Greetings

Variety may be the spice of this issue of OslerLink. We’re profiling both a globetrotting former Osler associate and a seasoned, recently retired Osler partner.

David Cohen joined us as a corporate litigator in November 2002, after studying in England, Canada and the U.S. His wanderlust led him to accept a position as Assistant General Counsel at Deloitte & Touche in New York in 2004. On page 2, read how this avid adventurer just may now be ready to stay put.

We caught up with Steve Arnold within weeks of his official retirement at the end of June. While his decision to go to law school may have been somewhat random, his 40+ years as a partner in the Corporate Department of Osler’s Toronto office have been anything but. Page 3 features his poolside reflections on the Osler culture and life after the law.

Page 4 of this issue is devoted to coverage of our alumni gathering at Rain Restaurant last Fall. Take a look at who braved the storm to join us.

You’ve read about the explosive growth in the Alberta economy – Osler is experiencing that as well. The number of legal professionals in our Calgary office has nearly doubled over the past two years. We’ve recently moved to a much larger space that accommodates our expanding roster. Our Montréal office, which is also expanding in both size and numbers, recently celebrated its fifth anniversary. Turn to page 6 for details.

We’re delighted that Osler Senior Partner and former Managing Partner, Jean Fraser, and former Osler lawyer, Maureen Kempston Darkes, are being honoured as female trailblazers in the legal profession. Learn more about the fête of these extraordinary women on page 7.

We’d be happy to share your boasts with your fellow alumni, too. Drop us a line at: alumni@osler.com.

TERRY BURGOYNE
Chair, Osler Alumni Committee
Former Osler Litigator Ready to Settle Down

DAVID COHEN, DELOITTE & TOUCHE USA LLP

As a natural globetrotter, David Cohen has always felt comfortable changing locations to pursue new opportunities. With marriage on the horizon and a job that is tailor-made for his skills, however, it appears he may now be ready to settle down for the long term in New York.

David’s travels began with his undergraduate degree, which he pursued at Oxford University. He then returned to Canada to study law at McGill, followed by a year in Ottawa, where he clerked at the Supreme Court of Canada. With that experience under his belt, he moved on to Boston to complete an LLM at Harvard.

After David was called to the Ontario Bar in 1999, the world of work beckoned, but that didn’t mean giving up his search for new horizons. “I had always wanted to live in New York,” he says. “It really is the most exciting place in the world in many ways, and as I wasn’t married, the choice to move there was entirely mine.” After considering various options, he accepted a position with Davis Polk & Wardwell, one of the largest corporate law firms in the United States. Spending nearly four years with Davis Polk gave him a solid grounding in corporate and commercial litigation, from securities class actions to contract disputes, and various kinds of professional liability cases.

In November 2002, he moved back to Canada, accepting a position with Osler as a corporate litigator in the Toronto office. “I enjoyed working at Osler very much,” he says. “The standards were exceptionally high, the firm is extremely professional, and the work I was doing was at the leading edge of litigation in Toronto. It was also a good fit in terms of people. I made new friends there, and it turned out there were a number of people at Osler whom I already knew from my past — including one partner who had been a counsellor at my summer camp when I was growing up.”

David also enjoyed the collegiality of Toronto’s litigation community. “There is a strong sense of camaraderie among litigators in Toronto. I think it’s because they tend to see both sides of cases at various points in their careers. Here in New York, the distinction between the plaintiffs’ bar and the defence bar is much more pronounced, so you don’t always get the sense of what the other side experiences in a case.”

New York still exercised its allure over David, however, and in 2004 he accepted a position with Deloitte & Touche USA LLP in its New York office. As an Assistant General Counsel, he manages complex litigation matters for Deloitte’s US firms, including securities class actions, accounting and auditing liability cases, and regulatory matters. “Deloitte was a perfect fit for me,” David notes. “My prior experience prepared me to deal with accounting and regulatory matters, and I already knew some of the people at Deloitte from my time working with Davis Polk. In addition, my international experience has proven very useful, because we are increasingly working on cross-border cases in which insight into different legal jurisdictions and practices is very helpful. In one of the cases I’m currently working on, Osler is representing one of the parties, so I’m in touch with some of my old Osler colleagues right now.”

