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:: NOTICES ::

SOCIETY NEWS

2011 Recognition Reception – September 23, 2011

The Nova Scotia Barristers' Society cordially invites you to attend the
2011 Recognition Reception
September 23, 2011 | 4:00 – 5:30 pm
Bluenose Ballroom, Delta Halifax
1990 Barrington Street, Halifax

Please join the Society in celebrating excellence in Nova Scotia's legal profession, as we present the **2011 Distinguished Service Award** to **Robert (Robbie) G. MacKeigan QC**. An outstanding lawyer and community advocate, Mr. MacKeigan is the current Chair of the Law Foundation of Nova Scotia. A Fellow of the Insolvency Institute of Canada, he is a past Chair of the Canadian Law Information Council and past President of the Society (1994-95) and the Canadian Bar Association - Nova Scotia.

Several other achievements will also be honoured:

- **Presentation of 50-Year Practising Certificates** to David Stewart QC and George Caines QC.
- **The 2011 NSBS Presidents' Leadership Award**
Presented to a graduating law student, this annual award recognizes substantial involvement in the law school and the community. Daniel Pink is currently articling with Wickwire Holm and coordinates volunteer lawyers for the new legal support group, Artists Legal Information Services.
- **The 2011 Race and the Law Paper Prize**
David Taylor received the third annual prize, sponsored by Stewart McKelvey, for his paper, "First Peoples, Fundamental Rights: Exploring the Potential Use of Section 7 Rights by Aboriginal Claimants." Now in his third year at Schulich School of Law, David will be a clerk at the Supreme Court of Canada in 2012-13.

Please RSVP by September 9: Shirley Shane, sshane@nsbs.org

NSBS in the news ...

- **Lawyer profile: Daniel Campbell on helming the Nova Scotia Barristers' Society**
The Lawyers Weekly | August 12, 2011 issue
By Anum Lateef
- **Counsel involved in professional indemnity for lawyers named to Nova Scotia Barristers' Society**
Canadian Underwriter

Model Code of Professional Conduct: Ethical dilemmas in immigration law

Lawyers Weekly, Aug 12, 2011, digital edition posted Aug 08, 2011
<http://www.lawyersweekly.ca/>

This article by Elaine Cumming, Professional Responsibility Counsel for the Society, is available to subscribers of the digital edition. Please watch for Elaine's upcoming series of short ethics articles in future editions of *InForum*, leading up to the implementation of the new Code.

New edition of Nova Scotia Law News now online

To download the current issue, please visit <http://www.nsbs.org/library.php>.

Canada's 2011 Women of the Year – Equity Officer nominated as “Everyday Hero”

Emma Halpern, the Society's Equity Officer, is nominated in Canada's 2011 Women of the Year awards!

The Dartmouth resident is among ten nominees from across the country in the “Everyday Hero” category, which celebrates volunteers who are enriching their communities. Emma's nomination is based on her volunteer work with the Bringing Restorative Justice into Schools program across Nova Scotia, a peer-mediated conflict resolution process that has led to a reduction in suspensions.

To vote for Emma, visit the [Everyday Hero section](#) of the awards' website.

For more than 83 years, *Chatelaine* has been sharing award-winning and inspiring stories of women around the globe making a difference in their world. *Chatelaine's* Women of the Year awards, presented in partnership with Citytv, carry on that tradition and celebrate the many remarkable and inspiring women who are making changes big and small in their communities and the world.

Find out more: <http://site.chatelaine.com/womenoftheyear/default.aspx>

Code of Professional Conduct: national guidelines to take effect in Nova Scotia on Jan. 1, 2012

Lawyers in Nova Scotia will be regulated by a new set of national guidelines for ethical and professional conduct, starting January 1, 2012. The *Code of Professional Conduct* was developed by the Federation of Law Societies of Canada, in consultation with provincial law societies across the country. The Federation has requested that all law societies adopt it and many have, or are in the process of doing so.

Read the full details in this June 6 [news item](#) on the Society's website, and see the [current draft](#) of the Code of Professional Conduct online.

