

# The Lawyers Other Lawyers Call

A guide to the most respected  
legal practitioners in the city.  
*By Anne Francis and Jack Batten*

**T**HE LEGAL profession in Canada has seen significant change in recent years: the merger madness of the late 1980s has given way to downsizing, and for many firms the recession marches on. Few lawyers need to work the eighty-hour weeks, other than those whose business has been im-

proved by the recession, such as some insolvency lawyers, wrongful dismissal specialists and labour lawyers who specialize in plant closings.

But the recession isn't entirely to blame; some law specialties, such as personal injury, are in decline for other reasons. No-fault auto insurance, for instance, limits access to the courts for cases that arise from car accidents. Other areas, such as defamation and libel, have

become hot, attracting young turks impatient to establish their reputations.

Even in big, corporate firms, lawyers rarely conform to stereotypes. Sheila Block, a respected litigator with the Tory firm, used to ride a motorcycle to work. Roy Filion, a senior labour lawyer acting for management, has run twelve marathons and holds a black belt in karate. Divorce specialist Stephen Grant's voice mail

greeting offers periodic countdowns till the Blue Jays start spring training.

In Toronto, as elsewhere, the best lawyers, whether corporate or courtroom, are those who consistently do right by their clients. They don't always win, of course, but they occasionally argue landmark cases that change the way justice is meted out. And their reputations, in consequence, extend far beyond the boundaries of this city.

## Family Feud



**Malcolm C. Kronby**  
McMillan  
Binch



**Stephen M. Grant**  
Gowling,  
Strathy &  
Henderson

MALCOLM KRONBY and Stephen Grant frequently find themselves on opposite sides of high-profile divorce cases, such as Conrad Black's from his wife Joanna; Grant acted for Conrad, Kronby for Joanna. Both comment on how much more complex the job is now that each partner's investment and corporate assets are included in the marital "pie" (not so before 1986). Grant is acting for Deborah Elliot of Hamilton, who sued her husband for compensation for income potential lost while she was a homemaker. (Her award is being appealed.)

## Crowns and Thorns



**Alan D. Gold**  
Gold &  
Fuerst

ALAN GOLD loves appeals for their intellectual rigour, since nothing inspires him more than a good debate. One of his proudest achievements is winning three cases in the Supreme Court of Canada in a single year (1990) — one of which resulted in the quashing of the Patricia Starr inquiry as unconstitutional partway through its mandate. (Gold's argument, since applied in the Westray mine disaster, was that public inquiries should not be allowed to take the place of criminal investigations.) Gold is a great believer in science as a means for discovering truth, but warns that forensic science becomes "voodoo" in the hands of the untrained.



**John McMahon**  
Assistant  
Crown  
attorney,  
Scarborough

JOHN MCMAHON looks even younger than 35, but in his eight years as assistant Crown attorney for Scarborough he has established a reputation as a skilful and scrupulously fair prosecutor in serious criminal cases. In the spring of 1992, he argued the case against Robert Baltovich, who was convicted of the second-degree murder of Elizabeth Bain, even though Bain's body has never been found. (The case is currently under appeal.) McMahon believes the television perception that Crown attorneys approach their work with a "win at all costs" attitude is both misleading and unfair.



**John Rosen**  
Rosen  
Fleming

JOHN ROSEN loves trials. That's why he left civil litigation for criminal law early in his career (criminal lawyers go to court more often). In 1977 and 1978, Rosen got acquittals for his clients in the first two murder trials he defended, and has since developed a reputation as a highly skilled counsel with an impressive win-loss record in all kinds of criminal cases throughout southern Ontario. Rosen succeeded Dave Humphrey (who is now a judge) as the lawyer for crime boss Paul Volpe; their relationship ended in a dispute over Rosen's fee two years before Volpe was murdered.



**Brian H. Greenspan**  
Greenspan,  
Humphrey

BRIAN GREENSPAN is widely admired for his appellate work, though lately his practice has involved more trials. High-profile clients have included Cathy

Smith, who served time in California for involuntary manslaughter in the 1982 death of John Belushi; and, more recently, an engineering student in Kingston who was acquitted on three charges of sexual assault. (The acquittal has since been appealed.) Greenspan is troubled by the assumptions people make about lawyers who defend those charged with reprehensible acts. "You don't pick your clients by virtue of what they're charged with or whether you think they're guilty," he says. "That's for the judge and the jury to decide." His brother Eddie — himself a criminal lawyer of considerable renown in the firm of Greenspan, Rosenberg and Buhr — will be busy for the next several years defending former trust company executive Leonard Rosenberg, whose trial on thirteen counts of fraud in the \$500-million apartment-flip scandal is scheduled to start in April.

## The Gladiators



**Alan J. Lenczner**  
Lenczner  
Slaght Royce  
Smith Griffin



**Ronald G. Slaght**  
Lenczner  
Slaght Royce  
Smith Griffin

IN 1981, International Corona Resources Ltd., a small mining company, sued Lac Minerals Ltd. over ownership of a billion-dollar gold mine in Northern Ontario, and won. The case was appealed to the Supreme Court of Canada, which agreed that Lac had a responsibility not to take advantage of confidential information (Corona had told Lac about the gold in the first place, hoping to form a partnership). Alan Lenczner was senior counsel for Corona, working with Ron Slaght, and the case dragged on for eight years. Last fall, Lenczner and Slaght, partners in squash as well as law, left the firm of McCarthy

Tétrault to set up their own company, and are rumoured to have taken a chunk of the business with them.



**Colin L. Campbell**  
McCarthy  
Tétrault

COLIN CAMPBELL is McCarthy Tétrault's senior counsel for the Canadian Medical Protective Association, which indemnifies doctors against malpractice suits. Campbell argued Reibl vs. Hughes in 1979, in which the Supreme Court of Canada ruled against his client, establishing the principle of "informed consent." Ten years later, Campbell, alongside partner Paul Morrison, argued the pertussis case, which determined that the vaccine against whooping cough cannot be proven to cause brain damage in children. (A similar case was heard in England, with the same result.)



**Richard J. Sommers**  
Sommers  
& Roth



**Robert Roth**  
Sommers  
& Roth

RICHARD SOMMERS and Bob Roth are Colin Campbell's nemeses: they act exclusively for plaintiffs in personal injury and medical negligence cases. Last year, they won the largest settlement in Canada to date for a case of medical negligence (in excess of \$21 million for their client, the Gonzales family), after Toronto East General staff failed to act on signs of fetal distress, causing extensive brain damage in a newborn. Sommers argues that the new criteria for personal injury suits arising from auto accidents should be interpreted liberally so that people with legitimate claims are not discouraged from suing.