigators relish trials (which, alas, are becoming fewer and further between) and appeals. Over half of our current team of 10 litigators have repeatedly been to the Court of Appeal. Over the years we have conducted numerous trials and some high profile cases. In 2004 and 2005, after 150 days of trial, John Evans and Grant Brailsford were successful in defending the City and its Public Health Department in the *St. Elizabeth Home Society v. City of Hamilton* law suit. In 2009, John and Michael tried the claim of a Caledonia family against the OPP and the Province arising out of the aboriginal occupation at Douglas Creek Estates in Caledonia, which gained national interest and media coverage.

We struck gold when Sandra Stephenson joined the firm as a partner in January 2013 in order to build a new corporate and trusts and estates practice. Sandra brought with her a distinguished reputation for excellence and expertise and signalled a new direction for the firm. When we moved to our new and expanded offices on the 15<sup>th</sup> floor of One King Street West in April 2013 it seemed like we had a lot of extra space and we wondered when we would fill it but, as the saying goes, if you build it they will come.

In July 2013, Sacha Babic, Mark Giavedoni, Asif Lasani and Charles Sherman left Evans Philp LLP and joined ESB. Sacha and Mark brought with them their established corporate, property and business practices and the skills to complement our litigation team. Asif added depth to the litigation team with his Administrative law practice and ability to straddle the corporate practice/litigation divide. 2013 also marked the year that the firm hired its first ever articling student. Jordan Diacur came to the firm in July 2013 and has never been allowed to leave. We were fortunate to have Karen Watters and Adam Huff join us later that year to meet growing estate litigation and commercial litigation demands.

In January 2014, David Howell brought his business law practice and knowledge of tax law to ESB Lawyers. With the addition of David, Sandra, Sacha, Mark and Charlie, ESB had the depth and breadth to serve clients' business law needs and solve business, property, estate, education and public law problems for our clients.

And all was well. Then came 2015. Paul Sweeny was appointed to the Superior Court in Welland in March 2015. While still trying to adjust to a new reality without Paul, Liza was appointed to the Superior Court in Ottawa in June 2015. It was an unprecedented honour to have two lawyers from one small Hamilton firm appointed to the Bench within months of each other and was further recognition of the firm's commitment to excellence. The litigation team stepped into the breach left by Paul and Liza, absorbed their practices, and pressed on.

In August 2016 our good fortune continued when John Kranjc joined the firm as counsel. Interestingly, John had articulated for John Evans at Evans Philp and now, with the dissolution of his well-regarded Hamilton firm, he was bringing his civil, commercial and estate litigation practice to ESB over 30 years later. In 2016 we also welcomed Alexandra Del Bel Belluz and Shayna Beeksma to our team.

At the heart of our core values is excellence and our lawyers continue to receive recognition from their peers and the profession. In its 26 years the firm has been home to 2 Law Society Medalists, 4 Certified Specialists, 5 lawyers recognized in Lexpert, 2 by Martindale-Hubbell and 5 by Best Lawyers.

Another core value is service – not only to our clients but to the community and the profession. Our tradition of service includes a Bencher (David Howell was elected a Bencher of the Law Society of Upper Canada in 2017); a President of the Ontario Bar Association (Paul); a President of The Advocates' Society (John); a Chair of the McMaster Alumni Association (Sandra - who has simply chaired too many boards to list!); a Chair of the Hillfield Strathallan Alumni Association (Charlie); two members of the OBA council (Asif and Scott); and five Presidents of the Hamilton Law Association (John, Sandra, Liza, David and Michael) as well as a current Secretary-Treasurer (Mark). The firm's lawyers also give their time and resources to other boards, charities and local sports teams.

John Evans set the stage for the collective goal of individuals seeking and achieving a highly rewarding legal practice. Respect, especially to staff, and always to associates and partners is key to trust. We seek to foster individual growth and the development of a successful, united team. Insight, decency and wit go a long way in solving relational and legal problems.

The transformation, about 5 years ago, from a prestige civil litigation practice of seven advocates into a full-on business law firm has been an adventure. The new firm brings together tradition, experience and youthful passion in a singular vision of solving legal problems and serving the profession with the confidence that the person in the next office can be trusted.