With the changes brought about by Sarbanes Oxley, David has his work cut out for him. Although still outnumbered by the lawyers working on the transactional side, the litigators in his department are assuming more prominence.

continued on page 8
Partner’s Plan For Retirement is No Plan at All

Steve Arnold is an intensely private man of few words. A partner in the Corporate Department of Osler’s Toronto office for more than 40 years, he retired in June of this year. We spoke with him about his legal training, his time at Osler, and his plans for the future.

Asked why he went to law school in the first place, he recalled how random the decision was: “I went to Queen’s and did my undergraduate in general arts, but I wasn’t sure what I wanted to do – a Western MBA or U of T law.” The decision to go to law school at U of T “was a flip of the coin…. There were no lawyers in the family.” His pride in his alma mater is evident. “U of T was the best law school in the country, then and now,” he added.

Carrying on a broad and varied corporate practice at Osler, Steve participated in many firm committees, including the Executive Committee. “My practice stayed pretty similar throughout the years,” he said. “I was a general corporate lawyer. There aren’t that many around anymore. People are much more focused on securities, banking, etc. I ended up acting for a lot of Canadian subsidiaries of foreign companies. There were few in-house Canadian corporate counsel back then. I continued to represent that sort of client throughout my career.”

He reflected on the changes at Osler over the past 4 decades: “The size of the firm has changed…. There were about 50 lawyers when I started, and now there are many hundred. Peoples’ practices weren’t as specialized as they are now.”

When asked if he ever wanted to try his hand at something else, Steve replied, “I can honestly say I never wished I did anything else. I enjoyed the people at the firm…. There were a lot of good mentors around. People leap to mind, like Bill Bryden – a wonderful man. Everyone in the firm loved him, from the file clerk to the most senior people…. Allan Beattie was managing partner for a number of years. He was a great lawyer and person, a pleasure to work with.”

Steve was himself a mentor. “I enjoyed working with the young lawyers, I always did,” he stated. “I was less public and more quiet in my approach, sitting down and looking at their work and explaining why we should do A rather than B, even though the client was pushing you to get something out.”

Osler partner, Terry Burgoyne, recalls what it was like to be mentored by Steve: “During his career, Steve has been a respected mentor to generations of younger corporate lawyers – I count myself lucky to have been among their number. In doing so, he has made a wonderful contribution to the culture and values of the firm – reinforcing in younger lawyers the importance of having a passion for excellence, of understanding our clients’ businesses and goals, and of maintaining a sense of humour and respect for others.”

Steve views approachability as a constant in the Osler culture over the years: “It’s the same now, even though it’s much more competitive, nose to the grindstone,” he observed. “But, still, the lawyers like working with the younger lawyers, socializing with them. Some firms are much more stuffy.”

He is really looking forward to retiring now. One of his friends retired 5 or 6 years ago and told him that every day was like a Saturday. “I thought that sounded pretty good,” said Steve. “He was free to make plans or not.”

As for his plans now, “I just plan to be retired,” he said matter-of-factly. “Some people always have to be doing something. I’ll just be putting around the house, taking each day as it comes … spending the winter in Naples, hiding away from the cold.”

“Here I am sitting outside by the pool reading the newspaper,” enthused Steve. “What a wonderful way to start the day!”
More than 150 Osler alumni and firm members ended up at Toronto’s first women’s prison last Fall.

Osler hosted an alumni gathering at the hip Rain Restaurant, a former female prison site in downtown Toronto. Guests renewed old friendships and made new acquaintances over cocktails and hors d’oeuvres throughout a rain-swept evening in late Fall of last year.

The lively group – comprising retired firm members, former and current partners, corporate counsel, and esteemed judges – chatted with former students and mentors, peers and colleagues. Alumni consistently tell us that they enjoy the opportunity to get together from time to time. We’re now looking ahead to a gathering in the Spring of 2007. Stay tuned.
Osler Establishes Scholarship With Fulbright

Osler has teamed up with the prestigious Fulbright organization to establish the “Fulbright-Osler” Scholarship as part of the Canada-U.S. Fulbright Program.

