The Journal conversation:
Sheila R. Block, LSM, ASM

INTERVIEW

STEPHEN GRANT: If you really dig, you can find out that, years ago, Sheila was a folk singer. She was also a motorcycle rider. As well, on her CV she has a list of previous jobs in which she has engaged: class action, corporate restructuring, defamation, intellectual property. She doesn’t mention the fact she also does family law. And I have seen some great lawyers over the course of our careers, and I must say she is the real deal.

How did this happen?

SHEILA BLOCK: When I was coming through school, I didn’t want to be a nurse, and I didn’t particularly want to be a teacher. I thought, maybe I could be a social worker or a lawyer. It occurred to me, when I found out you could draft wills and do real estate deals, that you wouldn’t actually have to speak in public—you could be a lawyer and sit at your desk. So I thought, I’ll try that.

And, great surprise, Joyce Harris, now retired, and I did meet together at the University of Ottawa, and we won our moot. We were two of eight women in our class. After that, we came to Toronto and worked with everybody else at U Of T. Professor Alan Mewett was one of the judges. All the great lawyers. Sheila and I have seen some great lawyers over the course of our careers, and I must say she is the real deal.

SG: At the CCLA?
SB: Yes. And I also applied to [former Chief Justice] Charlie Dubin. And Bonovoy said, “Look, if Charlie will hire you, go with Charlie.” And so I did. Armstrong, Mor- phy, Blair and Brunner were with him.

SG: Later Justice Armstrong and Justice Blair.
SB: This was a litigation boutique, way, way, way before its time. But they did everything. Chief Justice Dubin was so profound a lawyer that, of the labour law he practised, he would act on the union side one day and on the manage ment the next. He even acted for the Labour Board—a real trifecta—he was that great.

SG: You don’t find that happening anymore.
SB: No.

SG: Has it been a fulfilling career over these years?
SB: It really has. First of all, it’s a helping profession. And when I mentioned social work as a possibility, my sister is a social worker and it would have been the natural thing to do growing up in the sixties that you would become a social worker if you had any sort of care for people.

But I thought I’d try this law thing. And it really is a helping profession, particularly on our end of the practice where people are always in trouble somehow or another. Either I know something—there’s something they’re saying because they believe something has been done to them. And you are their Peri cles—you are the one who stands up for them.

SG: It’s a privilege, what we do. No?
SB: Totally a privilege. As I often say, “I could stay home and watch the soaps or come to work. You learn so much about other people’s lives, the intimacy you get.”

And this is a point my son made to me when he was interning for a criminal firm and he’d come home at night and I’d be working on my transcripts, after he made us a de-licious meal—he is a wonderful cook—and he was reviewing Crown disclosure. He said the intimacy that you get—about people’s lives—really is a privilege. And with that privilege comes a lot of anxiety, responsibility and worry about doing your best.

SG: You had worries over these years? You?
SB: Yes.

SG: You wouldn’t know it.
SB: I think I’ve managed the stress pretty well, and having three kids is a good anti- dote because as soon as you get home, you are in a completely different world.

SG: I’ve known you for a long time and worked with you from time to time, and the case or the cause doesn’t matter because the passion was always there, and it’s still there. How do you do that?

SB: Well, first of all, you don’t become a judge—where you have to decide who is right and who is wrong. That really wasn’t in my DNA.

But knowing that somebody has a position that they can’t themselves put forward and they need an advocate, a Paraclete, a representative who knows the landscape—that’s my role, and I know what I’m to do. I’m to do what they would do for themselves if they had the skill and the training.

I like being given the assignment and knowing that they will be somebody really good on the other side and that there is a third person who will ultimately decide the rights and wrongs of it. But I can be passionate about that because that’s my job.

SB: Passionate but objective, no?

SG: Yes. I think I’ve managed the stress pretty well, and having three kids is a good antidote because as soon as you get home, you are in a completely different world.

SG: You've been practising?
SB: The skills are all learnable skills, and I've spent a lot of time teaching advocacy skills, not out of any charitable notion but, self-ishly, I teach to learn.