Follow the Society on Twitter.com/NSBS

If you would like to receive Twitter updates from the Society, please follow us at <http://twitter.com/NSBS>.

FROM THE COURTS

Notice from the Registrar/Prothonotary – Court of Appeal Chambers

Please note that there will be no Court of Appeal Chambers held on Thursday, September 29, 2011. In light of this, Regular Court of Appeal Chambers will be held on Wednesday, September 28, 2011 at 10:00 am. Telephone Court of Appeal Chambers will be held on Wednesday, September 28, 2011 starting at 2:00 pm.

*Thank you kindly,
Caroline McInnes
Registrar, Nova Scotia Court of Appeal
Prothonotary, Supreme Court*

Swearing-in ceremony for the Hon. Judge Paul Scovil – August 19 in Bridgewater

A swearing-in ceremony for the Honourable Paul Scovil of the Nova Scotia Family and Provincial Courts will be held in Bridgewater on Friday, August 19 at 3:00 pm. The public is invited.

Judge Scovil was called to the Nova Scotia Bar in 1982 and has more than 28 years of experience. He has been a Crown prosecutor with the Public Prosecution Service for 14 years, and last worked at its Bridgewater office. He is expected to preside in Amherst.

The swearing-in ceremony:

Friday, August 19, 2011 at 3:00 pm
Bridgewater Justice Centre, 141 High St.

Judge Scovil was selected from a list of candidates put forth by the Committee on Provincial Judicial Appointments. Committee members include two members of the Society, judges of the provincial and family courts and four members appointed by the Minister of Justice. The committee recommendations are based on criteria in the Guidelines for Provincial Judicial Appointments.

The Provincial Court presides over almost all indictable offence charges under the *Criminal Code* (a charge of murder by an adult accused being the main exception) and has exclusive jurisdiction over all summary offence charges under provincial and federal statutes and regulations.

The Family Court provides a forum to hear family issues, including maintenance, custody and access, and child protection matters.

Read more about Judge Scovil's appointment in this [August 2 announcement](#) from the Department of Justice, or this [August 9 article](#) in *South Shore Now*. For more information on Nova Scotia's courts, go to www.courts.ns.ca.

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>

Updates to the profession can also be accessed at any time on the Federal Court's web page titled [Notices to Parties and the Legal Profession](#).

FROM THE PROVINCE

JUSTICE: Drug seizure at Southwest Nova Scotia Correctional Facility

A package was found on the roof of the Southwest Nova Scotia Correctional Facility in Yarmouth and another was thrown into an exercise area later in the day on Saturday, Aug. 13, Department of Justice officials said Sunday.

The package on the roof, containing 69 pills and tobacco, was discovered around 2:30 pm. About an hour later, a package was thrown over a wall of the facility into an exercise court. Two people were seen running away from the perimeter fence and the RCMP were notified.

Eight offenders were in the exercise court at the time. A short time later they were observed drinking from a liquor bottle and smoking. The offenders refused to leave the area. The facility went into lockdown and an incident response team was assembled. The incident was resolved peacefully when the offenders agreed to return to their cells around 7 pm.

A search of the exercise area found three small empty pill bottles and a small plastic empty liquor bottle hidden in a storm drain. No contraband was uncovered during a search of the offenders. The lockdown ended at about 8:30 pm. Department of Justice officials are reviewing the incident. See the August 15 [news release](#).

JUSTICE: Justice officials to investigate disturbance at Cape Breton Correctional Facility

Department of Justice officials are investigating an early morning disturbance on August 4 at the Cape Breton Correctional Facility in Sydney. The incident began at about 12:30 am. and ended at about 3 am. It started after three offenders in a 13-bed dormitory began damaging property. The three offenders fashioned make-shift weapons and barricaded the doors leading into the dorm.

Staff responded and brought the situation under control using conducted energy weapons on two of the three offenders. Emergency Health Services were on site and there are no reports of injuries to staff or offenders. No one was taken to hospital. Cape Breton Regional Police Services were on the scene as a precaution, however their services were not required. Read the August 4 [news release](#).

