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SPRING | 2014

Legalese HCLA



THE HELLENIC CANADIAN LAWYERS’
ASSOCIATION NEWSLETTER

President’s Message: Time for Reflection

My two years as President of the HCLA are coming to an end as of the next AGM, so you’ll forgive me if I take a few moments to reflect on our organization, its development, and its future.

I’ve served under three presidents – Salmas, Vavitsas, and Maniatis – and sat on the board with over twenty different people. I’m struck by how each iteration of the board has left an important mark that the next board has built on. John Salmas’s focus was on students. The board established the mentorship program under his guidance, and nearly doubled the size of the scholarships we offer. It was also his suggestion that we segregate funds for those scholarships and keep them separate from our current operating budget. We currently have over \$10,000 segregated for precisely that reason, ensuring that, even if we have some slow financial years, the scholarship program won’t suffer as a result.

Speaking of finances, the boards under Jim Vavitas’s tenure set the HCLA on a very stable financial track. When I first joined the board, our bank account historically hovered south of the \$10,000 mark. Fast forward to today, and our balance tends to hover in the low \$30,000 mark. This tripling of our accounts occurred under Vavitsas, who had an uncanny ability to raise funds through gala events that took a lot of work to organize, but tended to bring in a lot of money when they succeeded. The financial cushion that those boards built has allowed our organization to take

steps to grow its presence and membership.

Eleni Maniatis’s tenure is marked by that growth. Under her guidance, the Board re-vamped the website and established our presence in social media like Twitter and LinkedIn; we also made the Legalese a more readable and attractive a newsletter. This helped us grow our membership, which in turn allowed us to attract more and more people to our annual events, like the President’s Dinner and AGM. By the time her two-year term ended, the size of our association was rebounding from some low membership numbers we had seen in the previous few years. This growth helped us activate the membership to take on such challenges as establishing the legal clinic, which we also did under her watch.

Continued on Page 2...



Nikiforos Iatrou, HCLA President

President's Message...

...Continued from Page 1.

The boards that I have been privileged to lead have achieved record-setting membership numbers and have expanded our presence in the wider legal community. We have also expanded the sorts of events we try to organize, in particular by starting to offer free CPD sessions to our members. We have become more prominent participants in organizations like the OBA and the Roundtable of Diversity Associations (RODA), which has seen us present on panels at the OBA's annual meeting and put on a joint CPD session with the Canadian Association of Black Lawyers (CABL). Through these activities, our organization is gaining more of a

reputation in the wider legal community, which I hope will help enhance our organization's legitimacy and lead to more members and activities.

In sum, while we haven't always achieved all of the goals we set out to achieve, looking back over the past seven years, I'd like to think that our association is meeting the expectations of its founding members. Next year marks our 25th anniversary, and I hope that we can use that as a way to re-energize our membership, bring back into the fold many of the members and volunteers who have committed so much time to the association, and put on some sort of party that we'll still be talking about seven years into the future.

"...our organization is gaining more of a reputation in the wider legal community..."

Annual General Meeting to be held on June 12

The HCLA's Annual General Meeting (AGM) will be taking place at the Ontario Bar Association in Toronto on the evening of June 12. The meeting provides an opportunity for the Board of Directors to update the membership on matters from the 2013/2014 fiscal year and to present plans for the upcoming year. The meeting is also an opportunity for the membership to provide feedback, thoughts, and opinions to the Board.

The AGM will include reports by our President, Mr. Nikiforos Iatrou, and our Treasurer, Mr. Ted Evangelidis. It will also include a keynote address. This year, we are particularly proud to present long-time HCLA member and President of the Criminal Lawyers' Association, Anthony Moustacalis, who will address the meeting.

Finally, and perhaps most importantly, the AGM will include the election or re-election of six HCLA board members. The HCLA is governed by 9 board members that are elected by the membership. Those members serve two-year terms and the terms are staggered. Nominations are being accepted for any HCLA member who may be interested in serving on the Board. Nominations may be emailed in advance of the meeting to info@hcla.ca.

If you are planning on attending the AGM, please RSVP to:

Stephanie Voudouris at social.director@hcla.ca.

You are invited to...