Former Senior Partner and Osler alumna, Debbie Alexander, approached Osler about the possibility of providing funding for a scholarship. Ms Alexander is Vice-Chair of Fulbright’s Board of Directors. Former counsel to Osler, Frank McKenna, was also a Board member.

Osler contributed $20,000 to the scholarship, which provides an eligible student from an accredited post-secondary institution in Canada or the U.S. with the opportunity to pursue graduate study in the U.S.

Caroline Magnan, the recipient of the scholarship, is a graduate of McGill University and the University of Ottawa, Faculty of Law. A former Supreme Court of Canada clerk, Ms Magnan will be attending Harvard University in the Fall. Her research project is titled “Health Law Reform in Canada and the Implications of Chaoulli.”

The Fulbright Program is the U.S. government’s flagship international educational exchange program. It was proposed to Congress by Senator J. William Fulbright of Arkansas as a much-needed, post-WWII initiative to promote “mutual understanding between the people of the United States and the people of other countries of the world.” Congress approved the proposal and the Program was signed into law by President Truman in 1946.

Osler Assists CCLA as Pro Bono Effort

Osler’s Mahmud Jamal and Patricia McMahon acted on a pro bono basis for the Canadian Civil Liberties Association (the CCLA) on a case that was heard by the Supreme Court of Canada earlier this year.

The issue involved in the case was whether the right of an orthodox schoolboy to wear a kirpan (a sheathed but sharp instrument) to public school, according to the tenets of his faith, should yield to purported security concerns.

The boy had dropped his kirpan at school. Other students saw it, and this raised concerns at the school and amongst parents. The Québec Court of Appeal had unanimously overturned the Québec Superior Court’s injunction permitting the wearing of the kirpan under very strict restrictions.

Jamal had heard about the Court of Appeal’s decision and approached the CCLA – a non-partisan, non-political, non-denominational group – to become involved in the case as an intervenor.

“It was an interesting and important issue,” said Jamal. “The Court of Appeal had decided it the wrong way, and it should be overturned… The case could be about any other religion one day in the future,” he continued. “It’s about what kind of school system we should have. It’s about tolerance, understanding,” said Jamal.

“In more than 100 years of Sikhs in Canada, the kirpan has never been used as a weapon of violence in school,” stressed Jamal. “It is a symbol of justice … a reminder that God is above.” Kirpans are allowed in a number of schools throughout the country. For example, Peel region – the largest school board in the country – permits students to wear a kirpan, as do other boards in British Columbia and Alberta. Indeed, a special dispensation from the Court permitted the wearing of kirpans at the Supreme Court hearing of the case.

The Supreme Court unanimously overturned the Québec Court of Appeal decision, citing the CCLA’s argument in its reasons approvingly. “The issue here was of freedom to exercise sincerely held religious beliefs,” said Jamal. “Based on existing law in Canada, this was an easy case.” Given the Court’s ruling, it was “not even close,” observed Jamal.
Osler Offices Grow Up and Out

**CALGARY OFFICE MOVES TO BIGGER SPACE**

Ten years after putting down roots in Calgary, the office moved to the TransCanada Tower in October 2005.

Tristram Mallett, Calgary Managing Partner, counts himself lucky that the office moved to better, bigger quarters. Osler had signed a lease more than a year before the move, just as large blocks of available space were becoming a thing of the past.

Within 6 months of the move, the 38,000 sq ft proved insufficient to accommodate the office’s expanding staff and lawyer complement. Two years ago, there were 34 legal professionals in the Calgary office; today, there are 60.

Osler Calgary leased an additional 7,200 sq ft on the 32nd floor as of May of this year. “You find what you can. You can’t let it constrain your growth,” said Tris, who now works an elevator ride away from many of his colleagues.

Among many new aspects of our Calgary office is the client centre, which features cutting-edge technology and a dedicated staff to support a 24/7 practice.

**MONTRÉAL OFFICE TURNS FIVE**

Osler’s Montréal office celebrated its fifth anniversary this past Spring. The second largest Osler office, the Montréal office originally opened in relatively small, sub-leased space. It moved to its present location in downtown Montréal at 1000 De La Gauchetière Street West in 2003.

