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The paper notes the problem is so bad that Mississauga, a west-end Toronto suburb of 650,000 people, will close 63 per cent of its POA court sittings this year. Already, 6,200 charges are at risk of being dismissed, as lawyers line up their Charter arguments and claim the right to a timely trial is being infringed.

But it's not just Mississauga; the paper reports that nearby Hamilton and the Durham Region, which borders Toronto on the east, are suffering similar problems. Mayors of nearby cities have called on Bryant to appoint more JPs. Hmmm, can anyone say *Askov*?

In the meantime, Bryant — fresh off his chest-thumping success for becoming the first attorney general in Canada to ban those doomsayers of evil, pit bulls — has apparently graduated to criminals and is ready to tackle a more compelling issue: organized crime.

His government is busy implementing its "organized justice" agenda, which includes hiring more cops, expanding the Guns and Gangs Task Force to include Crown prosecutors, and building major crime courts for large-scale prosecutions. Stay tuned for the latest prosecution of alleged mob criminals. It could be coming to a Court TV station in your neighborhood.

— JIM MIDDLEMISS, deditor@clbmedia.ca

Taking on brokerages

The web site for Serge Létourneau's boutique law firm in Quebec City nicely sums up the success of his practice.

When you read the internet address — www.letourneaugagne.ca — it literally translates from French to English as "Létourneau wins."

As accurate as that is, he concedes with a chuckle that it sounds more pretentious than it was intended to be. It simply turns out his partner's name is Suzanne Gagné, but her family name minus the accent is the French word for win.

And since leaving Lavery de Billy LLP in 2000 to strike out on his own, Létourneau has been winning big time and making a name for himself across the country as the defender of little guys against brokers, investment firms, and financial institutions.

Rather than take what he calls "big, impersonal companies" on as clients, he prefers to just take them on.

"Eighty per cent of my clients are retirees who lost most or all their money not by their own fault," Létourneau told *Canadian Lawyer*, listing fraud and incompetence as the main culprits.

"I defend human beings, especially the elderly who lose their pensions and desperate people who can't gain back

what they've lost," the 53-year-old married father of three said. "I'm saving their lives in a way. To see their faces when you recoup their money, it's like you become their white knight, their samurai."

He got his first taste of that in the 1990s while working at Lavery de Billy and representing 73-year-old Armand Laflamme, a retired former owner of a door and window factory in suburban Quebec City against Montreal-based Prudential-Bache Commodities Canada and one of its stockbrokers, Jules Roy.

Trading on a line of credit with the \$2.2 million Laflamme earned from selling his business, Roy made high-risk investments, charged \$111,000 in commissions, and \$272,000 in interest on Laflamme's margin accounts.

That case began in Quebec Superior Court in the provincial capital in 1991 and ended with a ruling five years later ordering Roy and his employer to restore Laflamme's nest egg.

The decision was subsequently overturned by the Quebec Court of Appeal, which found Laflamme was only owed \$70,000 because he shared the blame for not acting sooner to cut his losses.

But in a landmark Supreme Court of Canada judgment handed down in May 2000, Prudential-Bache was ordered to pay Laflamme \$925,000 plus 12 years of interest totalling an estimated \$2.3 million — then considered one of the largest awards ever paid to an individual Canadian whose stock portfolio plummeted in value as a result of bad advice and mismanagement.

"Days after that Supreme Court ruling, the firm asked me not to take any more such cases because [Lavery de Billy] represented banks, etc.," Létourneau recalled. "My Montreal boss called me about some legal warnings I'd been sending against a big bank (client) and asked me to stop."

Comparing the Laflamme victory to winning an Oscar and Lavery de Billy to a major studio, Létourneau said: "After 10 years and a Hollywood-style win, they were telling me to stop making movies."

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Bencher Elections 2007

LAW TIMES In Depth Election Coverage

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Lawyers who are running in the 2007 Law Society of Upper Canada Bencher Elections are invited to visit www.bencherelections.com to post a free personal profile — including an introduction, answers to set questions, and a photo.

In addition, the site features a Town Hall Forum where lawyers from across Ontario can gather to discuss issues — and there's a news update and information section, too.

www.bencherelections.com

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After more than 20 years (Létourneau was called to the Quebec bar in 1978), he was convinced there was a future in specializing in claims against investment firms and brokers. So he left Lavery de Billy in June 2000, bought himself a fax machine, then set up an office in his home for the next few months “while the cases kept coming in.”

Within a couple of years, Létourneau was so busy he opened an office and in 2002 took in Gagné as his partner. The office now has four lawyers.

He and Gagné have won five more major cases since teaming up, including three last year, two of which resulted in multi-million-dollar awards, including CIBC World Markets and Nesbit Burns Ltd.

Thanks to wealthy baby boomers, Létourneau said he could easily continue working for another 30 years.

“Certain people think our work is related to the stock market,” he explained. “That’s a false idea. Very often, people lose money when the market is good because of the incompetence of financial agents. And it’s not just fraud.”

Létourneau had never intended on opening a private practice, but he has no regrets.

“It was the best decision I ever made,” he stressed. He also doesn’t miss “the committees and politics” of working at a big firm.

—MIKE KING, mking@videotron.ca

Labour lawyer seat shuffle

Atlantic Canada’s regional firms have been actively court-

ing new talent — and old. The newest nameplate to garnish an office doorway is that of Peter McLellan, a veteran labour lawyer who has more than 30 years’ experience.

All of that experience has been with one firm, McInnes Cooper, at least until now. After three decades, McLellan has walked down the street to Stewart McKelvey.

For his part, the man at the centre of the attention told Allnovascotia.com that there’s simply no accounting for life’s choices. “Like many personal decisions, they are sometimes inexplicable,” says the 58-year-old lawyer. “After a period of time doing one thing, it just feels right to try something different — and if I don’t do it soon, it will be too late.”

The timing, of course, is interesting. McInnes Cooper has just gone through its own growing pains in a merger with Patterson Palmer and is planning a big office move that, at least in Halifax, will unite the two firms under one roof. How senior partners (as McLellan was) will fare in the new environment is a matter of some speculation.

On the surface at least, it’s business as usual for McInnes Cooper. McLellan’s sashay down the road has had little noticeable impact. According to managing partner and CEO Bernie Miller, “The key is succession planning.”

McInnes Cooper has also adopted two changes to its business model that make it easier for the firm, and its clients, to handle the arrival and departure of legal talent. First, the firm is using client service teams as opposed to the single lawyer-client approach. Practice groups are also now firmly in place.

Still, the loss of a senior partner to the competition has to have more impact than an associate being lured to Alberta. Perhaps, says Miller. “The impact of longevity depends on the person and the practice.”

One of the names it would certainly like to keep as a client is that of Michelin North America (Canada) Inc. The French tire manufacturer has been with McInnes Cooper — and McLellan — since its arrival in Nova Scotia in 1969. It’s unclear who the company, with three plants in the province, will now pick to do its bidding.

—DONALEE MOUTON, quantum@hfx.eastlink.ca



MATHEWS DINSDALE

Canadian Labour Arbitration Competition 2007

MATHEWS, DINSDALE & CLARK LLP is pleased to announce the winners of the 9th Annual Canadian Labour Arbitration Competition which took place on January 26-28, 2007 at the Ontario Labour Relations Board

Congratulations University of Toronto

Student Participants: Tarryn Jacobson and Todd Orvis

Coach: Laina Tachib

Assistant Coach: Stephen Shore

and to all the students, faculty, lawyers and arbitrators who participated in the competition.