The Annual General Meeting

When: Thursday June 12, 2014

Time: 6:00 PM - 8:30 PM

Where: Ontario Bar Association
20 Toronto Street, #300
Toronto, Ontario

Tickets: \$85 for Members
(\$105 for Non-Members)
(\$60 for Students)

Please RSVP to
Stephanie Voudouris at
social.director@hcla.ca

2014's AGM keynote speaker: Anthony Moustacalis

Last year we were honoured to hear from Ioanna Roumeliotis of the CBC about her coverage of political events in Greece. In previous years, we were privileged to hear from individuals such as Dimitris Azemopoulos, Consul General of Greece in Toronto and member of the Athens Bar Association, and the Honourable Justice Sharpe of Ontario's Court of Appeal. At this year's Annual General Meeting (AGM), we are particularly proud to present Anthony Moustacalis, President of the Criminal Lawyers' Association and long-time member of the HCLA, as our keynote speaker.

Anthony was called to the Bar of Ontario in 1984 and until 1988 worked as an Assistant Crown Attorney. Since that time, he has practised criminal defence law, initially as a partner in Hart and Moustacalis, but since 1990 as the principal in Anthony Moustacalis Barrister & Solicitor.

Throughout his career, Anthony has defended clients in over 50 jury trials and in over 100 appeals to Ontario's Court of Appeal. Two cases of note are:

R. v. McClure, an appeal to the Supreme Court of Canada on Solicitor and Client Privilege; and

R v. Yumnu, where Anthony represented the Criminal Lawyers' Association as an intervenor at the Supreme Court of Canada on the issue of jury vetting.

Anthony is also a tireless volunteer and great contributor to various associations and causes within the legal community. He has been a dear friend of the HCLA, and acted as our association's treasurer in the 1990's. He served as a Director of the Criminal Lawyers' Association and Treasurer for 8 years. Currently he is the President of the Criminal Lawyers' Association and has been since October of 2013.

We are very much looking forward to hearing Anthony's keynote address at the HCLA's Annual General Meeting on the evening of Thursday June 12 at the Ontario Bar Association.



Anthony Moustacalis

Precedent Setter Awards 2014 - Congratulations Niki Iatrou

Precedent Magazine awarded one of its five Precedent Setter Awards to the HCLA's very own Nikiforos Iatrou. The Awards celebrate some of the brightest legal minds in Ontario who have excelled during their first 10 years of practice.

Niki is of course the HCLA's President and a partner at WeirFoulds LLP in Toronto where he focuses on complex business litigation and competition law. His career has included a three-year special appointment as counsel to Canada's Commissioner of Competition and a clerkship at the Court of Appeal in Toronto. He was called to the Bar of Ontario in 2005 and has

been an HCLA member ever since. For most of that time, he has served on the HCLA's Board of Directors and in addition to leading our Association as President, he has contributed greatly in roles including Secretary and Communication Director. The HCLA has been extremely fortunate to have Niki and we congratulate him on the award.

More details about the Precedent Setter Awards, including Niki's award, can be found at:

<http://lawandstyle.ca/precedent-setter-awards-2014/>



Member Profile

Member Profile: Aliki Yorgiadis

Aliki Yorgiadis is an associate with the firm Hicks Adams LLP. Aliki received her Juris Doctor from the University of Ottawa in 2010, focusing her studies in the area of criminal law. She was called to the Bar of Ontario in 2011.

Aliki has been a member of the HCLA since 2008 and was the recipient of one of the HCLA's student scholarships, now the Justice Karakatsanis Student Scholarships.

During her legal studies at the University of Ottawa, Aliki was President of the Criminal Law Students' Association, and worked as part of the University of Ottawa Innocence Project. In 2010, Aliki was selected to compete on behalf of the University of Ottawa in the Arnup Cup, an an-

nual provincial criminal trial advocacy competition. After placing second in Ontario, she competed at the Sopinka Cup, the national trial advocacy competition finals.

Aliki has also completed two internships as a judicial clerk at the Ontario Court of Justice. Prior to law school, she received her Honours Bachelor of Arts degree in Criminology and Law and Society from York University in 2007.

Aliki can be reached at:

(416) 975-1700
ayorgiadis@h-b-a.ca



Notices, Needs, and Nea

If you would like to post in this section and are a member of the HCLA, please email info@hcla.ca.

HCLA Electronic Communications and Canada's New Anti-Spam Legislation. From time-to-time, the HCLA has sent you electronic messages enclosing information that we have thought to be relevant and of interest to you. We hope that you have found our electronic communications (including our event and seminar invitations, Legalese newsletters, and other announcements) to be of value. In connection with Canada's new Anti-Spam Legislation (CASL) coming into force on July 1, 2014, we will assume that we have your consent to continue to send you such electronic communications unless we hear otherwise from you. If you no longer want to receive such electronic communications from us, please send us an email at info@hcla.ca indicating that you wish to be removed from the HCLA's contact list.

