

# THE TOP

# 25

# MOST

# INFLUENTIAL

Who are this country's most powerful lawyers? Not everyone may agree on who's got influence and power in the law, but here are our picks.

By Gail J. Cohen

**L**ove to hate them but lists of the tops in any profession are still compulsive reading.

*Canadian Lawyer* is stepping into the fray with the Top 25 Most Influential in the justice system and legal profession. As this is the first year, our list will undoubtedly be controversial but we are ready to brave the slings and arrows of the profession.

The Top 25 Most Influential is not just about bright stars, big deals, or number of media mentions — although those may play a part. What sets our list apart is that we have endeavoured to select the most influential within the law over the last 18 months, looking at every area of practice, government, and the judiciary. It's not about power or influence but both. For instance, some lawyers may get the billion-dollar deals but may not have influence in other areas. Who are behind cutting-edge advocacy and getting the ear of government? The judiciary obviously wields power but who hold positions that really have an impact? It's about respect, ability to influence public opinion, and help shape the laws of this country; contribution to the strength and quality of legal services; and social and political influence and involvement. It can include politicians and regulators, but only if they are lawyers and are still in the legal field.

It's no surprise then that Chief Justice Beverley McLachlin comes in at the No. 1 spot. But close behind are two well-deserving practitioners: James Lockyer and Brian Greenspan. The remaining Top 25, as voted by our esteemed judging panel (see page 39), are then listed in alphabetical order and include lawyers of influence from a variety of spheres.

There was definitely some spirited debate among our internal and external judges over who to include and disagreement over the final list. As panellist Yves Fortier of Ogilvy Renault LLP notes: "While I certainly agree that the 25 lawyers on this list qualify as 25 of the most influential lawyers in Canada, I cannot subscribe to the conclusion of the panel that they are the 'top 25 most influential lawyers' in Canada. In addition, I regret very much the fact that not one lawyer on that list is from Quebec, with the exception of my friend Irwin Cotler, who spends most of his time today in Ottawa. During the process, I put forward names of some Quebec lawyers who, I argued, should be included on any such list. Unfortunately, none were considered worthy of that accolade by my co-judges. I believe that this seriously impairs the credibility of the process and the final rankings."

The criteria meant some powerful corporate lawyers were left out as well as former and current politicians, whose influence has waned or who aren't lawyers. A few others didn't make it onto the ballot due to timing but deserve a few words. In April, House of Commons Speaker Peter Milliken handed down a well-reasoned ruling on whether the government had breached parliamentary privilege by failure to comply with a Commons' order that the government must produce uncensored copies of documents in the Afghan detainee affair. He settled the question of whether Parliament is supreme over the government and its ministers, ruling yes it is. As well, former Supreme Court justice John Major's report into the Air India bombing also had quite an impact and has provided some long-needed closure for the families but also a blueprint for better communication between law enforcement officials as well as ways to investigate and prosecute terrorism.

But in the end the final list was arrived at democratically. So without further ado, here it is.

*Disagree with our choices? Did we miss someone obvious? E-mail your feedback to [cleditor@clbmedia.ca](mailto:cleditor@clbmedia.ca). We'll be doing it all again next year.*



**Julian Falconer**

Senior partner, Falconer Charney LLP, Toronto

Julian Falconer has gained notoriety in the Canadian legal community for his role in a number of high-profile cases and his advocacy for human rights. He was a part of Canadian legal history when he acted on behalf of Maher Arar. He also rose to prominence as the head of the Toronto school board's School Community Safety Advisory Panel, which looked into the conditions that existed at C.W. Jefferys Collegiate Institute prior to the shooting death of 15-year-old Jordan Manners. That role led to numerous awards related to his activism, including *Pride News Magazine's* African Canadian Achievement Award, and the Urban Alliance Race Relations Medal. His *alma mater*, the University of Toronto, has named him one of the 20th century's 100 most notable graduates. Continuing his advocacy role, this summer Falconer is representing four independent journalists in G20 summit-related complaints against Toronto police.

What panellists had to say: "Deserves a spot high on any list of the country's top advocates."