N.S. SECURITIES COMMISSION: Order issued over non-disclosure

The Nova Scotia Securities Commission has reached a settlement with Homburg Invest Inc., which failed to file two news releases and a material change report in a timely matter.

Homburg Invest Inc. is a reporting issuer whose principal regulator is the Nova Scotia Securities Commission and, as a reporting issuer in the Netherlands, is also subject to the oversight of the Netherlands Authority for the Financial Markets (AFM).

On April 29, 2010, the AFM issued an order against to provide information. Homburg did not comply with the order and failed to file a news release until Sept. 24, 2010, almost six months past the filing deadline. On April 22, 2011, the AFM issued an instruction prohibiting Richard Homburg from acting as director, officer or co-policymaker of Homburg Invest Inc. as well as requiring the company to appoint two officers that reside in the Netherlands. Homburg did not file a news release or Material Change Report about the instruction until May 26 and 30, 2011, respectively, almost one month past the filing deadlines. In both instances, Homburg Invest Inc. waited until the matter was appealed to the District Court of Rotterdam before filing its required disclosures.

The failure to meet these disclosure requirements violated section 81(1)(b) of the *Nova Scotia Securities Act*, Part 7.1 of National Instrument 51-102, were acts contrary to a fair and efficient marketplace and were contrary to the public interest. Under the order and settlement agreement, Homburg Invest Inc. must comply with, and cease contravening, the act. Also, the company must pay administrative penalties of \$75,000 and \$11,400 in costs of the investigation and proceedings. Read the August 11 announcement.

The Nova Scotia Securities Commission is the provincial government agency responsible for regulating trading in securities within the province. The order can be viewed at www.gov.ns.ca/nssc/compliancencforce/enforproceedings.asp.

HEALTH/WELLNESS: Independent report on midwifery in Nova Scotia released

An independent report on midwifery released August 10 will help ensure Nova Scotia mothers and their families get the best possible maternity care. Four leading Canadian experts in midwifery and maternity care assessed the introduction of regulated midwives into the Nova Scotia health system to date.

"For any mother, giving birth is one of the most important events in her life. For some mothers, the choice of health-care provider is equally important," said Health and Wellness Minister Maureen MacDonald. "Earlier this year, I requested the independent assessment of midwifery in Nova Scotia and the models used at the three sites that offer care from midwives.

"Now that I have received the report, our department will carefully review the recommendations. I am committed to midwifery and want to ensure it is operating sustainably in the three district health authorities in which it is currently provided."

Regulated midwifery was introduced in Nova Scotia in 2009. Publicly funded midwifery services are now available at the IWK Health Centre in Halifax, South Shore District Health Authority and Guysborough Strait Antigonish Health Authority.

As part of their assessment, the experts visited the three sites and met with more than 40 health-care professionals involved in maternity care, including midwives, nurses, family doctors, obstetricians, and medical staff at district health authorities and the IWK. The report is available at www.gov.ns.ca/dhw.

SERVICE N.S./MUNICIPAL RELATIONS: Province wants input on proposed new bicycle rules

If you are a fan of two-wheeled transit, the province wants to hear from you. The province is starting public consultations on proposed new rules for bicycles, aimed at making the rules of the road clear and easy to understand.

"We all want to know our roads are safe," said John MacDonell, Minister of Service Nova Scotia and Municipal Relations. "These new rules will help us ensure that everyone knows the rules, and will help keep cyclists and others safe."

The new rules would:

- clarify that power-assisted bicycles are subject to the same rules as manual bicycles
- set out who must wear a bicycle helmet, and how helmet regulations will be enforced
- set out rules for towing a bicycle trailer
- ban dangerous cycling practices, including riding between two lanes of vehicles going in the same direction, and travelling in groups of over 15 cyclists on the highway

To see the full list of proposed amendments and fill out the consultation document, visit www.gov.ns.ca/snsmr/access/drivers/stakeholder-consultations-on-bicycles.asp.

Groups or individuals who would like to offer their input can email mvaconsultations@gov.ns.ca by Sept. 14, or phone 424-4380 in metro Halifax, or 1-800-670-4357.

