



## President's Report

W Patric Mackesy

This is my fourth infomercial to the members of the HLA. I have just returned from the HLA sponsored tour to Peru that focused on Machu Picchu and the Amazon. It was a great vacation with some interesting and informative CPD, as well as good friendship and camaraderie. Stay tuned as to whether the Trustees decide to continue with HLA trips in 2020 and, if so, where. My personal thought is to plan for a shorter time away that is a bit cheaper, which would cater more to the younger lawyers. We will see.

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### Current Issues - Cybersecurity

I just came across an article in the ABA weekly newsletter, The Brief, on wire fraud. It is titled "How to minimize the risk of becoming a Victim of Wire Fraud". A person's email is hacked and the hacker finds out such person is about to sell their home. The hacker creates a spoofed email address ([john@aol.com](mailto:john@aol.com) instead of [john@aol.com](mailto:john@aol.com)) and the lawyer does not spot the address change. The hacker issues instructions to send the proceeds to a bank of his choice – money gone, lawyer liable. It is often very difficult to spot a changed email address - who even looks for that? The attack can be on a lawyer's email account with even worse results. From June to December, 2016, \$346 million was scammed this way. The writer's suggestions were:

1. Avoid the use of free web-based email: create a firm website domain;
2. Delete unsolicited email from unknown parties;
3. Use strong passwords (letters, symbols and numbers); and
4. Telephone the company or individual to verify any email instructions concerning the transfer of funds. I am aware of a \$20 million scam of a company in Minnesota. The CEO wired the CFO for money to purchase

a company in China while the CEO was in China. The hacker got in the CEO's email account and then sent a monetary request using a spoofed account. Both the CEO and CFO were terminated. I keep harping on cybersecurity because I see this as probably the most dangerous part of our practice.

### Events

I just attended the Real Estate seminar hosted by Mark Giavedoni, our Vice-President and chair of the Real Estate Subcommittee. The event had a large turnout of 164 people, with a lot of younger volunteers presenting. The same was true at the Corporate Commercial Seminar. Thank you to this new generation of presenters. You are always welcome.

I then attended the semi-annual FOLA Plenary which, as always, was very informative. There was a discussion of the FOLA paper in response to Bill C-75 in the Criminal Law field. Although there were some positive comments, generally the bill was considered to have a number of negative factors, i.e. deletion of preliminary hearings (compare it with going to trial without discovery). Those practicing criminal law should read the FOLA submission on its website. It was also noted that a FOLA lawyer is on the Task Forces at Legal Aid Ontario for Youth and for Mental Health. The submissions of FOLA on various

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# HLA Journal

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**CONTRIBUTION DEADLINE FOR NEXT ISSUE**

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other Law Society issues are on its website.

## Resources

I would be remiss if I did not bring to the attention of the Real Estate Bar the following resources available: 1) LawPro's AvoidaClaim.com, 2) Jerry Udell's blog, 3) Condo Forms: [www.condoauthorityontario.ca](http://www.condoauthorityontario.ca), 4) Electronic Registration Procedures Guide: [www.ontario.ca](http://www.ontario.ca), 5) OnLand: <https://www.onland.ca/ui/> for online searches of any property in Ontario including pre-Land Titles, 6) Sid Troister's newsletters, 7) Teraview newsletters, and 8) Teraview Search Tools.

The LawPro website is very handy in many areas of law. There are 9 Fact Sheets that assist with avoiding errors in 9 different legal areas. There is also a real estate check list, a FAQ list that has been recently updated, and an easy venue for seeing your LawPro account. Go there - the resources are phenomenal even aside from claims prevention.

The Law Society of Ontario has a program independent of itself called MAP or Member Assistance Program (1-855-403-8922) that helps with mental health, stress, wellness and addiction issues for lawyers. If you as a lawyer have a complaint against you and are likely to be investigated by the Law Society, advise immediately of your health issue (without any admission as to the complaint), as new Case law at the discipline hearings requires a duty to accommodate.

Let me also remind you of the Practice Management Helpline at the Law Society of Ontario.

The CanLaw issue (wills for end of life cancer patients) that I wanted to champion appears to be already dealt with by Hugh Tye at the Hamilton Community Legal Clinic. More lawyers are needed for this service to lessen the burden on the present panel. If you

can find the time and are interested in this pro bono project, the number to call is 905-527-4572 or [tyeh@lao.on.ca](mailto:tyeh@lao.on.ca).

## HLA News

Congratulations to Michael Wendl (OCJ - Guelph), Suranganie Kumaranayake (SCJ - Brampton), and Susan Sullivan (OCJ - Milton) on their various appointments to our courts in Ontario. All are well deserving members of our HLA community.

Also congratulations to Dermot Nolan. He was selected by the Trustees as the winner of the Edward Orzel Award for exemplary trial advocacy. I will be presenting such award at the Advocacy Seminar on December 6, 2018.

It is with great sadness that we mourn the death of an excellent litigator, a true Hamiltonian, a serious provider of his time and energies to the betterment of our profession – Roger Yachetti on September 16, 2018. The condolences of the HLA go out to his family.

Lastly, let me congratulate my partner, Michael Winward, for assuming the helm of FOLA as its new Chairperson and John Krawchenko as the new Second Vice-President of FOLA. ■

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