HCLA Legal Clinic. The HCLA Legal Clinic at the Greek Community of Toronto is available to provide pro-bono services and legal information to individuals. Please contact Maria at the Greek Community of Toronto (30 Thorncliffe Park Drive, 30 Winona Dr, Toronto, ON M4H 1H8, (416) 425-2485) for more information.

Congratulations Chrissy Giannoulis! HCLA Student Director, Chrissy Giannoulis gave birth to a baby boy, Alexandros. The HCLA wishes Alexandros and the entire Giannoulis family all the very best.



Headlines from Greece

In this section, we provide a sampling of recent news articles dealing with a variety of law related happenings in Greece courtesy of ekathimerini.com. For more up-to-date news, please visit ekathimerini.com.

Greek law students take first prize at Moot Court

By Apostolos Lakasas

Athens Law School students Persephone Vernadou, Panayiotis Theodoropoulos, Panayiotis Kyriakou and Anna Ventouratou came first in the World Round of the global Moot Court Competition on May 18 at the World Trade Organization headquarters in Geneva, Switzerland, beating a team from Harvard University.

"There are students who work systematically, showing great dedication to their studies even when the university is closed," senior law student Anna Ventouratou, 22, told Kathimerini.

As the team's supervisor, lecturer Anastasios Gourgourinis, told Kathimerini, the competition was organized for the 12th year in a row by the European Law Students' Association (ELSA) and is aimed at creating mock judicial scenarios in which to test students' skills and aptitude. The teams sent in submissions for the complainant and respondent of a fictitious case written by a World Trade Organization professional. This year's debate was about a legal controversy between two WTO member states – a developed and a developing country – over waste following an unsuccessful privatization.

The competition featured teams from 117 universities around the world. The Athens Law School's team managed to reach the semifinals and then the final round among groups from other universities such as Harvard and Georgetown, the universities of Hong Kong, Geneva and Barcelona, as well as the

Katholieke Universiteit Leuven, the West Bengal National University of Juridical Sciences in India and the University of International Business and Economics in China. During the preliminary rounds, the Greek students knocked out their counterparts from the American University in Washington and Rhodes University in Grahamstown, South Africa, while they went up against a group from the University of Hong Kong in the quarterfinals and the University of Amsterdam team in the semis.

The final round against the Harvard team took place at the WTO's main conference hall, with a nine-member court granting victory to the Greeks. The students received scholarships for summer courses on international economic law, as well as job offers at big firms.

ekathimerini.com (May 27, 2014)



Greek gov't spokesman to take action against fake tweeter

Government spokesman Simos Kedikoglou said on Thursday that an account on Twitter bearing his name was fake and that he would be filing legal action against whoever was responsible for creating and running it.

Kedikoglou said he has never had an account on the social networking site.

ekathimerini.com (May 22, 2014)





Headlines from Greece - Continued

Sell-off projects to proceed despite obstacles

By Vangelis Mandravelis

Despite growing political and legal complications resulting from the recent elections as well as decisions by the Council of State, the privatizations project is set to continue, state sell-off fund TAIPED has said.

This comes in the aftermath of the leftist SYRIZA party's emergence as the strongest party in the European Parliament elections and the decision on the Athens Water Supply & Sewage Company (EYDAP) by the Council of State (CoS), the country's highest administrative court. The transfer of EYDAP's 34 percent stake from the state to TAIPED will now be reversed, as there are no options for another court battle on the matter. The decision concerns the second stake transferred from the state to the fund, completed in April 2012. The first had concerned a 27 percent stake conducted in 2011 as soon as TAIPED was set up.

Fund officials note that the verdict will have to be carefully examined by TAIPED's legal service, which is yet to happen. They stress the decision's complexity, given that it ruled against the transfer of the 34 percent stake, but actually referred to a majority stake (51 percent).

The CoS decision will also affect the privatization of Public Power Corporation (PPC). However it will not affect the sell-off projects that are already under way, concerning the Piraeus and Thessaloniki port authorities, which are continuing unhindered. Nor will it have any bearing on the development of the old Athens airport plot at Elliniko as the CoS has rejected the cases brought by local authorities and citizens.

There hasn't been any impact on the privatizations of the former Hellenic Railways Organization (OSE) group, the regional airports or Athens International Airport (AIA) either. TAIPED's management is about to request that Canadian company PSP, a major stakeholder in AIA, provide it with information on the fund's plans about the further utilization of the airport company. TAIPED intends to proceed to an international tender for the sale of AIA shares, with potential buyers having two options: The first regards the sale of shares without an extension on the duration of the concession contract, and the second with a extension, as the existing contract expires in 2026.



