

## :: WHAT'S NEW ::

### Society news

- 2011 Council Elections – *Voting begins tomorrow (Tuesday, March 15)* [...more](#)
- Second Vice-President 2011/2012 – *Nominations close tomorrow, March 15* [...more](#)
- 2011 Distinguished Service Award – *Nominations close tomorrow, March 15* [...more](#)
- Counsel for members who are the subject of complaints investigation [...more](#)
- Hearing Panel approves Michael C. Hayes Settlement Agreement [...more](#)
- Parental Leave Support Program available to members – coaching sessions, web resources [...more](#)

### NSBS Continuing Professional Development

- Taxation: Share Features and Fair Market Value – Insight and Guidance, *April 6* [...more](#)
- Save the date for the NSBS Annual Meeting, *June 10 and June 11* [...more](#)

### New from Library & Information Services

- Nova Scotia Civil Procedure Rules – amendments [...more](#)
- Nova Scotia Civil Procedure Rules – Practice Memorandum No. 4: Courtroom Attire for Counsel [...more](#)
- The Neutral Citation: What Is It? [...more](#)
- Case comments in Secondary Sources [...more](#)
- New decisions [...more](#)
- Proclamations update [...more](#)

### From LIANS

- The 2/3 Rule to make you happy and successful – *a new Risk and Practice Management Tip from the Risk and Practice Management Program, LIANS* [...more](#)
- New prize scam from “Google UK” – *a new Fraud Alert from the RPM Program, LIANS* [...more](#)
- Reminder: ABA TECHSHOW® [...more](#)
- Meeting someone via the Internet – *a new Wellness Tip from NSLAP* [...more](#)

### From the Courts

- Notices from Nova Scotia Supreme Court: CPR amendments, Courtroom Attire [...more](#)
- Reminder: March 18 swearing-in ceremony for new Associate Chief Justice and new Justice of the Family [...more](#)

### From the Province

- Memo from the Department of Justice: Amendments to *Summary Proceedings Act* [...more](#)
- Order of Nova Scotia – *Nominations due March 18* [...more](#)
- Error & Omission notices [...more](#)

### From the Federal Government

- Latest announcements from Justice Canada: [...more](#)
  - Parliament passes Bill C-21 to stand up for victims of white-collar crime
  - Parliament passes Bill C-48, ending sentence discounts for multiple murderers
  - Parliament passes Bill C-22 to protect children from online sexual exploitation
- Growing Forward: A federal-provincial-territorial initiative [...more](#)

### Awards & appointments

- 2011 CBA Doug Miller Award to Jack Innes QC of Halifax [...more](#)
- Noella Brennan-Fisher QC – MSVU Alumnae Award of Distinction [...more](#)

## Other Notices

- Seeking will for Marion Bridge man [...more](#)
- Classifieds: Halifax property suitable for law practice [...more](#)

## Events of Interest

- Upcoming events from the Canadian Centre for Ethics in Public Affairs (CCEPA), *March 14* [...more](#)
- The Schulich School of Law Lecture Series for the Public, *next lecture March 17* [...more](#)
- Dalhousie Health Law Institute: Collaborative Self-Regulation and the Health Professions in Nova Scotia, *March 18* [...more](#)
- Upcoming events from CBA-NS: Online CLE – *Social Media & the Multi-Generational Workplace, April 8* [...more](#)
- Invitation to members of NSBS – RBC tribute to Schulich School of Law [...more](#)
- The Canadian Innovation Commercialization Program (CICP), *March 30 in Halifax* [...more](#)
- Nova Scotia Human Rights Commission upcoming workshops [...more](#)

## Career Opportunities [...more](#)

## :: NOTICES ::

### SOCIETY NEWS

#### **2011 COUNCIL ELECTIONS – Voting begins tomorrow (Tuesday, March 15)**

Voting begins tomorrow – **Tuesday, March 15** – in four Council elections across the province. Online ballots will be available to Society members in each district tomorrow morning, in accordance with Regulation 2.4.6.

To access the online ballots and for complete details about the electronic voting procedure, visit the special 2011 Council Election section on the homepage of the Society's website: [www.nsbs.org](http://www.nsbs.org).

Ten practising members will be elected this year to represent the Council districts: two from **Cape Breton District**, two from **Central District**, two from the **Southwestern District** and four from **Halifax Regional Municipality**. Detailed information about each of the [18 candidates](#) is available now for your review on the website, including biographies, election platforms and prior experience with Society governance.

The links on the election webpage will assist you with all aspects of this year's elections. Should you require further assistance, please contact our **Council Election Line at 902.422.1935 ext. 372**. Your call will be returned within two (2) business days.

**Please note: Voting closes at 4:30 pm on Wednesday, March 30.**

#### DISTRICT ELECTION CANDIDATES

##### **Cape Breton District – 2 seats available**

M. Louise Campbell QC, Port Hawkesbury  
Demetri Kachafanas, Sydney  
Candee McCarthy, Sydney  
Jill Perry, Sydney

##### **Central District – 2 seats available**

David Mahoney, Truro  
David McNairn, Amherst  
Robert Pineo, Truro

##### **Halifax – 4 seats available**

Brian Bailey, Dartmouth  
Christa Brothers, Halifax  
Robert Carter, Dartmouth  
Aleta Cromwell, Halifax  
Barbara Darby, Bedford  
Gavin Giles QC, Halifax  
Bill Mahody, Halifax  
Michael Wood QC, Halifax

##### **Southwestern District – 2 seats available**

Lynn Connors QC, Kentville  
Martin Dumke, Bridgewater  
Darren MacLeod, Annapolis Royal

#### ***At Large Election in April***

Following the four District Elections, another election will take place to elect three "At Large" members from anywhere in the province. **Nominations will open on April 1, with the second election running from April 23 to 30.**

[At Large Nomination Form](#)

#### **Counsel for members who are the subject of complaints investigation**

The Professional Responsibility department investigates complaints of conduct unbecoming, incompetence, professional misconduct or incapacity with respect to a lawyer's practice of law.

The majority of these complaints are resolved or dismissed. In some cases, however, these investigations can potentially lead to serious consequences for members. The Society urges all members who are the subject of a complaint that may be referred to the Complaints Investigation Committee to retain their own counsel to provide guidance and advice at as early a stage as possible.

*InForum* is an electronic newsletter published approximately twice a month. To receive a free subscription, please contact the Society at [info@nsbs.org](mailto:info@nsbs.org).

Certain members of the Nova Scotia Barristers' Society have agreed to act on a reduced fee or *pro bono* basis for members who are under investigation by the Society. A list of these members is maintained by the Society, so lawyers under investigation may retain such counsel on a *pro bono* or reduced fee basis to advise and represent them through one or more stages of the investigations and discipline process.

This list may be accessed at any time on the Professional Responsibility page on the Society website:  
<http://www.nsbs.org/professionalResponsibility.php>

The Society will not screen or recommend counsel on the list or become involved in any fee arrangements. It will be up to the member consulted from the list and the member seeking representation to determine whether to enter into a solicitor-client relationship and on what terms.

If you are a lawyer with relevant experience – particularly in administrative law, criminal law or civil litigation – and are interested in having your name added to this list, please contact Elaine Cumming, Professional Responsibility Counsel, at [ecumming@nsbs.org](mailto:ecumming@nsbs.org).

## **Hearing Panel approves Michael C. Hayes Settlement Agreement**

On Wednesday, March 9, a Hearing Panel approved a Settlement Agreement, resulting in the disbarment of Mr. Hayes.

### **Michael C. Hayes - Settlement Agreement**

Decision and Resolution to be posted at a later date.

## **Parental Leave Support Program available to members – coaching sessions, web resources**

Launched in November, the new Parental Leave Support Program is designed to help lawyers plan for maternity and parental leave. It offers free coaching sessions, as well as a number of informative web resources.

Issues covered in the program include transitioning to becoming a new parent, parenting resources while on leave, childcare, managing your practice before and during your leave, and reintegration upon returning to work. The web resources also include a Model Policy on Maternity and Parental Leave. The program is provided by the Nova Scotia Barristers' Society, in conjunction with the Nova Scotia Lawyers' Assistance Program (NSLAP).