Written submissions can be sent to:

MVA Consultations - Bicycles

Service Nova Scotia and Municipal Relations P.O. Box 216 Halifax, N.S. B3J 2M4

ENVIRONMENT: Details on potential Protected Areas online

Nova Scotians can help choose which lands should be protected as part of the province's 12 per cent plan, now that details on nearly 220,000 hectares of land are available online.

"Our province's protected areas are places where families can experience natural habitats and enjoy outdoor recreation," said Environment Minister Sterling Belliveau. "We are encouraged by the high level of interest demonstrated so far, and we encourage Nova Scotians to visit the protected areas site and get involved in the selection process."

Comments will be incorporated into a draft plan, which will be released for provincewide consultation next year before final decisions are made. The province has a legislated goal to legally protect 12 per cent of its land by 2015.

Written comments will be accepted until Dec. 1 at Department of Environment, Protected Areas Branch, Box 442, Halifax, N.S., B3J 2P8 and by email at protectedareas@gov.ns.ca.

A discussion paper titled **Our Wild Spaces**, photos and descriptions of review lands can be viewed at www.gov.ns.ca/nse/12percent/.

COMMUNITY SERVICES: Clear, consistent access to special needs funding for people on income assistance

Clearer regulations now make it easier for income assistance clients to understand what special needs funding they can receive, and ensure funding decisions are consistent provincewide. Community Services Minister Denise Peterson-Rafuse says the criteria for receiving Special Needs funding must be clear, fair and consistent so that people are treated the same no matter where they live.

Community Services invests more than \$45 million in special needs funding annually. The funds are intended to fairly meet the special needs of all income assistance clients. The amendments now make it clear that Community Services can only cover medically related items and services that are covered by MSI or listed on the Nova Scotia Pharmacare Formulary.

The change only affects new applications for funding received after August 8th. People now receiving special needs funding will continue to receive it as long as the need exists. Read more in the August 8 [announcement](#).

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 notices from the **Kings** and **Richmond County Land Registration Offices**.

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

Memo to members from the Correctional Services Division, NS Department of Justice

Dear Mr. Pink,

In the 2011-2012 budget year we are making changes to some correctional program areas. These changes will not affect essential services nor jeopardize public safety. That said, they will result in efficiencies and allow us to refocus services as appropriate.

One of the changes will be the elimination of both the adult and youth bail supervision programs for a cost saving of \$170,000. Unfortunately, both programs were under-utilized and neither has met established program goals.

As a result, effective immediately, referrals to these programs will no longer be accepted and Nova Scotia Correctional Services will no longer maintain the adult and youth bail supervision programs. Current cases under supervision will be maintained until the case can be closed as a result of suspension or resolution of the associated court process.

Yours truly,

Diana L. MacKinnon, A/Executive Director

ENVIRONMENT: Comment deadline for *Environment Act* extended to Sept. 6

Nova Scotians have extra time to comment on proposed changes to the *Environment Act*. The deadline for written comment has just been moved to September 6 from the original date, Aug. 22.

"We have heard people's concerns over the timing of the consultation, which is why we are extending the deadline by two weeks," Environment Minister Sterling Belliveau said last week.

A discussion paper on the proposed amendments to the act is available at www.gov.ns.ca/nse. Provide feedback through the online form, by emailing policy@gov.ns.ca or by mailing Environment Act Review, 5151 Terminal Road, PO Box 442, Halifax, NS, B3J 2R7.

The act has undergone a legislative review that takes place every five years. The suggested changes, which aim to improve efficiency and effectiveness, are based on discussions with Department staff and input received from interested parties and the public in recent years. Comments on the proposed changes will be considered before amendments are brought forward in the legislature this fall.

IMMIGRATION: Settlement agreement for economic class of Nova Scotia Nominee Program

NOTE: The following was released on July 11, 2011 as part of the settlement agreement in a class action between the Province of Nova Scotia and the law firm of Branch MacMaster LLP on behalf of their clients.

