

Celebrating 20 years of Client Service

**20TH ANNIVERSARY REPORT OF
CAVALLUZZO HAYES SHILTON MCINTYRE & CORNISH
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474 Bathurst Street, Suite 300 Toronto, ON M5T 2S6
Tel: 416-964-1115; Fax: 416-964-5895
and
111 Water Street, Suite 300 Vancouver, BC V6B 1A7
Tel: 604-601-2433; Fax: 604-683-6871
inquiry@cavalluzzo.com

2003 marks the 20th anniversary of Cavalluzzo Hayes Shilton McIntyre & Cornish - a firm with offices in Toronto and Vancouver recognized for its innovation, legal excellence and commitment to social justice. Starting with 3 lawyers in 1983 and focussing on labour law, the firm has now grown to 32 lawyers with a wide range of practice areas including international law, public interest and *Charter* litigation, class actions and civil litigation, pensions and benefits, construction labour law, the representation of professionals and athletes and criminal defence work. The firm practices from a three floor renovated warehouse in the College and Bathurst area of Toronto.

The firm's clients come from all walks of life including teachers, athletes, physicians, nurses, pilots, airline workers, health care workers, and broadcast media, food, retail and construction workers. We also represent organizations and governments who seek advice on justice issues. With a client focussed approach, the firm's lawyers bring over 30 years of experience to its creative advocacy, consulting and educational services. Over these years, the firm has acted as counsel in many precedent-setting cases and promoted progressive legislative change. In its specialized practice areas, the firm addresses day-to-day legal problems as well as long term legal and policy strategies.

Paul Cavalluzzo, chief counsel to the Walkerton Inquiry, continues his public interest litigation practice with his recent appearances both at the ongoing Toronto MFP computer leasing inquiry and in the Court of Appeal in the *R. v. Felderhof* "civility" appeal. Paul is also counsel for the intervenor Ontario English Catholic School Teachers' Association in the *Hall v. Durham Roman Catholic School Board* case. In that case, OECTA is supporting the right of a gay student who sought to attend his school prom to be treated with equal dignity and respect.

Starting with Paul Cavalluzzo's first appearance in the Supreme Court of Canada in 1976 in the *Anti-Inflation Act Reference*, the firm has established a national reputation in the area of *Charter* and constitutional litigation. This has included two successful pay equity *Charter* challenges brought by Mary Cornish, Elizabeth Shilton and Fay Faraday, one in

1997, *SEIU Local 204 v. AG (Ont)* and the other, a recent landmark settlement with the Ontario Government of the *CUPE et al v. AG (Ont)* challenge which will flow \$414 million in pay equity adjustments to about 100,000 women in predominately female, public sector workplaces across Ontario. On June 20, 2003, Paul Cavalluzzo, Fay Faraday and Veena Verma representing the UFCW Canada launched another constitutional challenge this time to the exclusion of agricultural workers from Ontario's *Occupational Health and Safety Act*.

The firm is also considered a leader in the field of representing professionals with a practice including teachers and health care professionals. Practice Group leader Elizabeth McIntyre, long time counsel to the Ontario Nurses' Association will be representing Ontario nurses' interests in the ongoing Independent SARS Commission before Mr. Justice Campbell. McIntyre also successfully represented a Hospital for Sick Children nurse at a lengthy 2003 preliminary inquiry where her client was discharged from criminal negligence charges for lack of evidence against her. The firm also acts as Canadian counsel for the Major League Baseball Players Association, the NBA Players Association and provides legal counsel work for the NHLPA.

With an established reputation for authoring books and articles including over 70 publications on its website, the firm continues this practice with the recent publication of David Bloom and Elizabeth McIntyre's *An Educator's Guide to the Ontario College of Teachers*. Elizabeth Shilton is also working on the forthcoming update to her book, *Education Labour and Employment Law in Ontario*, a leading resource relied on by education law practitioners.