Check out the **Parental Leave Support Program** resources at [www.nslap.ca](http://www.nslap.ca). To inquire about coaching sessions, contact Emma Halpern, Equity Officer, at 422 1491 or [equity@nsbs.org](mailto:equity@nsbs.org).

## **Last chance to submit nominations for Second Vice-President 2011/2012**

The Governance and Nominating Committee wishes to advise it has nominated René Gallant of Hammonds Plains for Second Vice-President of the Society for the 2011/2012 Council year.

Called to the Bar in 1995, Mr. Gallant is General Manager, Regulatory Affairs, with Nova Scotia Power Inc. Prior to joining NSPI in 2005, he was General Counsel for the Halifax Regional School Board and an Associate at Patterson Palmer. Currently on the Board of Directors for the Canadian Partnership Against Cancer, Mr. Gallant is past Chair of the Canadian Cancer Society National Board of Directors and also served as a board member for the National Cancer Institute of Canada and the Canadian Cancer Society, Nova Scotia Division. His recent Society volunteer work has included participation in task force reviews of Council's size and composition, as well as Committee structures and mandates.

Pursuant to subregulations 2.7.2 – 2.7.5 and s. 8(1) of the *Legal Profession Act*, members of the Society may now nominate other candidates for the office of Second Vice-President.

The closing date for nominations is **Tuesday, March 15, 2011**. The [Nomination Form](#) is available on the website.

*The applicable regulations state:*

*InForum* is an electronic newsletter published approximately twice a month. To receive a free subscription, please contact the Society at [info@nsbs.org](mailto:info@nsbs.org).

### **Nomination for Second Vice-President**

2.7.2 On or before the fifteenth day of February each year, the Nominating Committee shall advise members of the Society of its nomination for Second Vice-President.

### **Further Nomination for Second Vice-President**

2.7.3 A candidate for Second Vice-President may be nominated by forwarding to the Executive Director, before the fifteenth day of March each year,

- (a) a nomination form signed by ten members of the Society, not more than five of whom practise primarily in the same district as the candidate; and
- (b) a consent form signed by the candidate.

### **Restriction on Nominations for Second Vice-President**

2.7.4 No nomination shall be accepted for Second Vice-President that would result in a contravention of Section 8(1) of the Act if the nominee were elected the Second Vice-President.

### **No Further Nomination for Second Vice-President**

2.7.5 If no nomination is received pursuant to subregulation 2.7.3, the candidate nominated by the Nominating Committee shall be declared elected.

Section 8(1) of the *Legal Profession Act* states:

8 (1) The officers of the Society are the President, the First Vice-President and the Second Vice-President, at least one of whom resides in the Halifax Regional Municipality and at least one of whom resides outside that municipality.

If an election is to be held, ballots will be made available to the membership on or before the 1st of April, 2011. The 2011/2012 Council year begins in June. Daniel Campbell QC of Halifax will serve as President, with Tim Daley of New Glasgow as First Vice-President.

### **Save the date for the NSBS Annual Meeting** **Strong Traditions, Fresh Ideas**

June 10 (afternoon) and June 11 (morning), 2011  
Schulich School of Law, Halifax  
Registration coming soon.

### **Last chance: 2011 Distinguished Service Award – nominations due March 15**

The Nova Scotia Barristers' Society invites nominations for its 2011 Distinguished Service Award. Established in 1999, the award recognizes a member who has made significant contributions to the community, the legal profession and the Society.

The recipient for 2010 was Anne Malick QC, of Nova Scotia Legal Aid in Truro. Other past recipients include R. Lorne MacDougall QC, Ronald Downie QC, Harry Wrathall QC, Roberta Clarke QC, Catherine Walker QC, Robert L. Barnes QC, Bruce MacIntosh QC, Daniel Campbell QC, and the late Innis M. Christie QC.

Nominations may be submitted by members of the Society and the public until **Tuesday, March 15, 2011**. The nomination form is available online at [www.nsbs.org/forms.php](http://www.nsbs.org/forms.php).

For more details, contact Marla Cranston, Communications Officer, at 422 1491 or [mcranston@nsbs.org](mailto:mcranston@nsbs.org).

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## FROM THE COURTS

### Notices from Nova Scotia Supreme Court: CPR amendments, Courtroom Attire

The Nova Scotia Supreme Court has made amendments to various Civil Procedure Rules. The Court has also issued a Practice Memorandum regarding Courtroom Attire.

Both can be found on the **Courts of Nova Scotia** website at: <http://www.courts.ns.ca/Rules/toc.htm>

### March 18 swearing-in ceremony for new Associate Chief Justice and new Justice of the Family Division

A swearing-in ceremony for Associate Chief Justice (ACJ) Lawrence I. O'Neil and Justice Carole A. Beaton will be held on Friday, March 18 at 3:00 pm, in the Nova Scotia Supreme Court Family Division courthouse on Devonshire Avenue in Halifax. The event will be open to the public.

Justice O'Neil was appointed as Associate Chief Justice on February 4 by Prime Minister Stephen Harper, and Justice Beaton was appointed the same day by the Hon. Rob Nicholson, Minister of Justice for Canada. For further details about these appointments, visit this [news item](#) on the Courts of Nova Scotia website.

### Notices to the Bar

Important updates for the legal profession are routinely posted on the Courts Nova Scotia website, on the "Notices to the Bar" page under the RESOURCES links on the left side of the website. Subscribe to the RSS service to be automatically notified whenever something new is added to the web page. For instructions, visit <http://www.courts.ns.ca/General/bar.htm>

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## FROM THE PROVINCE

### Memo from the Department of Justice: Amendments to *Summary Proceedings Act*

To members of the Nova Scotia Barristers' Society,  
On May 11, 2010, amendments to the *Summary Proceedings Act* were given Royal Assent with a proclamation date now anticipated to be April 1, 2011.

These amendments eliminate arraignment court for most adults charged with offences under the *Summary Proceedings Act*. The new rules require the offender to either pay the ticket or request a date to appear in court within the time specified on the summons. We are suggesting to enforcement agencies that this time period be between 60 and 70 days. Following proclamation, a request for a date to appear in court to plead not guilty or to speak to sentence will be dealt with at the Courthouse front counter. If no action is initiated within the time period specified the offender will be automatically convicted. Youth will continue to be given an arraignment date to appear before a Youth Court judge, except for youth 16 and 17 years old, being charged with motor vehicle offenses. An automatic conviction will not be available for a youth to whom the *Youth Criminal Justice Act* applies.

Administrative procedures are in place to ensure that tickets issued by regulatory agencies and other matters such as bylaw matters are identified and scheduled for the appropriate time in day court.

New Summary Offence Tickets [SOTs] will be effective on the date of proclamation. Existing SOTs will be used until the new act is proclaimed. After proclamation, the courts will see tickets in **both** the old format and in the new format. This is because SOTs take some time to work their way through the system. The legislation has been written so that both new and old tickets may be **prosecuted** after April 1st.

After the amendments are proclaimed the old tickets **cannot** be used because the applicable legislation will have changed. For all Summons issued on the date of proclamation and thereafter, the new tickets reflecting the amended legislation **must** be used. Summons issued prior to the proclamation date must be written on the old tickets. Summons issued prior to proclamation will continue to be dealt with in court after proclamation. The procedures currently applicable to the arraignment and prosecution of those tickets will continue to apply to those proceedings even after the proclamation date.

The Department of Justice will provide more details at a future date, as required. Questions can be directed to the implementation team by sending an email to [ESOTProgramInformationRequest@gov.ns.ca](mailto:ESOTProgramInformationRequest@gov.ns.ca).

## Province makes assessment appeals more accessible

The Province is moving to ensure businesses and homeowners can have their assessment appeals heard in a timely manner. Effective **April 1**, the province is increasing the per-diem rate for lawyers who sit on the Regional Assessment Appeal Court to \$300 per half-day session, from \$165.