The Province of Nova Scotia and the law firm of Branch MacMaster LLP announce that they have reached a proposed agreement to settle the class action brought to address issues surrounding the former Economic Stream of the Nova Scotia Nominee Program. The proposed agreement is subject to approval by the court and a hearing will be held September 26, 2011 at 9:30 am Atlantic Time in Halifax.

Generally speaking, eligible class members will each be entitled to \$75,000, less any legal fees the court approves as fair and reasonable. If any class members already received compensation under the program, these amounts will also be deducted.

If you or clients require more information, visit the website <http://www.branchmacmaster.com/nova-scotia-immigration/> or contact Ward Branch, counsel for the proposed class at 604-654-2966 or Tom Peck with the Nova Scotia Office of Immigration at 902-424-3742.

Call for nominations and applications: Queen's Counsel Appointments 2011

Dear Members:

In the fall of this year, the Advisory Committee on Queen's Counsel Appointments, chaired by the Honourable Justice Peter Bryson, will consider candidates for the next Queen's Counsel appointments.

The criteria for these appointments are:

- (a) fifteen years or more as a member of the Bar of Nova Scotia as of September 30, 2011 and eligible to practise law in Nova Scotia;
- (b) demonstrated professional integrity, good character and outstanding contributions to the practice of law through one or more of:
 - (i) recognition by other members of the profession as an exceptional barrister or solicitor,
 - (ii) exceptional contributions through legal scholarship, teaching or continuing legal education,
 - (iii) demonstration of exceptional qualities of leadership in the profession, and
 - (iv) engaging in activities of a public or charitable nature in such a way as to raise the esteem in which the legal profession is held by the public;
- (c) the Advisory Committee on Queen's Counsel Appointments is asked to consider regional, gender and minority representation among the persons recommended for appointment as Queen's Counsel.

In order to be considered as a candidate for a Queen's Counsel appointment, you must apply pursuant to this request. The Committee will not consider applications or nominations from previous years.

A complete application or nomination package must consist of an original and 12 copies of the following documents:

- (a) application or nomination form;
- (b) authorization for disclosure of information and release; and
- (c) information form.

These forms are available on the Queen's Counsel Process page of the Society's website:

<http://www.nsbs.org/queensCouncilProcess.php>

Ordinarily the information will be confined to the form provided. However, if you find the space on the form insufficient, additional material that you may wish to provide (not exceeding two pages in length) will be considered by the Committee. Material exceeding two pages will not be forwarded to the Committee.

In addition, please ensure you have provided with your application materials a current telephone number where you can be reached. If you wish, you may include two letters of reference for consideration by the Committee. The inclusion of reference letters is optional.

Persons may either apply personally or may nominate a member of the Bar. All applicants will be treated equally by the Committee, whether they are nominated or whether they apply personally.

Your complete application or nomination must be received by Justice Bryson **no later than 4:00 pm, Friday, September 30, 2011**. It may be mailed or delivered to:

Advisory Committee on Queen's Counsel Appointments

InForum is an electronic newsletter published approximately twice a month. To receive a free subscription, please contact the Society at info@nsbs.org.

c/o The Honourable Justice Peter Bryson
The Law Courts, 1815 Upper Water Street
Halifax NS B3J 1S7

Thank you for your attention to this matter.

Yours very truly,
Marian F. Tyson QC, Deputy Minister

FROM THE FEDERAL DEPARTMENT OF JUSTICE

“Mega-Trials” legislation comes into force

OTTAWA, August 15, 2011 – The Honourable Rob Nicholson, P.C., Q.C., M.P. for Niagara Falls, Minister of Justice and Attorney General of Canada announced today that most provisions of Bill C-2 the *Fair and Efficient Criminal Trials Act* have come into force. This new legislation will help ensure that so-called "mega-trials," large and complex cases involving illegal activities such as drug trafficking, white-collar crime, terrorism, organized crime or gang-related activity, can be heard more swiftly and effectively.

The *Fair and Efficient Criminal Trials Act* will help improve Canada's justice system through:

- stronger case management;
- reduced duplication of processes; and,
- improved criminal procedure.

The *Fair and Efficient Criminal Trials Act* contributes to implementing the December 7, 2010, Air India Inquiry Action Plan, the Government's response to the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182. This Act will help ensure that large and complex cases can be heard more swiftly and effectively.

