



Lawyers At Work: Mike McHugh Remembers

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Part of a regular series on lawyers and how they work, for publication in the HLA Journal.

Where were you born and raised? Do you have any siblings? What did your Mom and Dad do for a living?

I was born in 1948 at Casa Maria (now St. Joseph's Hospital) in Hamilton and lived on King Street West until I was 5 when my parents purchased a home in Ancaster because they could not afford a home in Hamilton (true story). Eventually I ended up with 8 siblings, 6 sisters and 2 brothers. My parents had 32 grandchildren.

Prior to marrying my Dad, my Mother worked at the Federal Tax Department which was located in the building currently known as the Sopinka Courthouse. In those days, if you married you were no longer eligible to work at the Tax Department and that is when my Mother commenced her career as a homemaker.

My Father worked at Stelco for 42 years. Most of his time was in the 56" Hot Strip Mill where he ended up being the Roller Supervisor earning a very handsome salary. I worked for five summers at Stelco while at University.

Where did you go to school before university?

I attended St. Ann's Elementary School in Ancaster, Cathedral Boys High School, and McMaster University.

Do you have any stories from your childhood or youth that might show you had a future as a lawyer?

I am the third oldest sibling and oldest son. Given the size of our family, there was always someone to have a "discussion" with. My six sisters claim that I took contrary positions to stir things up, but that is simply untrue.

Do you have any such stories that might show you were ill-suited to the profession?

Well, it draws chuckles when I say this, but I was very shy. Being singled out in class at law school was very painful. Now, I usually say too much.

Did you get an undergraduate degree before law school? If so, where and in what? Did it help prepare you for law school?

I attended McMaster and graduated with a degree in Political Science.

The degree helped by demonstrating to me the discipline required to succeed academically. I don't think anything had prepared me for the rigors of Law School.

Why did you decide to go to law school? Had it been a lifelong ambition?

Most of my friends who were graduating were applying to post-graduate school or law school. That sounded like a good idea to me so I did as well.

Did you speak to any lawyers before making the decision? What did they tell you?

No, I did not know any lawyers (remember, my Dad was a steelworker) and it did not occur to me to seek out a lawyer to speak to. I had all the information I needed from watching Perry Mason.

Where did you go to law school?

I was in the second graduating class at Windsor Law School.

Did you enjoy it? Why or why not?

Not at first. I was a bit homesick and surprised that each professor assigned 200 pages of reading each night. However, I made some great friends (including Bruce Mowat and Abe Szpirglas who were my original Partners) and enjoyed what I refer to as the "cozy" atmosphere of the Windsor campus. I married my wife Jane after first year - she was a teacher and had been hired in Windsor but the teachers went on strike and we lived a frugal existence indeed. We had no car and hitchhiked between Windsor and Hamilton when we came home for visits.

What was your favourite course? What was your least favourite?

My favourite course was Corporate Finance taught by an English Professor (Bernard Davies). There were 12 students and the course centred around developing and writing a 50 page paper. My topic was "Minority Shareholder Rights", and, of course, it was brilliant. It definitely increased my interest in and knowledge of corporate law.

My least favourite was Real Property. I was not stirred by shifting and springing uses (even though we had a visiting prof from Oxford named Ruth Deech).

Where did you article?

At a small firm known as “Lowe and Arsenault”. Tom Lowe was my principal and he had a very robust solicitor’s practice. I incorporated my first corporation while articling and the corporation is still a client today. My articles were focused on solicitor’s work but I occasionally worked with Fred Arsenault who spoke fluent French and had a criminal and litigation practice.

Where did you first start practising law as a lawyer?

I returned to Lowe and Arsenault in 1974 and practised in what was then known as the Union Gas building at Hughson and Main. My first day I was given several hundred collection files for a credit union we represented and I became very good at finding delinquent debtors.

When did you create (join?) the firm you are currently with?

Bruce Mowat and Abe Szpirglas showed up at my place one evening in the spring of 1975 and announced that they were starting a new law firm and was I in? We had previously discussed the notion of creating a new firm and I had little hesitation in agreeing to throw my hat in. We researched the area and decided that east Hamilton was under-served by lawyers and opened on Queenston Road. We had 3 clients.