"The Regional Assessment Appeal Court helps our property assessment system run smoothly," said the Hon. John MacDonell, Minister responsible for Service Nova Scotia and Municipal Relations. "If we don't have people to hear these cases, Nova Scotians won't be able to appeal their property assessments and have their cases heard as quickly as they should."

Members of the Regional Assessment Appeal Court have not received a raise in more than 15 years, which made it harder to attract lawyers to hear appeals. There are currently 13 lawyers who hear assessment appeals. In 2009, the court heard 380 appeals across the province.

By law, appeals must be heard in the municipality where the property is located. Read the [news release](#) from Service Nova Scotia and Municipal Relations.

## Order of Nova Scotia - nominations due March 18

Nominations will be accepted until Friday, March 18 for the province's highest honour bestowed upon individuals. All Nova Scotians are encouraged to consider nominating or renominating someone who has made an impact on their community and their province.

Nomination forms and further details are available at Access Nova Scotia centres, public libraries, Province House, through MPs and MLAs, municipal offices and online at [www.gov.ns.ca/iga/order.asp](http://www.gov.ns.ca/iga/order.asp). For more details, see the web link or contact 424 4463 or [orderofnovascotia@gov.ns.ca](mailto:orderofnovascotia@gov.ns.ca).

## Error & Omission Notices

A number of new *Land Registration Act* and *Registry Act* Error & Omission notices have recently been posted online. Please note the new notice from the **Antigonish, Kings, Halifax, Pictou and Richmond County Land Registration Offices**.

To view these notices in full, refer to the Errors & Omissions page on the [Property OnLine](#) (POL) website.

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## FROM THE FEDERAL GOVERNMENT

### Latest announcements from Justice Canada

The following announcements from Justice Canada are available in full at <http://www.justice.gc.ca>. Online versions of the new legislation are available at [www.parl.gc.ca](http://www.parl.gc.ca).

- March 10: [Parliament passes Bill C-21](#) to stand up for victims of white-collar crime, providing tougher sentences for fraud including a mandatory minimum penalty of two years for fraud over \$1 million. Backgrounder: [White Collar Crime](#)

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- March 9: [Parliament passes Bill C-48](#), legislation that will end sentence discounts for multiple murderers and allow judges to impose consecutive parole ineligibility periods on individuals convicted of more than one first- or second-degree murder. Background: [Ending Sentence Discounts For Multiple Murderers](#)
- March 3: [Parliament passes Bill C-22](#), An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service; the legislation aims to help protect children from online sexual exploitation. Background: [Protecting children from online sexual exploitation](#)

## **Growing Forward: A federal-provincial-territorial initiative**

Join the discussion on the future of agricultural policy in Canada. Agriculture and Agri-Food Canada and provincial and territorial governments are working with farmers, industry and Canadians to develop the next agricultural policy – Growing Forward 2.

To participate, visit [www.agr.gc.ca/GrowingForward2/participate](http://www.agr.gc.ca/GrowingForward2/participate) or call 1 800 O Canada (1 800 622 6232)

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## **OTHER NOTICES**

### **Call for Papers: 2012 National Family Law Program – Federation of Law Societies of Canada July 16 to 19, 2012 Marriott Harbourfront, Halifax Nova Scotia**

Planning for the National Family Law Program in 2012 is underway, and the event will be taking place in Halifax. Members are invited to submit a proposal for papers/presentations, no later than May 30, 2011. Presenters will receive a contribution toward travel and accommodation expenses.

*For more information:*

[National Family Law Program webpage](#) | [Call for Papers](#) | [Subscribe](#) for program updates

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## **AWARDS & APPOINTMENTS**

### **2011 CBA Doug Miller Award to Jack Innes QC of Halifax**

Jack Innes QC of Halifax was named winner of the Canadian Bar Association's 2011 Doug Miller Award at the President's Dinner, held at the CBA Mid-Winter Meeting of Council in Charlevoix, Quebec, on Feb. 19. Mr. Innes has been involved in CBA activities for 42 years.

"The selection of Jack as winner was a clear and simple choice. His leadership, his people skills and his infectious sense of humour made him a natural choice," says CBA President Rod Snow, of Whitehorse.

The Doug Miller award recognizes a CBA member who demonstrates outstanding dedication and team spirit. It honours the late Doug Miller of Yellowknife, a former president of the Association's Northwest Territories Branch and a very active CBA member who passed away in 1994. Read the complete [CBA announcement](#).

### **Noella Brennan-Fisher QC – MSVU Alumnae Award of Distinction**

Noella Brennan-Fisher QC has received the Mount Saint Vincent Alumnae Award of Distinction for 2011. She was honoured for being a trailblazer and role model – she was one of the first, if not the first, Mount graduates to become a lawyer, and one of the first female lawyers hired by the provincial Department of Justice.

Ms. Brennan-Fisher was the first woman to be named Financial Counsel for the Province of Nova Scotia, becoming a recognized expert in the area of international and national finance and securities law. Her work resulted in a report that

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established the Nova Scotia Securities Commission and legislation to enact the *Provincial Finance Act*. She retired in 1997, after a 25-year career with the Province.

The first chair and founder of the Canadian Government Lawyers section of the Canadian Bar Association, Ms. Brennan-Fisher was also instrumental in establishing the Nova Scotia Barristers' Society's Gender Equality Committee (now the Gender Equity Committee). The Alumnae Award was presented at the Annual Dinner for Mount Alumnae & Friends held on March 3, marking the 90<sup>th</sup> anniversary of the Mount Saint Vincent Alumnae Association. During the presentation, it was noted that she also broke the gender barrier at the historic Halifax Club, becoming the first full-time female member of the private club.

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## VOLUNTEER & PRO BONO OPPORTUNITIES

### Bide Awhile Animal Shelter Society seeks three new Board members

- Are you interested in advancing a cause you can feel passionate about? Something that will be personally meaningful?
- Are you interested in a new environment and experience to further develop yourself as a leader?
- Can you carve out about four hours a month to devote to board work?
- Do you have skills that would be useful to a board of directors – for example, strategic planning, finance, accounting, organizational development, business development, entrepreneurship, public relations, marketing, human resources, web design, fundraising, education?

If so, please give us a call; we sure could use your help. Board membership not your thing? Fear not, there are other ways to contribute meaningfully – as a volunteer on a committee. Volunteers are needed for a vast range of activities. To learn more about opportunities at Bide Awhile Shelter, visit [www.bideawhile.org](http://www.bideawhile.org) or call **469 9578**.

### Share your knowledge – make a difference

The Legal Information Society of Nova Scotia (LISNS) invites qualified volunteers to join its Legal Content Committee. The Committee reviews legal content for LISNS website [www.legalinfo.org](http://www.legalinfo.org) and makes suggestions for new content and improvements to existing content. The committee meets 2-3 times per year and input between meetings is by email.

If you are interested or want to learn more, contact Committee Chair Kevin MacDonald [kmacdonald@cdr.ns.ca](mailto:kmacdonald@cdr.ns.ca) or Maria Franks [execdir@legalinfo.org](mailto:execdir@legalinfo.org).

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## MISSING WILLS

### Seeking will for Marion Bridge man

Family of Clarence Howard Richardson, who passed away on January 19, 2009, are hoping to make contact with the lawyer who prepared his will. Mr. Richardson lived at 3961 Gabarus Highway, Marion Bridge, Cape Breton. If you have any information that would assist in this search, please contact his daughter Sandra Richardson at 204 389 5734 or [sand.m@hotmail.com](mailto:sand.m@hotmail.com).

### Seeking will for the late Peter Richard Rousseau of Halifax

I am trying to locate a Will for Mr. Peter Richard Rousseau of Halifax, who passed away on or about December 23, 2010. Please contact Angele Bilodeau, Patterson Law, if you have any information.