The amendments related to increasing the number of jurors from a maximum of twelve to fourteen will come into force October 24, 2011. This will allow the Provinces and Territories, who are responsible for the administration of justice, to implement the infrastructure and other changes related to these provisions.

An online version of the legislation is available at www.parl.gc.ca.
Read the August 15 [announcement](#).

Minister of Justice announces members of the Supreme Court of Canada Selection Panel

OTTAWA, August 5, 2011 – The Honourable Rob Nicholson, P.C., Q.C., M.P. for Niagara Falls, Minister of Justice and Attorney General of Canada, has announced the members of the Selection Panel to fill the vacancies at the Supreme Court of Canada as a result of the retirements of the Honourable Mr. Justice Ian Binnie and the Honourable Madam Justice Louise Charron. The retirements of Justices Binnie and Charron create two vacancies from the Ontario Region.

The Selection Panel includes five Members of Parliament, including one from each recognized political party. The members of this Selection Panel are as follows:

- Mr. Bob Dechert, Conservative Party of Canada
- Ms. Candice Hoepfner, Conservative Party of Canada
- Mr. Brent Rathgeber, Conservative Party of Canada
- Mr. Joe Comartin, New Democratic Party of Canada
- The Hon. Irwin Cotler, Liberal Party of Canada

The mandate of the Selection Panel is to review and assess a list of qualified candidates created by the Minister of Justice and Attorney General of Canada in consultation with the Prime Minister, the Chief Justice of Canada, the Chief Justice of Ontario, the Attorney General of Ontario and other prominent legal organizations, including the Law Society of Upper

Canada and the Canadian Bar Association. The Minister has also received public input with respect to candidates who merit consideration.

In order to guide the activities of the Selection Panel and help ensure a full, balanced and objective assessment of the candidates, the Minister of Justice has indicated that the remainder of the selection process should proceed as follows:

- The members of the Selection Panel will meet to review the résumés provided by each candidate as well as a number of reported judgments and publications;
- The members of the Selection Panel will also consult with the Chief Justice of Canada, the Chief Justice of Ontario, the Attorney General of Ontario, the Law Society of Upper Canada, the Canadian Bar Association and, at their discretion, other prominent legal organizations;
- All deliberations by panel members and consultations with third parties will be confidential;
- The Selection Panel will provide an unranked list of six qualified candidates to the Prime Minister of Canada and the Minister of Justice for their consideration;
- The Prime Minister and Minister of Justice will select two nominees from that list;
- The two nominees will appear at a public hearing of an ad hoc parliamentary committee, a process that was first established for the appointment of the Honourable Mr. Justice Marshall E. Rothstein in 2006.

Further information on the appointment process is available in the Statement from the Prime Minister issued on May 13, 2011. Access the [online version](#), and read more in the [August 5 announcement](#). For more news from Justice Canada, visit <http://canada.justice.gc.ca>.

OTHER NOTICES

CanLII and the Federation to defend free access to law at the Supreme Court

CanLII and the Federation of Law Societies of Canada have been granted leave to intervene at the Supreme Court of Canada in *SOCAN v. Bell et al.*, a copyright case to be heard later this year in which the Court will be asked to provide guidance on the meaning of “research” as a fair dealing user right under the *Copyright Act*.

CanLII is a non-profit organization created and funded by the Federation of Law Societies of Canada, on behalf of its 14 member law societies. CanLII is also a member of the Free Access to Law Movement, which includes the primary stakeholders involved in free, open publication of law throughout the world.

While the facts of the SOCAN case relate to online music previews and not legal research, the legal questions at issue include the meaning of “research” as a head of fair dealing and how, in the Internet age, courts should balance copyright holders’ interests with user rights. CanLII and the Federation will argue for a large and liberal interpretation of the term “research” as set out in *CCH v. Law Society of Upper Canada* and in several other subsequent cases

Read more:

- August 10 [news announcement](#) on www.canlii.org
- [CanLII's Factum](#)
- [Court file](#)

While the ability of the Federation to provide free access to Canadian law through CanLII is not under immediate threat, CanLII and the Federation are concerned about the detrimental impact on access to law and justice that could flow from a narrow interpretation of “research” and from a restrictive approach to fair dealing rights in respect of copyright material.