Did you start off practising in a particular area of law? How has your practice area focus changed over the years? Why?

When we started the firm, we decided Bruce would do family law, Abe litigation and of course, since I knew how to incorporate a company, I would take


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care of the corporate and commercial matters. I also handled our minimal estates practice. All of us had a real estate practice. Over the years, as more lawyers joined the firm, my practice areas narrowed to corporate and commercial law, and estate planning.

Tell us something about the other

lawyers with whom you have practised. Who were your mentors?

When I articulated and practised for a year with Lowe and Arsenault, a young litigator named Paul Stillman was an associate. Actually, Paul interviewed and hired me as an articling student. Paul was a great teacher and explained

many things to me in an understandable way. In fact, Paul has taught at the McMaster business school for many years. I also learned from Tom Lowe the value of being involved in the community. My former partners and my current partners all have contributed to the enhancement of my legal journey.

Tell us something about the staff with whom you have worked over the years.

While articling and practising at Lowe and Arsenault I quickly discovered the value of being on good terms with the staff. I learned considerable practical law from those ladies. They had precedents but they did not have computers.

Everything had to be manually typed on IBM Selectrics and making major changes to a document meant starting over. If you did not have a good relationship with the staff, that would have been a problem. I believe strongly that maintaining a respectful and positive relationship with staff in a law office is pivotal to succeeding.

What have you enjoyed about the practice of law?

I have enjoyed the collegiality both within my firm and within the Hamilton Bar. And of course the many persons I have met in my practice — most great, some not — but always interesting.

And I enjoy being challenged every day to answer a question or find a solution to a problem I have never before considered.

What hasn't been so great?

The long hours and pressure to get work completed. I have 4 children and they are only six years apart. At law school my torts prof said that the law is a jealous mistress, and there were times when my children were young that the mistress was very demanding. None of my children had indicated

an interest in pursuing a legal career. However, my youngest son, Michael John, recanted and is now an associate lawyer with McHugh Whitmore.

What was the most important piece of technology you used when you started out?

That would be a toss-up between the IBM Selectric typewriter and the dictation recorder — which, by the way, still is an extremely effective way to give detailed instructions to a person who is not present — basically time shifting.

What about now?

The computer - both desktops and laptops. The desktop computer had not been invented when I started to practise. Just think...no Google, no case law or statute law at your fingertips... and of course, no e-mail or texting.

How has your work as a lawyer changed over the years?

The practice of law has changed dramatically since I began. The impact of computers and electronic communication and access to information has significantly altered the tempo and process of practising law.

Has it been a change for the better or worse? Or is it just different?

In some ways better — just having instant access to current statute law and case law is incredible. Being able to revise a document in minutes — fabulous. In some ways not better — I now print the photos of the other lawyers on a file whom I have not met and likely never will as a consequence of electronic closings. Many hail electronic communication as “bringing people together” but in some cases it keeps them apart. It is interesting to note that live CPD has replaced the registry office and commercial closings as a place to see and talk to our colleagues.

Do you have any words of wisdom for newer lawyers?

I have observed that when there is a serious issue on a file, our younger lawyers seem reluctant to pick up the phone and talk to the other lawyer. Email is one-way communication with no immediate interaction. There is no tone of voice or “off the record” comments in an email.

What about for those of us further along in our careers?

Leave some time for retirement.

Do you want to answer any questions that I should have asked or that you wish I had asked?

Sure — why am I retiring now? As recently as two years ago when asked when I planned to retire, I responded by saying I hadn't reached the top of the mountain yet. Then one day, I realized that I would never reach the top of the mountain and I was content with that. One day you wake up and just know it's time to move on.

Any regrets?

As Sinatra said, I've had a few but nothing worth mentioning.

What are your plans for retirement?

Not being governed by the clock and deadlines for the first time in many years. I'm not much of a golfer but might try to improve my golf skills.

My wife and I enjoy travel, reading, cycling, home projects and interacting with our children, grandchildren and our many siblings. We have grandchildren in the Yukon and in Ottawa whom we plan to see more often. I don't think I will regret leaving that jealous mistress behind. ■