Kind Regards,

Angele Bilodeau  
Tax & Estate Planning Group

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[abilodeau@pattersonlaw.ca](mailto:abilodeau@pattersonlaw.ca)

Phone: 902.405.8113 or 902.896.6113

### **Seeking will for Gilbert James Weatherhead of Upper Rawdon**

Lawyers with any information on the location, or existence, of an original Last Will and Testament of Gilbert James Weatherhead are asked to please contact:

Harry D. Thompson QC, Cox & Palmer  
110-1959 Upper Water Street, Halifax, NS B3J 3E5  
902-491-4467 | [Hthompson@coxandpalmer.com](mailto:Hthompson@coxandpalmer.com)

Gilbert James Weatherhead, who resided in Upper Rawdon all of his life, passed away on October 6, 2010 at the age of 80 years.

### **Seeking legal contact for Jean (Janie) Barton of Edgewood Ave., Halifax**

The extended family of Jean (Janie) Barton of Edgewood Avenue, Halifax, is hoping to locate the lawyer who might have handled her legal affairs. Ms. Barton was taken from her home last Tuesday and is now a ward of the Seniors Protection Services. She has no close family in Nova Scotia and this situation leaves many questions unanswered. She has always been very independent and extremely private regarding her personal life, to the point that no one including her family knows if she has a will or power of attorney. We assume that she must have had legal counsel in the past and, although we are not looking for a will at present, we are hoping to locate the lawyer that would have handled her legal affairs.

If anyone has information, they are asked to contact:  
Betty Kerr (niece), St. Catherines,  
[pandby@hotmail.com](mailto:pandby@hotmail.com)

### **Seeking missing will for Glace Bay woman**

I am attempting to find the name of the lawyer that would have assisted Ms. Barbara Ellen Martin, in writing her last will and testament. Ms. Martin's date of birth was March 3, 1932, and she resided at 178 Wallace Road, Glace Bay, Nova Scotia.

Thank you for your assistance in this matter,  
S/Sgt Kathy Seymour  
Legislative Security Service, Investigative Liaison Unit  
416-325-2426 (office) | 416-473-7996 (cell) | 416-325-3171 (fax)

### **Seeking missing will for Dartmouth man**

I am attempting to locate the will of the late Lionel Roberts of Dartmouth, husband of Olga Roberts. Mrs. Roberts believes a will was prepared by Stephen Aronson in the late 1970s. If anyone is aware of the existence of the will, please contact me.

Regards,  
Kent W. Rodgers  
Casey Rodgers Chisholm Penny, Dartmouth  
Tel. 902-434.6181 | Email: [krodgers@ns.sympatico.ca](mailto:krodgers@ns.sympatico.ca)

### **Seeking missing will for Lunenburg man**

Seeking the Last Will and Testament of Richard Miles Steele, late of Bayport County of Lunenburg, Nova Scotia. If anyone has the original will or information on its whereabouts, please notify Derrick Wickstrom at Wickstrom Kinley, 1-902-624-0991.

Derrick G. Wickstrom, Barrister, Solicitor, Notary Public  
WICKSTROM KINLEY  
506 Main St., Mahone Bay, NS B0J 2E0

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PH (902) 624-0991 | FX (902) 531-5291

## **Seeking will for Mary Aileen Boyd of Halifax**

Lawyers with any information on the location of the original Last Will and Testament of Mary Aileen Boyd are asked to please contact her only child, Gary Boyd. Mary Aileen Boyd, who resided in Halifax for most of her life, passed away on May 12, 2010.

Many years ago, Mr. Boyd prepared a will on his mother's behalf, when he was practising law in Yellowknife, NWT. It is believed that a Halifax lawyer – perhaps in the Quinpool Road area – witnessed the execution of the will at the time, but the location of the original will is currently not known. Mr. Boyd is her only child and his father predeceased her in 1960.

Thank you for any assistance you can provide.

Gary Boyd, Merlin Caribbean Inc

Phone: 809-613-2262

Email: [garyjboyd@hotmail.com](mailto:garyjboyd@hotmail.com) or [garyboyd.smvc@gmail.com](mailto:garyboyd.smvc@gmail.com)

Skype: garyjboyd

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## **CAREER OPPORTUNITIES**

[www.nsbs.org/careers.php](http://www.nsbs.org/careers.php)

*For further details on these and other opportunities, please see the [Career Opportunities](#) page of the NSBS website.*

## :: CONFERENCES & SEMINARS ::

### NSBS ADMISSIONS & PROFESSIONAL DEVELOPMENT

Visit the [CPD](#) page at [NSBS.org](#)

#### **Save the date for the NSBS Annual Meeting** *Strong Traditions, Fresh Ideas*

June 10 (afternoon) and June 11 (morning), 2011  
Schulich School of Law, Halifax  
Registration coming soon.

#### **Business Lunch & Law Series** CPD Centre, Suite 408, 1645 Granville Street, Halifax

"The practice of business law is demanding and constantly changing. This Business Law Lunch and Law Series is designed for practitioners of all levels who will benefit from the latest developments in the world of valuations and financial reporting. Valuable insights and guidance will be shared by a chartered business valuator and experienced counsel. This series is a do-not miss program." - R. Daren Baxter, *Business Law Series Chair*

### TAXATION:

#### **Taxation: Share Features and Fair Market Value – Insight and Guidance** (formerly *Fair Market Value - A Valuator's Insights* on October 26, 2010) April 6, 2011 | 12:00 - 1:30 pm

**The program:** This Lunch & Law session will explore various share features and the impact they may have on determination of fair market value for income taxation purposes. Tax planning frequently involves transactions which require business interests to be valued and for shares to have an appropriate value. Incorrect valuations or inappropriate share features can result in adverse tax consequences. This session will provide an overview to assist you and your clients in meeting the expectations of the Canada Revenue Agency. Valuation theory and practice, including common areas of disagreement, will be explained by an experienced valuator. Precedents and checklists used by lawyers specializing in taxation will be available. [Details, information and registration](#)

#### **Land Registration Act training (online program)**

[Details, information and registration](#)

Registration is now also open for the following dates\*.

- March 14, 2011 (*replaces the course originally scheduled for February 28, 2011*)
- May 2, 2011

\*We require a minimum of 10 registrants per session to run this program.

Cost for this program is \$600 plus HST. [Register online](#) - If you do not already have a username and password (or to activate your account), please contact Pierre Benoit at [pierreb@nsbs.org](mailto:pierreb@nsbs.org)

## OUTSIDE CONFERENCES & SEMINARS

Also visit the [Other Professional Development](#) page on our website.

The following events have already been published in InForum and still appear on the Society's website. For event details, please visit these links to their postings on our Other Professional Development page:

- [LEAF Halifax Spring Speaker & Social, 2011 Annual General Meeting](#); March 24
- [Institutionalizing Restorative Practices: Building Alliances Among Practitioners, Policy Makers & Scholars](#); June 15-17 in Halifax

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## Upcoming events from Canadian Centre for Ethics in Public Affairs (CCEPA)

The **Canadian Centre for Ethics in Public Affairs (CCEPA)** and the **Situating Science Knowledge Cluster** are pleased to present:

### Science and its Publics

A multi-part series examining the roles of the public in the translation and understanding of the knowledge of science

#### **PART 4: ACCESS DENIED: MEDICINE, TRUST, AND EXPERIMENTAL TREATMENTS**

**Monday, March 14, 8pm (AST) 7:00 PM (EST)**

*Watch it Live: [www.ccepa.ca](http://www.ccepa.ca) or [www.situsci.ca](http://www.situsci.ca) or on the CCEPA facebook page  
Monday, March 14<sup>th</sup> 8pm Atlantic Standard Time, 7pm Eastern*

Do patients with advanced disease have a right to new and unproven medications? Patient advocates in HIV, cancer, and most recently, multiple sclerosis, have pressed for easing access to experimental therapies. Yet, such efforts come in direct conflict with policies that protect patients from fraudulent or unwarranted health claims. In this public forum, we will examine the intersections of science, patient self-determination, and patient protection.