Over the last year, the firm has also expanded its work in the international law and development field. Mary Cornish is Vice-Chair of the CBA's National International Law Section. She now works as a Senior Consultant for the World Bank in the area of gender, labour market regulation and justice reform. She is currently providing advice to the Guatemala Judicial Reform Project on community-based mediation centres and mobile courts as well as to the Bank's Mexico Access to Justice Project. Cornish's paper, "Engendering Citizenship and Labour Market Regulation: International and Canadian Perspectives" was presented to the Bank's Annual Gender and Law Conference in March, 2003. Veena Verma is currently completing her research work for the North-South Institute on the legislative and policy framework of the Seasonal Agricultural Workers Program which governs Mexican and Caribbean migrant agricultural workers in Canada.

In the last number of years, the firm has expanded its work in the field of pension and benefits and bankruptcy issues with the 2002 move to the firm of pension and benefits expert Hugh O'Reilly and the work of Elizabeth Shilton and Amanda Pask most recently in the ongoing Air Canada restructuring proceedings before Mr. Justice Farley and Winkler. The solvency deficiency in the pension plans has been a major issue in the restructuring with the firm's client, the IAM&AW as the largest affected union.

As well, the firm continues to establish its reputation in the field of civil litigation and class actions lead by partner Michael Wright with the successful representation of many employees in employment-related class actions including mass terminations. In two of our

class action mass termination cases, *Krones Manufacturing and Parker Hannifin*, the firm was successful in increasing the severance entitlements of employees by \$2.5 million. In another class action case against the North Shore Catholic School Board substantial monies were obtained in a demutualization case arising from a group benefits plan. The firm also represents numerous CEOs and Senior Executives of Canadian and International corporations in relation to severance arrangements and competition issues.

The combined civil litigation and pension expertise has assisted in the firm bringing two recent pension and benefits class actions, one against the Ontario Government challenging the right of an employer to reduce post-retirement benefits and another against the Ontario Northland Transportation Commission claiming entitlement of retirees to share in the distribution of pension surplus.

In the labour relations field, the firm has recently been recognized by Lexpert, a national rating service, as the only labour side firm in Canada to receive the highest rating “most frequently recommended firm”. In the airline field, Jim Hayes and Paul Cavalluzzo have represented ALPA’s Canadian Airlines pilots in the ongoing seniority hearings under the *Canada Labour Code* winning a number of decisions which have led to the more equitable treatment of “Canadian” pilots. Elizabeth McIntyre is also representing ONA in Ontario Labour Relations Board proceeding arising from the discriminatory treatment of “unionized” versus agency nurses at Ontario Hospitals during the SARS outbreak. Patricia D’Heureux is counsel to the Canadian Media Guild on grievances challenging the mandatory retirement policy at the Canadian Broadcasting Corporation.

In the field of human rights, Kate Hughes and Veena Verma acting for OPSEU represented the complainant in the successful *McKinnon v. Ontario (Ministry of Correctional Services)* case where systemic remedies to address institutional racism were ordered. Despite a Ministry appeal, the Divisional Court ordered the lifting of a stay resulting in thousands of Ontario corrections workers being provided with summaries of the Board decisions. Mary Cornish, who chaired the Ontario Human Rights Code Review Task Force is currently providing advice to the Canadian Human Rights Commission on the establishment of its new ADR branch.

With the arrival of Construction Labour law experts Gary Caroline and James Robbins who have joined Rob Gibson and Ben Barnes, the firm is now prominent in this complex and specialized field.

The firm’s work was also expanded with the 2003 move of leading criminal practitioner Maureen Forestell who joins our Practice Group leader David Matheson in providing criminal defence services at both the trial and appellate levels with a particular expertise in representing professionals and addressing medical issues.

Areas of Practice

*	Administrative Law	*	Inquests
*	Bankruptcy and Insolvency	*	Interest Arbitration
*	Charter/Constitutional Law	*	International Public Law
*	Civil Litigation/Class Actions	*	Labour Law
*	Construction Labour Law	*	Occupational Health and Safety
*	Criminal Defence	*	Pay and Employment Equity
*	Dispute Resolution	*	Pensions and Benefits
*	Education Law	*	Professionals Representation
*	Employment Law/Wrongful Dismissal	*	Public Interest Law
*	Health Law	*	Workers' Compensation
*	Human Rights		