More than 80 legal professionals occupy 95 offices on two full floors and half of another floor in the building. The office will expand to include another full floor in the Spring of 2007.

“We anticipate ongoing organic growth in a number of areas, including specifically by bringing on a number of junior lawyers coming out of our student program here,” noted Montréal Managing Partner, Ward Sellers.
An Osler partner and an alumna are being featured as part of a permanent photo exhibit of 19 remarkable women graduates of the U of T Faculty of Law who are considered trailblazers in the legal profession.

Osler Senior Partner and former Managing Partner, Jean Fraser, and former Osler lawyer, Maureen Kempston Darkes, are two of the 19 women whose photos and biographies are on display in U of T’s Flavelle House. The exhibit was unveiled in conjunction with International Women’s Day on March 8 of this year.

The selection committee for the exhibit, made up of male and female faculty, students and alumni of the university, chose women who’ve made significant contributions across a broad spectrum of fields and who are passionate about what they do.

Jean Fraser, a 1975 graduate of the U of T Faculty of Law, was recognized as one such woman. A leading Canadian corporate finance and M&A specialist and a top cross-border corporate lawyer, Ms Fraser has received many professional accolades, including being named one of Canada’s top 25 women lawyers by Lexpert in 2003. She has written extensively on securities and corporate law matters and is a member of the Senior Securities Advisory Group to the Chairman of the Ontario Securities Commission, and a past member of the Ontario Securities Commission Policy Advisory Committee.

Another such exemplary woman is Maureen Kempston Darkes, a 1973 graduate of the U of T Faculty of Law. Ms Kempston Darkes is General Motors Group Vice-President, and President GM Latin America, Africa and Middle East. One of very few women in the automotive industry when she joined General Motors 30 years ago, she held a series of progressively senior positions with the company until she was appointed President and General Manager, Canada, in 1994. She assumed her current position in 2002.

More information on the Trailblazers exhibit is available at: http://www.law.utoronto.ca/alumni and friends.
Ebb and Flow

FORMER OSLER PARTNER APPOINTED TO OLG

Retired Osler partner, Michael Gough, has been appointed Chair of the Ontario Lottery and Gaming Corporation effective June 7, 2006. Michael was an Osler partner for over 20 years, specializing in public law and regulatory affairs. He will be bringing an extensive background in government relations and regulatory and legislative matters to this interesting new assignment.

FORMER OSLER PARTNER APPOINTED TO NORTEL

Former Osler partner, David Drinkwater, was appointed Chief Legal Officer of Nortel Networks effective December 19, 2005. David was an Osler partner for many years, including several as founding partner and head of Osler’s office in London, England. He advised multi-national businesses in the areas of securities and mergers and acquisitions. After leaving Osler in 1996, David served as Group Vice President, Law and General Counsel, at Bell Canada, and as Executive Vice President and Chief Financial Officer of Ontario Power Generation before joining Nortel.

OSLER TEAM WINS WHEELS IN MOTION AWARD

Congratulations to retired Osler partner, Jack Petch, and summer law students James Brown, Adam Hirsh, Ben Leith, and Yaël Levy – members of the Osler team who won the Lexpert 2006 Wheels in Motion Award, 1st Place Legal Heat on Sunday, June 11, 2006. The Rick Hansen Wheels in Motion is an annual event that raises awareness for spinal cord injuries. The Osler team participated in the corporate challenge, which was a relay race in wheelchairs. Each member of the team made his way through a course designed to simulate the difficulties faced by people with spinal cord injuries in everyday life.

continued from page 2 – Former Osler Litigator

“Regulatory inquiries have become more common,” he notes, “and every major firm has had its share of high-profile litigation to work on. I often joke with my colleagues that, as a litigator, I am not someone you want to talk to, but our professionals realize that our business has fundamentally changed – and I’m confident that I’m making a positive contribution to our firm in this new environment.”

David clearly has found his niche: the ideal job, the right business, and the Big Apple. Next on his horizon is marriage, set for November of this year. Not surprisingly, he says he likely won’t be moving anywhere soon.

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