**Keynote: Dr. Jonathan Kimmelman**, Associate Professor, Biomedical Ethics Unit, Social Studies of Medicine, Faculty of Medicine, McGill University

#### **Panelists:**

- **Dr. Kerry Bowman**, Bioethicist, University of Toronto and Clinical Ethicist, Mount Sinai Hospital, Toronto.
- **Dr. Daniel Selchen**, Chief of Neurology, St. Michael's Hospital, and Consultant, MS Clinic, Toronto (**Replacing Dr. Samuel Ludwin**)
- **Dr. Anthony Lang**, Senior Scientist, Division of Patient Based Clinical Research, Toronto Western Research Institute and Jack Clark Chair, University of Toronto Centre for Research in Neurodegenerative Diseases.

**Northrop Frye Hall Rm 300, Victoria College, University of Toronto  
73 Queen's Park Crescent, Toronto, Ontario**

**Free Admission – Reception to Follow**

This event is supported by **York University**, **University of Toronto**, the **University Of Toronto Joint Centre For Bioethics**, the **University of Toronto Faculty of Medicine: Neuroscience Program**, and the **Institute for the History and Philosophy of Science and Technology** at the University of Toronto.

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## The Schulich School of Law Lecture Series for the Public

The Law School welcomes the community to attend a series of engaging lectures on contemporary legal topics.

Thursdays 6:00–7:30pm  
Weldon Law Building, Room 104

**Schedule of remaining lectures:**

- March 17, 2011  
***The Role of Corporations in Society: Sarah Bradley***
- March 31, 2011  
***An Introduction to Copyright Law: Graham Reynolds***

Please note, attendees may be requested to show picture identification to get into the Weldon Law Building. For further details, see this [web announcement](#) from Schulich School of Law, or the article [Night Court](#), published January 20 in *Dalnews*.

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## **Dalhousie Health Law Institute: Health Law and Policy Seminar Series 2010-11**

**Weldon Law Bldg, Room 104, 6061 University Ave, Hfx, NS**  
**12:10 - 1:30 PM** – Light lunch served at noon in the Faculty Lounge (Rm 312)  
No registration required! No fee.

- **Friday March 18**  
**Collaborative Self-Regulation and the Health Professions in Nova Scotia: Panel Discussion**  
William Lahey, Health Law Institute, Dalhousie University and Members of the Collaborative Self-Regulation Working Group

[More seminar dates and information](#)

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## **Upcoming events from CBA-NS**

- Online CLE: ***Social Media & the Multi-Generational Workplace*** with David Fraser  
**April 8, 2011**
- **Civil Litigation Conference**  
***ALLitigators: Sharpening your teeth, Sharpening your Practice***  
**Friday, March 25th, 2011**  
Casino Nova Scotia, Schooner Room, Halifax
- **Canadian Legal Conference & Expo Halifax 2011**  
**August 14-16, 2011**

Prepare to set sail for the legal event of the year!

- attend a variety of professional development sessions led by industry leading experts
- network with 1,000 other legal professionals
- socialize at spectacular events
- become inspired by our world class speakers

Join CBA-NS for the 2011 Canadian Legal Conference & Expo in Halifax August 14-16. For more information visit <http://www.cba.org/>

## Invitation to members of NSBS – RBC tribute to Schulich School of Law

Derek Stone, Manager, RBC Quinpool & Oxford, and Jennifer Llewellyn, Associate Professor, Schulich School of Law, invite you to a reception to celebrate the contributions of Schulich School of Law to the community. Food and beverages will be served.

**March 29, 2011, 6:00 – 8:00 pm**  
**RBC, 6390 Quinpool Rd., Halifax**

If you wish to attend, please RSVP to [jennifer.llewellyn@dal.ca](mailto:jennifer.llewellyn@dal.ca) by Thursday, March 24.

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## The Canadian Innovation Conversation

**March 30 in Halifax**  
[Details and registration](#)

The Canadian Innovation Commercialization Program (CICP) is a new \$40-million procurement program, launched as part of the Government of Canada's commitment to promote Canada's economic growth. This program is aimed at procuring pre-commercialized innovative goods and services for any federal government department or agency.

The CICP targets innovations in four priority areas: Environment, Health, Enabling Technologies and Safety and Security. For more details, see the program website: [www.buyandsell.gc.ca/innovation](http://www.buyandsell.gc.ca/innovation)

The CICP is managed by Public Works and Government Services Canada (PWGSC), and implemented by the Office of Small and Medium Enterprises (OSME). To help small and medium sized businesses take advantage of the program, the Office of Small and Medium Enterprises is organizing regional events throughout March in Halifax, Charlottetown and St. John's.

These events will provide an opportunity for companies to showcase their innovative goods and services to federal departments, and allow federal departments to share information on their operations and priorities, and any challenges or needs they are experiencing in program delivery.

There is no cost to attend this event. For more information, please contact eSource Event Registration Limited via email: [CICP@eSourceEvent.com](mailto:CICP@eSourceEvent.com) or 902.445.4846.

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## Nova Scotia Human Rights Commission new workshop dates

Following the success of two **human rights education workshops** in the spring of 2010, the Nova Scotia Human Rights Commission has planned two new one-day workshops for spring 2011.

This year we are conducting one workshop in the Digby area and one in Halifax. Dates for our one-day workshops are:

- Digby - Wednesday, April 27, 2011
- Halifax - Wednesday, May 18, 2011

We are also starting to book for our five-day ***Creating Cultural and Organizational Change*** workshop which will take place from **June 20-24, 2011** in Halifax.

If you are interested in participating in any of these workshops, please contact us. For further information on registration, location and cost of workshops, please contact:

Barbara Holmes, Administrative Assistant  
Ph: 902-424-7282 | E-mail: [holmesbe@gov.ns.ca](mailto:holmesbe@gov.ns.ca)

Please note that we have room for 20 participants in each workshop, so booking early is important. Please visit our website for more information on our training products: <http://www.gov.ns.ca/humanrights/education-training-workshops.asp>

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## APTLA ONLINE LEGAL EDUCATION

The Atlantic Provinces Trial Lawyers Association invites you to enhance your practice through online legal education. Eliminate travel expenses and hear from top trial lawyers from the convenience of your office, home or hotel room using a desktop computer or laptop. **SeminarWeb Live!** provides real-time delivery of papers, presentations, podcasts and video presentations. Participants can ask questions, participate in surveys, and post comments from their computers. There is also a broad selection of self-paced online programs, canvassing all areas of a litigation practice; including:

- Neuropsychological Diagnosis in Mild Traumatic Brain Injury
- Hypnosis in the Courtroom
- Increase Your Success with Focus Groups and Mock Trials
- Frugal Voir Dire in Tough Times
- Social Media: What Is It & How to Use It Effectively in Your Practice
- Exposing Dishonest DMEs
- Tweet, Tweet: Don't Let Your Client Ruin the Case with Social Media Postings (and What to Do if That Happens)

To learn more about upcoming programs or the list of available self-paced seminars, visit APTLA's SeminarWeb Live! page at <http://www.seminarweblive.com/ap> or call support at 800 443 1757. More information about these and APTLA's other legal education events can be found at [www.apvla.ca](http://www.apvla.ca).

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## :: CLASSIFIEDS ::

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### **Halifax property suitable for law practice**

**5538 Macara Street  
Halifax, NS  
\$327,000**

Consider this opportunity to own your own place of business (zoned C2) in the heart of the north end of the peninsula. Fantastic for a law practice or any other consulting-based business, this property is a two-minute drive to both bridges and easily accessible to downtown. It is in a central location near bus lines and many amenities, including the Hydrostone Market with its numerous cafes and restaurants.

The building has lovely hardwood floors, and a perfect setup for a reception and waiting area, plus meeting offices. The second level boasts three large rooms allowing for more offices/storage space.

The property also offers a patio in the south-facing backyard with some green space perfect for lunch breaks. The garden contains grapevines as well as mature plum trees and highbush blueberries. Two parking spaces on the side of the building are a great bonus.

For more details or to arrange a viewing, please contact Shereef Elkoshairi at [se@eastlink.ca](mailto:se@eastlink.ca) or (902)223-7653.