I learn so much from teaching—by watching other lawyers or law students take a problem and formulate a question, do an opening speech or make a closing argument. And I try to figure out why did that work, why didn't that work, how can I fix it. Can it be made better in two minutes or less? You can't help but learn if you do advocacy skills training.

So skills are all learnable. And Jim [Seckinger], my husband, and I did a lot of teaching in the UK when Margaret Thatcher decided she was going to give rights of audience to solicitors. Margaret had been the daughter of a grocer, she had been a barrister. They turned their noses down at her, and she got back at them because she decided she was going to give rights of audience, and all you needed to do was have some kind of training. So they brought over advocacy trainers from North America because there is a long tradition of training and, particularly, learning by doing training.

We would take young solicitors from the Magic Circle firms like Clifford Chance or Linklaters, and we’d go up to some lodge or some big country estate where they had interrogated Rudolph Hess after the Second World War or a place with the biggest rhododendron garden in the south of England, and we’d spend a week with them.

They’re all smart as hell. They have all the legal context, but they never have the chance to ask the questions. They’re prepared for the argument, putting forward the best possible case. CHANTELL SPAGNOLA: What skills do you possess that have made you the litigator you have become?

SB: Caring about your cases, caring about the role. Our mutual friend Garry Watson says the difference between the good lawyer and the great lawyer is that the good lawyer gets more out of the file—so, really, working and thinking. Although sometimes you can over-think it.

But you watch the English barristers, and they have a lot of easy manner and things that seem to be innate—but for them, some of what they do is really just part of the culture, the way they cross-examine. In an English accent? “You’re lying, then, aren’t you?” A: “No.” Q: “So you say!”

We can’t get away with that. We actually have to have a refer ence from the discovery or the documents to impeach the witness. So the English barristers have a lot of style that you don’t really see here because our judiciary doesn’t put up with it, but of course the English judiciary are pretty much all former barristers and they come from that same tradition. So they may have more tolerance for it. Of course, they have some fabulous advocates.

SG: Have you seen an evolution in advocacy over these years?
SB: Yes.

SG: You've been practising?
SB: These young solicitors would get frustrated because they knew the case inside and out, yet couldn’t make the submissions. And in one week they just went from zero to 60 in terms of advocacy skills. It was fantastic.

So these skills are all learnable. You can be trained in all these skills. We can’t make you a smarter lawyer or make your analysis of the case better, but we can teach you the skills of who, what, when, where, why; how to describe in chief; or to tell, don’t ask, on cross. One fact per question. So the skills are all learnable.

CS: There has got to be an intangible something then. What is it?
SB: Caring, about your cases, caring about the role. Our mutual friend Garry Watson says the difference between the good lawyer and the great lawyer is that the great lawyer gets more out of the file—so, really, working and thinking. Although sometimes you can over-think it.

But you watch the English barristers, and they have a lot of easy manner and things that seem to be innate—but for them, some of what they do is really just part of the culture, the way they cross-examine. In an English accent? “You’re lying, then, aren’t you?” A: “No.” Q: “So you say!”

We can’t get away with that. We actually have to have a refer ence from the discovery or the documents to impeach the witness. So the English barristers have a lot of style that you don’t really see here because our judiciary doesn’t put up with it, but of course the English judiciary are pretty much all former barristers and they come from that same tradition. So they may have more tolerance for it. Of course, they have some fabulous advocates.

SG: Have you seen an evolution in advocacy over these years?
SB: Yes.

SG: You've been practising?
always say, you know, “Stephen is a great young lawyer”; or “Sheila weren’t women litigators. But both on the corporate side of the Mine were all old white guys, basically because of the era. There SB:

arguments and fewer trials, appeals, retrials, et cetera. So, nowadays, there are fewer technical CS:

in the courthouse hallway, saying, “You know, I need you to start SB:

tions where they’d been buttonholed by the chief justice of the day SB:

way up again, and often for no fee. It was often one of those situa-

Court of Canada and get a new trial; then they’d lose again, all the SG:

it was still a bit of a grind, and exactly when it shifted to be just a SG:

perm its start with our case. We had a wonderfully long hearing, and SG:

and Kent and I worked closely on it and had a number of meetings in SG:

with no confidence when the eight years are over (or however long they step out). It’s like SG:

to hold up my end. That may have some-

to be a full participant at my firm, I wanted to SG:

wards. That’s absolutely right. I mean, you SG:

move on. CR: Are there any particular wins that have stayed with you all these years? SG:

weren’t. So we went and got SG:

a factory closed and all the peo-

shall remain nameless, and he just wasn’t SG:

would have given me the injunction, but I SG:

we could have been better, we could have SG:

enjoyed putting the cases together. Actually SG:

in court thinking, “If only, if only.” SG:

it was an American company and a Cana-

so I’m not letting any cat out of the bag. SG:

so I know what you’re talking about. But was there something specific about SG:

I have been at Torys 44 years? SB:

a different deal. And they papered it through SG:

’48 years–’49 years. SG:

sometimes happen-

was4 so I’m not letting any cat out of the bag. SG:

they’re crafty. And I think it’s a bad SG:

So the sacrifice was either working SG:

you make a SG:

the next case. SG:

to settle to greater

not to get the opportunity to jump in and sink or swim – SG:

a little case that doesn’t count. Everybody’s case is a SG:

now there’s so much at stake. Nobody SG:

I don’t think you’ve done any SG:

you’ll have to get on with things.” It’s when you SG:

to get a new trial; then they’d lose again, all the SG:

got to get a new trial; then they’d lose again, all the SG:

time, you just say, “Well, it’s like the doctor – the patient has the disease.” SG:

for those of you who might have some SG:

But was there something specific about SG:

of getting X instead of Y to hear your case. SG:

As I’ve tried to do over the years to ac-

that’s not my case – I SG:

with no confidence when the eight years are over (or however long they step out). It’s like SG:

to hold up my end. That may have some-

to be a full participant at my firm, I wanted to SG:

wards. That’s absolutely right. I mean, you SG:

move on. CR: Are there any particular wins that have stayed with you all these years? SG:

weren’t. So we went and got SG:

a factory closed and all the peo-

shall remain nameless, and he just wasn’t SG:

would have given me the injunction, but I SG:

we could have been better, we could have SG:

enjoyed putting the cases together. Actually SG:

in court thinking, “If only, if only.” SG:

it was an American company and a Cana-

so I’m not letting any cat out of the bag. SG:

they’re crafty. And I think it’s a bad SG:

So the sacrifice was either working SG:

you make a SG:

the next case. SG:

to settle to greater

not to get the opportunity to jump in and sink or swim – SG:

a little case that doesn’t count. Everybody’s case is a SG:

now there’s so much at stake. Nobody SG:

I don’t think you’ve done any SG:

you’ll have to get on with things.” It’s when you SG:

for those of you who might have some SG:

But was there something specific about SG:

of getting X instead of Y to hear your case. SG:

As I’ve tried to do over the years to ac-

that’s not my case – I SG:

with no confidence when the eight years are over (or however long they step out). It’s like SG:

to hold up my end. That may have some-

to be a full participant at my firm, I wanted to SG:

wards. That’s absolutely right. I mean, you SG:

move on. CR: Are there any particular wins that have stayed with you all these years? SG:

weren’t. So we went and got SG:

a factory closed and all the peo-

shall remain nameless, and he just wasn’t SG:

would have given me the injunction, but I SG:

we could have been better, we could have SG:

enjoyed putting the cases together. Actually SG:

in court thinking, “If only, if only.” SG:

it was an American company and a Cana-

so I’m not letting any cat out of the bag. SG:

they’re crafty. And I think it’s a bad SG:

So the sacrifice was either working SG:

you make a
course in that regard?
SB: I was the first woman at the firm. I was the first married woman at the firm. I was the first second and third pregnant woman at the firm.
SG: First woman partner at your firm?
SB: Yes, Pat Myhal and I became partners in the same year. So maybe it was easier because my male colleagues had no idea what to do, and they just let me do what I wanted.
SG: Big firms are better or worse now than they were then?
SB: They’re better in the sense that they recognize it is a perfectly legitimate thing to do – get pregnant and have a baby and take some maternity leave and so on. It’s not set for me to say, “I did it this way, you should do it this way.” But it worked out for me. I don’t play bridge. I don’t have a squash game. There are a lot of accomplishments that I don’t have.
SG: So are you actually going to share with us how you became you? I really want to know what the secret is.
CS: Me, too.
SB: Well, I have a total bathtub mind. I do a lot of thinking about everything all the time, even when I’m going to the boring cases.
SG: Because you’re a natural problem-solver? What’s the key? Come on. There is a secret to this that you can share with this room of friends.
SB: I find all these things interesting. I find the cases interesting. I find the boring cases.
SG: Because you’re a natural problem-solver? You like crafting the logical answer to a problem?
SB: No, I have an obligation to the client who has a particular point that he or she wants to get across, and that’s what I have to do. CS: Who’s the most difficult person you’ve ever had to cross-examine?
SB: Well, it was my inexperience and my ineptness that made this a difficult cross-examination. It was a terrible day, but a total learning experience. There may come a time when it doesn’t matter what your gender is as counsel and what the gender of the witness is, but it certainly wasn’t the case back then. I’ve been mindful of it ever since.
AUDIENCE QUESTION: If you could give some advice to your young lawyer, what would it be?
SB: It really is hanging in there through the learning curve. It’s a steep learning curve, and there’s a lot of insecurity in what you’re doing. First of all, your billing rate is ridiculous and you’re thinking, “People are paying me this much money for that, and I don’t even know what I’m doing.”
So, the advice is to realize that you actually are learning with everything you’re doing. The first time you do a bill of costs, or the first time you have to serve a summons, they’re small, stupid things that you think you should know how to do. But if you’ve never done them, they’re part of your evolving skill set. So you keep learning over those years, and eventually there is this point at which you feel like a lawyer. As it happens in every profession. Compare, though, the amount of flexibility you have to learn, to help people, to make money, to change the law, to lose cases and break your heart.
It’s a fantastic profession. It’s so intellectually stimulating. Case law is so malleable. As one of my friends said, “If the policy is with you, any technical argument will do – but not vice versa.”
That’s what the common law is built for, because you can find ways to make your point within the constructs of a legal argument in most cases, appealing to the justice of the cause.
AUDIENCE: What is something that advocates for better or worse did 44 years ago that they don’t do now, and what are things that advocates do now that they didn’t do 44 years ago?
SB: I think now it’s the quality of the help that lawyers get. You have all these terrific young people who are much better trained as lawyers than in my day. If I prepare the cases and you can deploy so many assets, to use a military term, to get your case ready. So you’re in a much better position. I think we get to the point of the case faster, and I think we make better use of courtroom time, fewer and farther between but I think we make better use of it.
AUDIENCE: I wonder if you could comment about how the legal culture could change to make not just the Big Six Bar, but generally, legal practice feel more safe and more comfortable for people who don’t come from traditional backgrounds.
SB: There’s been a huge change in the environment, even since Stephen and I started. At Torus there were no women, and everybody was a U of T grad and a white male. Now our firm has diversity from every possible group, so that’s been a huge change and nobody would have predicted it before it started to happen.
And the thing about the legal profession is that the private bar runs through partnerships. In every entry level class there are going to be people like a Stephen Grant or Sheila Block who, 40 years later, will be leaders of the bar. So you have the ability to change your firm from the inside.
Things have changed tremendously in my lifetime, and you folks at the entry level, you will make all kinds of changes going forward. I mean, you won’t be sitting around in big offices with all that equipment and furniture and everything. You can now do legal work in so many different configurations and they will become prevalent sooner than later.
AUDIENCE: Any regrets? Anything you would have done differently?
SB: There are so many things that, when I look back, I could have done differently or had more confidence or less anxiety or more willingness or more courage. But I wasn’t ready for it at those times.
So I don’t look back with regret. I just think, and see, yes, I had to learn by doing, which of course is my motto that I do a lot of learning by teaching and I do think that’s how you learn. That’s the great thing about being a young lawyer. Everything you touch you can learn from if you think about it and reflect on it.
SG: I would like to thank my reluctant friend here for being with us tonight. It was truly a treat.