**Peter Hogg**

Professor emeritus and former dean of Osgoode Hall Law School and scholar in residence at Blake Cassels & Graydon LLP, Toronto

Peter Hogg is considered the leading authority on constitutional law in Canada, and his writings have reportedly been cited more in the Supreme Court of Canada than any other single source. Hogg, who was originally educated in New Zealand, has received numerous honours and awards, including being made an officer of the Order of Canada in 1991 and was elevated to companion of the Order in 2003, receiving the Law Society Medal from the Law Society of Upper Canada in 1996, and a slew of honorary doctorates.

What panellists had to say: "It is difficult to overestimate the influence that Hogg has had on the way in which we think about constitutional law in Canada."



**Edward 'Ted' Hughes**

Retired judge, Vancouver

During his 50-plus-year career, Ted Hughes has seen and done it all. He became a judge in 1962 and in 1974 was promoted to the Saskatchewan Court of Queen's Bench. After John Diefenbaker's death in 1979, Hughes acted as an executor of the former prime minister's estate. In 1980, he stepped down from the bench and moved to B.C. where he served as a legal adviser to the province's attorney general. In 1990, he was appointed as B.C.'s first conflict-of-interest commissioner and oversaw an investigation that resulted in the resignation of Bill Vander Zalm, the premier of B.C., for mixing private business with public responsibilities. In the early part of the last decade, he acted as conflict-of-interest commissioner for the Yukon and Northwest Territories, and is currently overseeing a coalition against homelessness in Victoria.

What panellists had to say: "When governments get into trouble in Western Canada, Hughes is the go-to guy to set things right."

# THE TOP 25 MOST INFLUENTIAL



## Doug Hyndman

Chairman and CEO, Canadian Securities Transition Office, Vancouver

**Doug Hyndman was chairman of the British Columbia Securities Commission for 22 years before he was chosen to head the Canadian Securities Transition Office in July 2009. He also served as chairman of the Accounting Standards Oversight Council, which oversees the setting of accounting standards in the business world, from 2005 to 2010. In his current position, he will steer the CSTO as it leads all aspects of the transition to a national securities regulator, including the development of the federal Securities Act, collaborating with provinces and territories, and developing and implementing an organizational and administrative transition plan. On July 13, Hyndman released the CSTO's initial transition plan. As such, he's likely to face a tough road ahead but at the same time will have great influence over the future and direction of business law in Canada, a role that can't be understated.**

What panellists had to say: "A uniter and canny strategist."

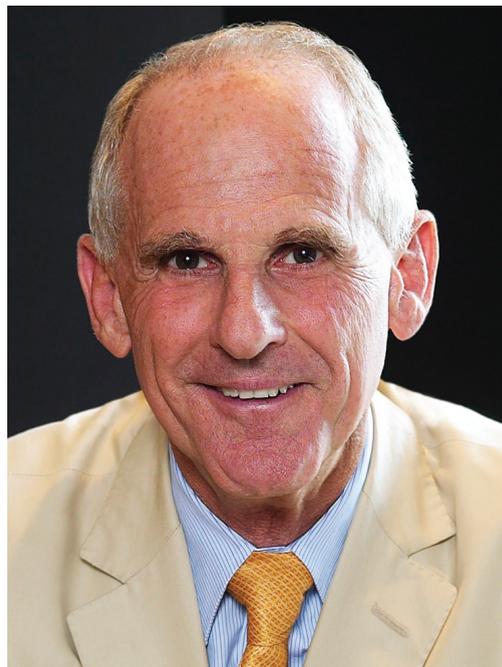
## Alan Lenczner

Partner, Lenczner Slaght Royce Smith Griffin LLP, Toronto

Considered by many to be one of Canada's leading litigators, Alan Lenczner is highly regarded by those in the legal profession. He is one of the co-founders of Lenczner Slaght Royce Smith Griffin LLP, one of Canada's premier litigation practices, and has been a part of several groundbreaking cases (perhaps most notably the 1989 *Lac Minerals Ltd. v. International Corona Resources Ltd.*). Aside from his work inside the courtroom, he is also an established lecturer, and is well known among young lawyers. He's representing the controversial Eleanor Clitheroe, ousted CEO of Hydro One Inc., who in June was denied a bid for more retirement cash — above her monthly pension of \$25,637.08 — by the Ontario Court of Appeal.