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### **Collection of legal books available**

A large number of legal reference books in Halifax are available to a good home. The collection belonged to the late Arthur Hare QC, who passed away on Dec. 3, 2010. If anyone is interested, please contact Golda Redden at [Hare@ns.sympatico.ca](mailto:Hare@ns.sympatico.ca) for further details.

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### **Kentville law practice for sale**

Law Practice in Kentville for sale; 43-year general practice with substantial litigation focus. Numerous corporate clients and extensive collection of executed wills. Excellent equipment, furnishings and location. Sufficient work for two energetic lawyers. Leaving practice for health reasons.

Call Walter O. Newton at 902 678 9707 for more details.

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### **Female court clothes for sale – never worn (please note email address correction)**

For sale: New, never worn, court clothes for female, size 6 to 9. Includes tabs, two white shirts (neck size 14), skirt and jacket/vest (with arm vents). Purchased for over \$850 at Colwell's. Will sell for \$450 OBO. For more information, please contact [sdenney@nsbs.org](mailto:sdenney@nsbs.org).

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### **Court clothes for sale - \$350**

Includes robe, shirt (15-33), tabs and cufflinks. Current cost to have made is over \$1,000. Custom-made in 1998 and rarely worn. Robe would fit women under 5'5". Photos available. Email [glennija@gov.ns.ca](mailto:glennija@gov.ns.ca)

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### **Office space available on Quinpool Road**

A sole practitioner has space available on Quinpool Road in Halifax. In addition to the primary office, there is a smaller one available for an assistant as well as a larger office overlooking Quinpool. The total cost is dependent upon how much space is needed and whether you wish to use the existing equipment and systems or establish your own.

Contact Fergus Ford at 454-0921 or [fordlaw@bellaliant.com](mailto:fordlaw@bellaliant.com).

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## **Barrister's robes for sale**

One set of women's Viscose legal robes, waistcoat and two tabs, valued at \$828 from Colwell's. Mint condition (only worn a few times). Custom made in 1995. Selling for \$400.00. If interested and for further details, contact Dr. John D Smith at 448-6375 or [john@smith.ns.ca](mailto:john@smith.ns.ca).

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## **Well-established sole practice available in Halifax**

Sole practitioner wishes to retire from a long term, very successful, community-based metro practice; loyal clientele; professional and dedicated staff; terms negotiable.

Reply to:  
Box 33042, Canada Post  
6139 Quinpool Road  
Halifax, NS B3L 4T6

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## **Office to share in Bedford**

Bedford lawyer has office to share in professional building. Lawyer or other professional preferred. Cost depends on amenities required. Call Connie at 835.7615 or email [connierusk@ns.sympatico.ca](mailto:connierusk@ns.sympatico.ca).

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## :: NEW FROM LIBRARY & INFORMATION SERVICES ::

### **Nova Scotia Civil Procedure Rules – amendments**

Amendments were made to the following *Civil Procedure Rules*, effective March 2, 2011:

- Part 2, Rule 5.06(2)
- Part 5, Rule 18.17(6)
- Part 6, Rules 22.11(5) and 23.11(1)
- Part 13, Rules 60A.40 and 60B.01(7)
- Part 14, Rules 63.01 and 63.08(a)
- Part 16, Rules 77.06(2) and 77.06(3)

The text of the Society's [Nova Scotia Annotated Civil Procedure Rules](#), including the PDF versions of the Rules, in whole and part, are updated to include these amendments.

Follow the link to view a copy of the text of the amendments as published in the [Royal Gazette, Part I, Volume 220, No. 9](#) (March 2, 2011).

### **Nova Scotia Civil Procedure Rules – Practice Memorandum No. 4: Courtroom Attire for Counsel**

The Supreme Court of Nova Scotia issued Practice Memorandum No. 4: Courtroom Attire for Counsel, effective March 2, 2011.

All practice memoranda, including the most recent one, are available on the Society's website, linked from the [Library databases](#) page.

Follow the link to view an unofficial copy of Practice Memoranda No. 4 as published in the [Royal Gazette, Part I, Volume 220, No. 9](#) (March 2, 2011).

### **The Neutral Citation: What Is It?**

A reminder that members are directed to use the neutral citation where available to refer to case law in their submissions to court. In light of the Nova Scotia Court of Appeal's [Practice Direction](#) in this regard, Library & Information Services provides resources to assist members with the neutral citation. These resources include an article explaining the neutral citation called, [The Neutral Citation: What Is It?](#) The article is linked from the advanced search page of [Law News Online](#). To complement this article, staff prepared another piece on the neutral citation entitled, [The Neutral Citation: Using Parallel Citations and Pinpoint References](#).

Further questions about the neutral citation? Please ask staff at Library & Information Services by calling 425-2665 or toll-free 1-866-219-1202, or by sending an email to [nsbslib@nsbs.org](mailto:nsbslib@nsbs.org).

### **Case comments in Secondary Sources**

Did you know that the case comments published in the *Nova Scotia Law News* are also available in the Secondary Sources database? To browse all case comments, go to the [advanced search screen](#), type the words *case comment* in the *Title* search box and click the *Submit Query* button at the bottom of the screen. From the search results page, follow the links to view the case comment.

Staff at Library & Information Services add the latest case comments to Secondary Sources following each quarterly publication of the *Nova Scotia Law News*.

Further questions about case comments or Secondary Sources? Please ask staff at Library & Information Services by calling 425-2665 or toll-free 1-866-219-1202, or by sending an email to [nsbslib@nsbs.org](mailto:nsbslib@nsbs.org).

## **Nova Scotia Legislative Supplement – now available online**

Library & Information Services prepares brief notes on the legislation passed at the most recent sitting of the Nova Scotia Legislature. The [Legislative Supplement](#) for the Fall Sitting of the 61st General Assembly, 2nd Session is now available online.

Summaries are included only for that legislation likely to be of interest to the Society's membership. For complete information, please consult the [statutes](#) available online through the Office of the Legislative Counsel's website.

## **:: NEW DECISIONS ::**

*Library & Information Services - Keeping you informed*

**ADMINISTRATIVE LAW – Judicial review - Nova Scotia Police Review Board, internal discipline decision** *Ranni v. Halifax (Regional Municipality) et al.*, Hfx. No. 332069, Wright, J., March 7, 2011. [2011 NSSC 83](#); **S625/4**

**BARRISTERS AND SOLICITORS – Fees - infant settlement** *Wade et al. v. Burrell et al.*, Hfx. No. 185646; 263570, Smith, A.C.J., February 28, 2011; February 9, 2011 (orally). [2011 NSSC 60](#); **S624/25**

**BARRISTERS AND SOLICITORS – Freedom of information - solicitor-client privilege, waived** *Nova Scotia (Transportation and Infrastructure Renewal) v. Peach*, C.A. No. 327470, Oland, J.A., March 4, 2011. [2011 NSCA 27](#); **S621/30**

**CIVIL RIGHTS – Appeals - right to counsel** *R. v. MacGregor*, Ken. No. 333121, Warner, J., March 10, 2011. [2011 NSSC 100](#); **S625/11**

**CIVIL RIGHTS – Exclusion of evidence - possession for the purpose of trafficking in cocaine** *R. v. Chehil*, C.R.H. No. 319974, Cacchione, J., August 26, 2010. [2010 NSSC 255](#); **S624/27**

**CIVIL RIGHTS – Unreasonable search and seizure - evidence admitted** *R. v. Ryan*, C.R.A.M. No. 317760, MacLellan, J., March 11, 2011; January 18, 2011 (orally). [2011 NSSC 102](#); **S625/12**

**CRIMINAL LAW – Canada Shipping Act violation - sentencing** *R. v. Atlantic Towing Ltd.*, No. 2133310, Derrick, J.P.C., March 3, 2011. [2011 NSPC 10](#); **M23**

**CRIMINAL LAW – Sexual assault - credibility** *R. v. R. (A.G.P.)*, C.R.A.D. No. 324990, Rosinski, J., February 3, 2011. [2011 NSSC 47](#); **S624/23**

*Note: This decision is not available on-line. Please contact the Nova Scotia Barristers' Society Library to obtain a copy of this decision. Please ask for decision no. S624/23.*

**CRIMINAL LAW – Trafficking in a controlled substance - conviction** *R. v. Calder*, C.R.H. No. 316393, Coady, J., March 10, 2011. [2011 NSSC 96](#); **S625/8**

**CRIMINAL LAW – Voir Dire - admissibility of evidence** *R. v. Harper*, No. 2107269; 2107270, Tufts, J.P.C., March 2, 2011. [2011 NSPC 9](#); **M23**

**FAMILY LAW – Child in need of protective services - permanent care and custody order, no access** *Nova Scotia (Minister of Community Services) v. R. (G.) et al.*, S.F.S.N.C.F.S.A. No. 70469, Forgeron, J., February 28, 2011. [2011 NSSC 88](#); **S625/2**

*Note: This decision is not available on-line. Please contact the Nova Scotia Barristers' Society Library to obtain a*

copy of this decision. Please ask for decision no. S625/2.

