



# FRIENDS WHO ARGUE



**Coming Soon! Friends Who Argue** - A new TAS podcast jointly hosted by our Young Advocate and 10+ Standing Committees. Segments will feature dialogue with the people who get what you do, as we delve into both the serious and lighthearted aspects of life as an advocate in Canada. Know a TAS member we should talk to? Contact Webnesh Haile at [WHaile@singleton.com](mailto:WHaile@singleton.com)



## ROUND TABLE - COVID-19



## National Roundtable on Pandemic Impact

Compiled by: Kanon Clifford,  
*Bergeron Clifford*

For many in the legal field, the COVID-19 pandemic has been a clamorous event to which their practices have had to adapt. Though despondency has been heard over the summer and into the autumn, our team has endeavoured to find the positives in this bleakness. We have sought out five Young Advocates from across Canada to hear their take on how this pandemic has been a time of improvement and self-reflection. They include:

- Zachary Rogers, called to the bar in 2015, practises at Clark Wilson LLP in Vancouver.
- Safina Lakhani, called to the bar in 2011, practises at Crawley MacKewn Brush LLP in Toronto.
- Sebastian Pyzik, called to the bar in 2014, practises at Woods LLP in Montreal.
- Casey Dorey, called to the bar in 2018, practises at Bergeron Clifford LLP in Kingston.
- Sapna Thakker, called to the bar in 2015, practises at Lax O'Sullivan Lisus Gottlieb LLP in Toronto.

Below are their responses. If you have also found a silver lining during the pandemic, we would love to hear from you on **Twitter @Advocates\_Soc** or Facebook **@TheAdvocatesSociety**.

## Zachary Rogers

### Favourite place to work during COVID?

The temporary office I set up in my empty second bedroom, as it is complete with a view of my patio garden and a very high-traffic hummingbird feeder. The little chirps of the thirsty birds are always a welcome distraction.

### Netflix has been popular during COVID. Who is your favourite TV/Movie legal character and why?

Elsbeth Tascioni from The Good Wife always provides excellent comic relief, and I love the episodes in which she features. She's a bit of an odd-ball with a unique perspective of the world, which enables her to see or understand key facts that others miss. Effectively, she's brilliant.

### Top 3 tips for young advocates to make it through a virtual hearing?

1. Take handwritten notes while others are speaking, to keep your eyes and ears engaged with the matter at hand.
2. When making submissions, pause often and pace yourself. If attending by telephone, you lack the visual cues that indicate whether or not the master/judge is ready for you to move on to your next point. Also, depending on the telephone technology, others may not be able to "object" or speak if you are talking continuously.
3. Turn off email and text notifications while attending a virtual hearing, as you \*will\* get distracted – and that split second you direct your attention elsewhere \*will\* inevitably be when you are called upon or have a reason to jump in.

## Safina Lakhani

### What have you learned about yourself during COVID?

I have learned that I am a creature of habit, and thrive when I have a routine. COVID dramatically changed all aspects of my life from grocery shopping to work. I found that creating new structure and routine in the day helped me settle into the new normal that we are all living in.

### Top 3 tips for young advocates attending virtual conferences and events?

Here are my top three tips for young lawyers attending virtual conferences and events:

1. Pick virtual mentoring/networking events where the participants are divided into small groups (i.e. 3-5 people), and where each group has a facilitator or a prompt. I have found virtual mentoring and networking to be most effective when the participants have an easy way to break the ice and the conversation is closely directed by a facilitator.
2. Pick events where the panels and/or sessions are less than an hour long. I find it harder to concentrate during virtual conferences than live ones. Choosing shorter panels and sessions has helped me get more out of the virtual sessions I have attended.
3. Use the technology available (e.g. chat functions or participant polls) to interact with the speakers and conference attendees.

### What was your biggest issue/surprise with virtual conferences and events and how did you handle it?

The biggest issue for me is finding ways to recreate the experience of attending an in-person event on a virtual platform. This year, I was a co-chair of Fall Forum hosted by the Young Advocates' Standing Committee. In past years, Fall Forum has been structured as a retreat-style conference, where young advocates from across Canada travelled to Blue Mountain, Ontario for a weekend conference. This year, the conference was held virtually.

When we were planning the conference, we spent a lot of time working through non-substantive details of the program to create the feel of attending an event where the participants moved through rooms and spaces for the various sessions. I found that circulating an agenda with live links to the participants was a major asset. That said, there are hiccups in the execution of even the best planned events. My best advice to any event planner is not to be afraid to pivot, and to course correct when something is not working as planned!