Leadership, volunteerism and advocacy are priorities for incoming CBA President Trinda L. Ernst QC of Kentville

Trinda L. Ernst QC, of Kentville, will become national President of the Canadian Bar Association (CBA) on Aug. 16 when the chain of office is transferred from outgoing President Rod Snow of Whitehorse at the closing luncheon of the CBA’s Canadian Legal Conference.

InForum is an electronic newsletter published approximately twice a month. To receive a free subscription, please contact the Society at info@nsbs.org.

She brings to the presidency a threefold commitment: to encourage leadership in the profession, to promote volunteerism at the CBA and in the community, and to support advocacy on behalf of the profession.

"I want to build on lawyers' leadership skills – not just through our successful online Skilled Lawyer Professional Development Series, but by other leadership initiatives including our RARE Finds diversity initiative that showcases success stories, our Canadian Corporate Counsel Association mentoring program for young lawyers and our annual leadership training workshop that brings together the best techniques for managing partners."

Ms. Ernst also recognizes the importance of the Work-Life Balance Resource Centre, launched by Young Lawyers-CBA that contains more than 350 links to newspaper, magazine, journal and online articles that explore the causes and effects of this challenge to many of our members.

A dedicated and active volunteer, Trinda Ernst will focus on the contributions of lawyers to the Association. "Volunteerism is an important part of the legal culture. We are not just volunteers with the CBA or the legal profession. We are also volunteers in our communities, and our work benefits the communities in which we live."

Trinda Ernst plans to focus on strengthening the CBA's advocacy capacity on behalf of the entire legal profession. "Our work for the profession is ongoing in the areas of solicitor-client privilege, money laundering and conflicts of interest."

The CBA presented 80 submissions to the federal government last year. "Our members bring on-the- ground knowledge of how our laws work, and our expert analysis has always served our Parliamentarians well," says Trinda Ernst.

Equality and diversity count among her top priorities. A member of the CBA-Nova Scotia's Gender Equality Committee from 1998-2002, she also served on the CBA's national Standing Committee on Equality from 2006-2008.

"In the year ahead, I plan to foster a climate of inclusivity," says Trinda Ernst. "We need to explore opportunities for partnerships with other legal groups and associations that represent minorities so that our profession better reflects the public we serve."

Trinda Ernst has been a member of the CBA since she began law school in 1980. Read the entire news release at <http://www.cba.org/cba/>.

CBA Canadian Legal Conference & Expo – media coverage

The keynote speeches at the CBA Canadian Legal Conference & Expo, wrapping up tomorrow in Halifax, have generated a number of headlines in media across the country. For those who were unable to attend, here's a small sample:

- [Top judge: Help all get justice](#) – McLachlin says some Canadians not having legal needs met
Chronicle Herald, front page, Sun, Aug 14 - 5:20 PM
By MELANIE PATTEN, The Canadian Press
- [Canada lagging behind in affordable access to legal system](#)
Postmedia News, August 13, 2011, by Richard Foot
- [Chief Justice supports criticism of Kenney](#)
National Post, Aug 13, 2011, By Richard Foot
- [Huffington knows when to disconnect](#): Restful nights and 'Greek chutzpah' equal success for web news maven
Chronicle Herald, Mon, Aug 15, by Pat Lee

Casting call: Star Truck – A Space Oddity: Revenge of the Clones

Thespians, theatre people and Trekkies still have time to try out for Nova Scotia's most out-of-this-world stage production: Star Truck – A Space Oddity: Revenge of the Clones.

The play, which will have its opening and closing night on **Saturday, October 15**, is coordinated by the Legal Information Society of Nova Scotia, which is only seven degrees of separation from George Lucas.

“Our goal is to raise money and have fun,” says LISNS enterprise leader Maria Franks. “We want to boldly go where no charity has gone before.”