What panellists had to say: "Alan is a top-flight lawyer. But more than that, he was a pioneer in terms of law firm structure."

"Continues to be retained by top-notch clients on some of the country's most contentious litigation matters."



## David Lepofsky

Ontario Ministry of the Attorney General, Crown Law Office, Toronto

**Blind for much of his life, David Lepofsky has gained a reputation for being an advocate for the blind and disabled. He is a founding member of the Canadian Association for Visually Impaired Lawyers, and a former chairman of the Ontarians with Disabilities Act committee. He is now the chairman of the AODA Alliance, a disability consumer advocacy group. Lepofsky played an instrumental role in the battle to get equal rights for disabled persons included in the Charter of Rights and Freedoms. And, to top it all off, he was awarded the Order of Canada in 1995. At the Crown Law Office, he has argued criminal cases from the provincial level all the way to the Supreme Court of Canada. He is one of Canada's most well-known and respected lawyers.**

What panellists had to say: "He continues to fight the good fight for disabled people everywhere."

## Rob Nicholson

Minister of Justice and attorney general of Canada, MP, Niagara Falls, Ont.

As the minister of Justice and attorney general, Rob Nicholson is clearly a central figure in the Canadian justice system. He has been involved with politics for years, and was first elected to Parliament in 1984. He was appointed to his current position in 2007, and during his tenure has been no stranger to controversy, particularly within the bar over much of the Conservative government's wave of law-and-order legislation. Recently, he has come under heavy fire after he agreed to the extradition of Marc Emery to the United States. Emery, a well-known Canadian marijuana activist, is currently serving a five-year sentence in the U.S. for selling marijuana seeds, and while Nicholson has received criticism from Emery's fellow activists and others, he would not be swayed.

**What panellists had to say:** "He has a profound impact on law reform."

"Deserves a spot on the list, regardless of any opposition to his controversial approach."



## Richard Peck

Partner, Peck & Co., Vancouver

Criminal lawyer Richard Peck has been a part of some of the most notorious cases in Canadian legal history. In May, he acted as independent prosecutor for Ontario in the case of criminal charges of dangerous driving and negligence against former attorney general Michael Bryant in the death of cyclist Darcy Allan Sheppard. He controversially said charges should be dropped as there was no reasonable chance of conviction. In June, as special prosecutor once again in British Columbia, he announced he'd be revisiting the question of whether criminal charges should be laid against police in the death by Taser of Robert Dziekanski. Also of note, he led a team of nine lawyers and successfully defended Ajaib Singh Bagri, one of the men accused of being the mastermind behind the Air India bombing of 1985. As well, he represented John Robin Sharpe, who was charged with possession of child pornography. Based on Peck's defence, the Supreme Court of Canada ruled that prosecution could not stem from works of imagination for personal use.

**What panellists had to say:** "You need to get the big cases to have power and influence. Based on that, he belongs on the list."

## Harvey T. Strosberg

Senior partner, Sutts Strosberg LLP, Windsor, Ont.

With the rise of the class action bar in the Canadian legal field in the last 25 years, Harvey Strosberg has emerged as one of the country's top class action lawyers and commercial litigators. He has consistently appeared on any list celebrating the top lawyers in Canada, and served as treasurer of the Law Society of Upper Canada from 1997 to 1999. One of his most famous settlements came during the hepatitis C class action, which settled for \$850 million. In total, he has recovered over \$1 billion for his clients, a statistic that played a significant role in landing him a spot on this list. He continues to front some of the largest class action cases in the country.

**What panellists had to say:** "He's one guy that defendants hope is not leading the charge on the other side."



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## FALCONER CHARNEY LLP

The lawyers and staff at Falconer Charney LLP congratulate Julian Falconer on being named one of Canada's Most Influential Lawyers.

*Julian Falconer and his practice group specialize in civil, constitutional and criminal litigation with a particular focus on state accountability. Falconer Charney LLP is a full service litigation firm with over 20 years experience serving clients with complex trial and appeal matters.*

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