There is no doubt of course that the election result will complicate the already troubled privatization process, but this could only be temporary, TAIPED officials estimate. They note that the political will for sell-offs to proceed remains intact, as the case of the Thessaloniki Port Authority has shown. In that case the TAIPED board wanted the issue to freeze after its negative reception in Parliament. However the government and the fund's council of experts insisted on proceeding with the tender given that it constituted a prior action for the disbursement of the 8.5-billion-euro bailout tranche.

The council of experts has also asked for a new valuation of the lease for the Markopoulo Racing Course in eastern Attica in the context of horse-racing organization ODIE's privatization. This is the lease that the preferred bidder will pay after the tender for the concession of the license to organize racing betting.

TAIPED hired an independent consultant to calculate the lease rate for the racing course. The consultant estimated it at 6 million euros per year, but that was deemed too much for investors to pay, as the licensee would effectively have to pay all of the revenues to the owner of the course – i.e. the Greek state that would be the recipient of the course's ownership after ODIE's liquidation. Now TAIPED has seen to the hiring of another consultant, who will also take into account the fact that ODIE's privatization will take place without the company ceasing operations.

ekathimerini.com (May 30, 2014)



Headlines from Greece - Continued

Court calls for rehiring of 397 sacked Finance Ministry cleaners

An Athens court has accepted an appeal by hundreds of Finance Ministry cleaners who were put into a so-called mobility scheme of forced transfers and dismissals, the womens' lawyer Yiannis Karouzos said on Friday, referring to a "landmark decision."

According to Karouzos, the Athens Court of First Instance upheld the appeal by the 397 workers, ordering that the women be rehired.

A total of 465 Finance Ministry cleaning staff who were put in the mobility scheme last year as part of a troika-imposed overhaul of the civil service. Of those, 397 appealed against the decision, describing it as illegal and unconstitutional.

Angry workers have staged a running protest outside the Finance Ministry's headquarters on Nikis Street for months.

The court decision comes as the eight-month period of assessment, during which it is decided whether staff are



transferred to another civil service post or dismissed, is set to expire.

Hundreds of employees in other parts of the broader civil service including the education and health sectors have also protested the mobility scheme, most with industrial action such as strikes rather than legal appeals.

ekathimerini.com (May 16, 2014)

Greece denies plan for retroactive tax on foreign bond-

Greece's government on Thursday denied it had instituted a retroactive tax on foreign holders of Greek bonds, saying capital gains booked from early 2012 to the end of last year were subject to the tax regime covering that period.

Greek 10-year bond yields rose to near two-month highs on Thursday, with traders citing a document detailing a retroactive tax on non-resident holders of Greek bonds.

Greek officials, however, said that document had only sought to clarify that the previous tax regime of 33 percent on foreign legal entities and 20 percent on individuals had been abolished starting this year.

"There is no taxation on capital gains from transfers of Greek government bonds by foreign investors that took place from January 1, 2014 onwards," a statement from the finance ministry said. "Consequently, the reports refer-



ring to retroactive taxation or intention for retroactive taxation are completely untrue." [Reuters]

ekathimerini.com (May 15, 2014)

Mission Statement

The HCLA is a national non-profit organization founded in 1990. Its primary purpose is to maintain a network of lawyers, judges, and law students of Hellenic descent. In addition to creating professional opportunities, this network serves as a platform for members to educate one another on issues that are of common interest, as well as to educate the Hellenic Canadian community at large on relevant legal issues. When necessary, the HCLA is ready, willing, and able to advocate on behalf of its membership and the greater Hellenic Canadian community.

Membership Renewals

Your membership will expire in May/June at our Annual General Meeting. If you have not renewed your membership for 2014-2015, please take a few minutes to complete your membership renewal form, or to renew online at www.hcla.ca. Please ensure to either opt in or out of our Lawyer Referral Network, which can make your contact information accessible to the public seeking a lawyer in your field of practice. For further information please contact us via our website or at info@hcla.ca. A renewal fee of \$75 applies for regular members and \$25 for student members.

About the Legalese

The Legalese is published several times a year by the HCLA Board. We welcome your contributions and feedback. Should you have any questions, comments, or concerns, please contact our Communications Director at elias.lyberogiannis@hcla.ca or submit your comments through our website at www.hcla.ca/contactus.



LEGALESE:
THE HELLENIC CANADIAN LAWYERS' ASSOCIATION NEWSLETTER

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