**FAMILY LAW – Contempt - of order to vacate and reimburse for respite care** *Mason v. Lavers et al.*, Hfx. No. 311778, Duncan, J., March 9, 2011; February 15, 2011 (orally). [2011 NSSC 97](#); **S625/9**

**FAMILY LAW – Costs - settlement** *Anderson v. Anderson*, No. 1201-063876, Gass, J., March 4, 2011. [2011 NSSC 90](#); **S625/7**

**FAMILY LAW – Custody and access - mobility, primary caregiver relocating** *N. (Y.) v. M. (D.)*, No. 1201-054794, Legere-Sers, J., February 25, 2011. 2011 NSSC 81; **S625/1**

*Note: This decision is not available on-line. Please contact the Nova Scotia Barristers' Society Library to obtain a copy of this decision. Please ask for decision no. S625/1.*

**FAMILY LAW – Custody - appeal dismissed** *Hublely v. MacRae*, C.A. No. 333519, Hamilton, J.A., March 1, 2011. [2011 NSCA 25](#); **S621/28**

**FAMILY LAW – Custody - application to vary, no material change in circumstances** *Lamarche v. Lamarche*, S.F.H.M.C.A. No. 035030, MacDonald, B. J., February 23, 2011. [2011 NSSC 72](#); **S624/31**

**FAMILY LAW – Divorce - parenting arrangement, child support and division of assets and debts** *Snelgrove v. Snelgrove*, No. 1201-064220; S.F.H.D. No. 68230, Ferguson, J., March 3, 2011. [2011 NSSC 77](#); **S625/10**

**FAMILY LAW – Matrimonial property - unequal division and foreign property** *Drozdowski v. Drozdowska*, S.F.H.M.C.A. No. 067442, Gass, J., March 3, 2011. [2011 NSSC 89](#); **S625/6**

**FAMILY LAW – Procedure - costs, spousal support application** *Peraud v. Peraud*, No. 1201-064299, Jollimore, J., February 24, 2011. [2011 NSSC 80](#); **S625/3**

**INSURANCE – Snowmobile - ownership** *Goodick Estate v. Conrad Estate*, Pt.H. No. 276741, Wright, J., February 11, 2011. [2011 NSSC 51](#); **S624/24**

**LANDLORD AND TENANT – Residential tenancies - enforcement of order** *Metro Regional Housing Authority v. Doucette*, S.C.C.H. No. 344114, Parker, Adjudicator, March 9, 2011. [2011 NSSM 7](#); **SmCI17/22**

**LANDLORD AND TENANT – Residential Tenancies - landlord and tenant relationship** *Connors v. Mood Estate*, S.C.C.H. No. 342800, Parker, Adjudicator, February 25, 2011. [2011 NSSM 6](#); **SmCI17/21**

**PRACTICE – Costs - liability for costs** *Leigh et al. v. Belfast Mini-Milss Ltd. et al.*, Hfx. No. 272748, LeBlanc, J., January 25, 2011. [2011 NSSC 23](#); **S625/5**

**PRACTICE – Disclosure of documents - relevancy** *Johnson v. Mill*, Hfx. No. 326583, Hood, J., February 15, 2011. [2011 NSSC 66](#); **S624/26**

**PRACTICE – Motion to withdraw as counsel – final decision** *Williams et al. v. Halifax (City of)*, Hfx. No. 126561, Duncan, J., February 17, 2011. [2011 NSSC 84](#); **S624/29**

**PRACTICE – Pierringer agreement - disclosure of settlement** *Sable Offshore Energy Inc. et al. v. Ameron International Corp. et al.*, Hfx. No. 220343, Hood, J., January 31, 2011; December 23, 2010 (orally). [2010 NSSC 473](#); **S624/28**

**REAL PROPERTY – Boundary dispute - adverse possession** *Robichaud v. Ellis et al.*, Amh. No. 311661, McDougall, J., March 1, 2011. [2011 NSSC 86](#); **S624/30**

**TORTS – Defamation - online bullying** *B. (A.) and D. (C.) v. Bragg Communication Inc. et al.*, C.A. No. 330605, MacDonald, M. C.J., March 4, 2011. [2011 NSCA 26](#); **S621/29**

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## SUPREME COURT of CANADA — recent decisions

*Library & Information Services - Keeping you informed*

The following decisions were released on the [Supreme Court of Canada Judgments](#) website since the last *InForum*. The subject headings and summaries have been prepared by the Supreme Court of Canada.

March 4, 2011

### [Withler v. Canada \(Attorney General\)](#)

Neutral citation: [2011 SCC 12](#) (CanLII)

File No.: 33039.

2010: March 17; 2011: March 4.

Present: McLachlin C.J. and Binnie, LeBel, Deschamps, Fish, Abella, Charron, Rothstein and Cromwell JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH COLUMBIA

*Constitutional law — Charter of Rights — Right to equality — Discrimination based on age — Federal pension legislation reducing supplementary death benefit by 10 per cent for each year by which plan member exceeds prescribed ages — Surviving spouses receiving reduced supplementary death benefits — Whether reduction provisions discriminate against surviving spouses — Canadian Charter of Rights and Freedoms, ss. 1, 15(1) — Canadian Forces Superannuation Act, R.S.C. 1985, c. C-17, s. 60(1) — Public Service Superannuation Act, R.S.C. 1985, c. P-36, s. 47(1).*

*Constitutional law — Charter of Rights — Right to equality — Contextual analysis — Whether use of comparator groups is appropriate in analysis of equality rights — Canadian Charter of Rights and Freedoms, s. 15(1).*

The appellants, representative plaintiffs in two class actions, are widows whose federal supplementary death benefits were reduced because of the age of their husbands at the time of death. The *Public Service Superannuation Act* and the *Canadian Forces Superannuation Act* provide federal civil servants and members of the Canadian Forces, and their families, with a suite of work-related benefits, including a “supplementary death benefit”, a lump sum payment made to a plan member’s designated beneficiary upon the member’s death. The supplementary death benefit is reduced by 10 per cent for each year by which the plan member exceeded a prescribed age.

The appellants contend that those provisions are of no force and effect because they infringe s. 15(1) of the *Charter* and are not justified under s. 1. They seek a monetary judgment in the amount by which their supplementary death benefits were reduced. The trial judge dismissed both class actions and the British Columbia Court of Appeal upheld the trial decision.

*Held:* The appeal should be dismissed.

March, 3, 2011

### [Quebec \(Attorney General\) v. Canada](#)

Neutral citation: [2011 SCC 11](#) (CanLII)

File No.: 33524.

2010: October 14; 2011: March 3.

Present: McLachlin C.J. and Binnie, LeBel, Deschamps, Fish, Abella, Charron, Rothstein and Cromwell JJ.