## Casey Dorey

### What have you learned about yourself during COVID?

I've learned that I really enjoy spending my downtime at home. When things are "normal", I would keep myself busy going out, visiting friends and being social. With less choice to do those things, I've developed a greater appreciation for keeping busy at home.

### What was the best advice you received as a young advocate?

Sign up for mootings and do as much as you can. It's the best practical experience you'll get in law school. As advocates, we're constantly working on our legal research, writing and advocacy skills so start from the beginning.

### Top 3 tips for young advocates to make it through a virtual hearing?

1. Make sure your electronic materials are available and working. If you're not sure about format, ask the Court ahead of time.
2. Don't think of it as a virtual hearing. Pretend you're standing in front of the judge in a courtroom. We can become complacent when things seem "less formal". There will be a time when we're back in the courtroom so keep those advocacy skills sharp!
3. Test your technology and have a tech-savvy associate nearby! Last-minute glitches will cause you unnecessary anxiety and throw you off your game.





## Sebastian Pyzik

### Favourite COVID hobby?

I love to ride my bike on the weekends. Cycling is a new sport that I just started this summer and I very much enjoy it. Otherwise, I enjoy spending as much time as possible with my family: my wife, my daughter and my dog, Bandit, a border collie.

### COVID has been a time for us to review and reflect. What is your favourite case you have worked on? Why?

I recently represented a businessman who opened a franchised restaurant several years ago. In order to save his restaurant from bankruptcy due to the COVID pandemic, he had no other choice than to leave behind the “bring your own wine” model of service in favour of selling a variety of alcoholic beverages directly to the clients. This new model was almost immediately attacked in court by the franchise owner, who sought a provisional injunction, arguing mainly that this fundamental change was jeopardizing the brand. The Superior Court of Québec dismissed the injunction, which allowed the franchised restaurant to pursue its new model. I believe that we can expect more and more caselaw, not only in Québec but also from coast to coast, where commercial decisions and strategies in the context of this unprecedented crisis will be challenged and I am personally proud of the outcome in this case for my client.

### Top 3 tips for young advocates to make it through a virtual hearing?

1. Test your technology well before the beginning of the hearing. This will give you the feeling of being in control during the hearing. You also want to avoid any unnecessary technical problems with your device five minutes before the beginning of the hearing.

2. Take the time to explain to your client how the virtual hearing will work. For instance, you need to explain to your client what he can do, what he can't do and how he can communicate

with you (email is probably your best option).

3. Prepare yourself like you were going to a Court hearing. Focus on the judge and follow your game plan.

## Sapna Thakker

### COVID has been a time to reflect for many; how has COVID strengthened your legal practice or skills?

The pandemic gave me time to reflect on just how lucky I am to be a litigator and the impact that can have on people's lives. For me, the pandemic exposed the staggering amount of unmet legal and other needs in our society. Access to justice has always been a hot topic, but now, more than ever, it is crucial that the public receives meaningful access to services (whether legal or otherwise) whether it is because more people are unemployed, cash-strapped or have unstable living conditions. The extra time allowed me to re-prioritize pro bono and other volunteer work in my life. For example, volunteering for the Pro Bono Ontario Hotline and serving on a community organization's board of directors were ways that I took time to give back.

On a personal level, taking on more volunteering projects and giving back to the community has had priceless returns for my legal practice – it sharpened my ability to give practical solutions to those seeking advice and strengthened my ability to navigate uncertainty that will undoubtedly benefit me in a post-COVID world.

### Top 3 tips for young advocates to make it through a virtual hearing?

1. Contingency plan: Plan for things to go wrong! If you are unsure of the parties' internet connection or sound quality, consider using a real-time transcription service. If you foresee issues with hyperlinks in documents breaking,

consider having all the documents in one place in the event you have to re-circulate a document.

2. Speak slowly: Something I have been told repeatedly (even in pre-COVID days), but it is even more important in a virtual world. Some people may have poor internet connection or poor sound quality, so making sure you speak slowly and clearly is key.

3. Plan to stay in contact with your team: If you are working with a team, come up with a plan to communicate with each other during the hearing. Whether texting, FaceTime, Slack or email, make sure to agree on a method of communication so that the members of your team are always in touch.

### What was your biggest issue/surprise with virtual hearings, and how did you handle it?

The speed and efficiency during a virtual hearing is so striking. I was surprised at how quickly and effectively witnesses can be examined virtually (of course, depending on the witness and barring any technological hiccups). As a result, I learned that it is important to have witnesses available and ready to testify – a witness may testify even before they are theoretically scheduled to be examined. Having witnesses available and flexible will ensure that you are taking advantage of hearing efficiency and avoiding lost time during the hearing.■

Sebastian Pyzik, Woods LLP

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