## ON APPEAL FROM THE FEDERAL COURT OF APPEAL

*Social law — Canada Assistance Plan — Cost-sharing — Federal-provincial agreement entered into under Canada Assistance Plan for purpose of sharing costs of welfare services — Federal government refusing to share in costs incurred by Quebec for two types of services — Whether social services provided in schools were “welfare services” within meaning of s. 2 of Canada Assistance Plan — Whether federal government already sharing in costs of support services provided to persons with disabilities living in residential resources for clients who required continuous assistance on basis that these services constituted “adult residential care service” under Federal-Provincial Fiscal Arrangements and Established Programs Financing Act, 1977 — Canada Assistance Plan, R.S.C. 1985, c. C-1, ss. 2, 4(b), 5(2)(c) — Canada Assistance Plan Regulations, C.R.C. 1978, c. 382, s. 8 — Federal-Provincial Fiscal Arrangements and Established Programs Financing Act, 1977, S.C. 1976-77, c. 10, s. 27(8) — Federal-Provincial Fiscal Arrangements and Established Programs Financing Regulations, 1977, SOR/78-587, ss. 24(1), 24(2)(b).*

The *Canada Assistance Plan* (“CAP”), which has been repealed, was enacted in 1966 in the context of the federal government’s anti-poverty plan. The CAP made it possible for provincial governments to enter into agreements with the federal government on sharing the costs of certain assistance programs and welfare services provided in their territory. Quebec signed such an agreement with the federal government in 1967. It subsequently commenced an action for a declaration that the federal government had to share under the CAP in costs paid in respect of two types of services: social services provided in schools (“SSS”) between 1973 and 1996 and support services provided to persons with disabilities living in residential resources (“SSPD”) between 1986 and 1996. The federal government refused to share in these costs, arguing that SSS were not covered by the CAP and that the costs of SSPD had been shared since 1977 under another Act of Parliament. The Federal Court and the Federal Court of Appeal decided in the federal government’s favour and dismissed Quebec’s claim.

*Held:* The appeal should be dismissed.

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## ::: NEW BILLS :::

*Library & Information Services – Keeping you informed*

**There are no new bills at this time.**

**Nova Scotia Bills:** <http://nslegislature.ca/index.php/proceedings/status-of-bills/>

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## ::: PROCLAMATIONS UPDATE :::

*Library & Information Services - Keeping you informed*

The following proclamations were published in the *Royal Gazette, Part II* since the last issue of *InForum*:

***Solemnization of Marriage Act***, S.N.S. 2010 c. 74.

N.S. Gaz. Pt. 2, [03/11/11](#)

N.S. Reg. 33/2011

Proclamations are published in the *Royal Gazette, Part II*, which is issued every other week and is available by [subscription](#). Unofficial copies of the *Royal Gazette, Part II* are available [online](#) through the Registry of Regulations website.

The Office of the Legislative Counsel maintains a Proclamations of Statutes database, providing the effective dates of proclamations for statutes from 1990 to date. The database is updated with information received weekly from the Executive Council Office. To access the database, go to the Office of the Legislative Counsel’s [website](#), then select

Proclamations from the list of links on the left side of the page. The information provided by the database is for convenience only. For purposes of interpreting and applying the law, please consult official sources.

The orders in council authorizing the proclamations can be searched via the [Orders in Council](#) database maintained by the Executive Council Office. This database contains information about orders in council dating back to 1991.

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## :: LIANS TIPS ::

### **RISK AND PRACTICE MANAGEMENT TIP: The 2/3 rule to make you a happy and successful lawyer**

The Risk and Practice Management program recommends implementing effective intake procedures and client screening. Whether or not your potential clients expect a guaranteed outcome, their general attitude towards the profession and whether or not they resist paying the consultation or retainer are some factors to consider. But is there an easier way?

During his presentation at the 2010 LIANS Solo and Small Firm Conference, Dan Pinnington, practicePRO Director, talked about the importance of the 2/3 rule. This rule suggests that if your matters or clients meet at least two out of the three following requirements, you are on your way to becoming a happier lawyer with a more successful practice:

1. You are working on interesting and challenging legal problems;
2. You are working with people you enjoy; and,
3. You are getting paid for your work.

Think about your client list and how many comply with this 2/3 rule. Of those who don't, how many of those clients are the more difficult ones you have? Keep this rule of thumb in mind when considering accepting new clients. Over time, if your client list complies with the 2/3 rule, you can transform your practice from good to great.

Mr. Pinnington's complete [PowerPoint presentation](#) is available on the LIANS website.

*If you have any questions on these, or any other risk- or practice-related matters, do not hesitate to contact Stacey Gerrard, LIANS Counsel with the **Risk and Practice Management Program** at [sgerrard@lians.ca](mailto:sgerrard@lians.ca) or call **423-1300 ext. 345**.*

### **FRAUD ALERT: New prize scam from "Google UK"**

A fairly sophisticated-looking prize scam has been circulating this week, purportedly from Google UK. Members have received a congratulatory email and PDF letter from the "Staffs & Members of Google Board Commission [and] Eric Schmidt, Chairman of the Board and Chief Executive Officer". The letter features the Google UK logo in full colour, and proclaims that the reader is the winner of the "Happy Google Anniversary Promotion" (despite the fact that the anniversary date indicated in the letter is September 4, 1998). The 'winner' is asked of course to provide the claims office with their personal information. An interesting element, undoubtedly featured in an attempt to add some legitimacy to the prize claim, reads:

"For security reasons, you are advised to keep your winning information confidential till your claims are processed and your money remitted to you. This is part of our precautionary measure to avoid double claiming and unwarranted abuse of this program by some unscrupulous elements. Please be warned."

Be warned indeed. Remember, legitimate prize draws, lotteries or sweepstakes **do not**:

- notify winners by email;
- award prizes without first purchasing a lottery ticket;
- award prizes to randomly selected email addresses;
- use free email accounts (Yahoo, Hotmail, etc) to contact you;
- tell you to keep your winnings secret; or
- ask winners to pay a fee in order to collect their prize.

To report or seek advice on dealing with fraud and scam attempts, contact Cynthia Nield at [cnield@lians.ca](mailto:cnield@lians.ca), or 902 423 1300 x346.

## Reminder: ABA TECHSHOW®

Join us in Chicago from April 11-13, 2011 for the [ABA TECHSHOW®](#), bringing you the latest legal technology news and emerging technologies.

Nova Scotia Barristers' Society members will receive a \$150 discount from the general registration rate by quoting Event Promoter Code **EP 1125** (Lawyers' Insurance Association of Nova Scotia).

For additional information, contact Stacey Gerrard, LIANS Counsel, 902 423 1300, x 345 or [sgerrard@lians.ca](mailto:sgerrard@lians.ca).

## NSLAP WELLNESS TIP: Meeting someone via the Internet

*The following is an article excerpt from Human Solutions™, your health and wellness provider.*

### Be skeptical

No need to be paranoid. No harm, however, in being careful. Ask questions. Pay attention to 'warning bells' or 'bad hunches'. A reasonable person will respect your caution.

### Watch what you say

Be prudent in what you disclose. Don't get caught up in an emotional stream-of-consciousness monologue. Always remind yourself that there is a real person on the other end of the line. Ask yourself: How would I feel if someone else got hold of this information?

### Limit your time

Don't shut yourself off from real life. Problems are unlikely to disappear; they may just get worse. Are people close to you worried about the time you are spending on the Internet? Listen to them.

### Do a reality check

What kind of relationship are you really building through the Internet? Consider how you would feel if you had a real-life partner who was involved in this same sort of relationship with someone else. Is it realistic?

### Watch the make-believe

It may seem harmless exploring different aspects of your personality, pretending to be something you are not. Is there someone on the other end, however, who might be taking this all too seriously?

### Don't go alone

You've chatted on the Internet for a while; now you want to meet in person. It is absolutely critical that you do not go alone, and that you meet in a very public place – and not just for the first meeting.

*For more information, resources and counselling to improve your health and wellness, visit the NSLAP website at [www.nslap.ca](http://www.nslap.ca). Please note that **LAP** is your "company" name when you register. When you call the LAP number at 1-866-299-1299, your call will be answered any time, day or night, 365 days per year.*