The voyage is part of the charity’s annual **Play in a Day**, which brings together teams of volunteers from across Nova Scotia to rehearse, build, and perform a play in 24 hours. In one day, crews will build sets, costumes will be coordinated, make-up will be applied, and lines will be learned.

“Although the timeframe is tight, this production will keep you on the edge of your seat. The enthusiasm and energy of the teams makes up for their lack of experience,” says “Captain” Jeremy Webb, the professional producer and self-professed Star Trek geek at the helm of the production.

To become involved in Play in a Day, please visit www.legalinfo.org or call **902 454 2198** and make it so.

About LISNS

A charitable not-for-profit organization, the Legal Information Society of Nova Scotia (or LISNS), has been providing Nova Scotians with information and resources about the law for more than 25 years. LISNS’s staff and volunteers believe easy access to information about the law is fundamental to a fair justice system.

Canadian Securities Administrators (CSA) seeking input on national proposal

The Canadian Securities Administrators (CSA) have published for comment proposed National Instrument 51-103 Ongoing Governance and Disclosure Requirements for Venture Issuers (NI 51-103), which includes proposed amendments to related instruments, forms and consequential amendments.

The proposed rule introduces a new mandatory regulatory regime for venture issuers. It is designed to streamline and tailor venture issuer disclosure to make it more useful and user-friendly for investors. The proposal:

- outlines disclosure requirements that are more suitable and manageable for issuers at this stage in their development; and
- streamlines requirements so venture issuers have more time to focus on business growth and development.

The CSA developed the proposed rule with the assistance of feedback collected during in-person consultation sessions that were held across the country in the spring and fall of 2010, as well as written comments from market participants.

The CSA is seeking written comments from investors and industry on the proposed national instrument and related amendments. To comment, please refer to the CSA Notice and Request for Comment announcing proposed NI 51-103 and related consequential amendments, which is available on the website of the Nova Scotia Securities Commission at the following link: http://www.gov.ns.ca/nssc/CSANotices/noticerequestJuly_29_2011.pdf

The comment period is open until October 27, 2011.

For more information, contact:

Abel Lazarus
Nova Scotia Securities Commission
(902) 424-6859
lazaruah@gov.ns.ca

AWARDS & APPOINTMENTS

2011 Weldon Award for Unselfish Public Service: [Edward Dunsworth](#)

The Schulich School of Law is very pleased to announce Edward Dunsworth as the recipient of the 2011 Weldon Award for Unselfish Public Service. A graduate of Dalhousie, Mr. Dunsworth is a lawyer, teacher and the current Director of Operations for Hand in Hand Ministries based in Managua, Nicaragua.

In the early part of his career, Dunsworth enjoyed a successful law practice in Halifax and was an instructor at Saint Mary's University. Inspired by a colleague's experience in Guatemala, Dunsworth began working with Habitat for Humanity International (HHI). In 1997, he volunteered to help build houses in a small village in northern Nicaragua – and he's never looked back. Read more at www.law.dal.ca ...

12th Annual JUSTICIA AWARDS presented for legal reporting

HALIFAX, August 12, 2011 - Freelance journalist Dominique Forget and a Canadian-led team from the British Broadcasting Corporation's (BBC) World Service are the winners of the 12th annual Justicia Awards for Excellence in Journalism. Certificates of merit were also awarded to Kirk Makin of the *Globe and Mail* and Jon Woodward of CTV News British Columbia.

The Justicia Awards are sponsored by the Canadian Bar Association (CBA) and the Department of Justice Canada. The Awards recognize outstanding broadcast and print or Web journalism that fosters public awareness and understanding of any aspect of the Canadian justice system and the roles played by institutions and participants in the legal system.

Print

Freelance journalist Dominique Forget is the winner in the print category for her May 1, 2011 article "Une justice pour happy few" in *L'actualité*. The article examined the state of Quebec's civil justice system, which it described as dominated by the wealthy, businesses and non-governmental organizations. It describes the system as "too expensive, too complicated and too long" and discusses alternatives such as mediation, plain language and participatory justice. The Justicia jury said "This article provides information about several aspects of the justice system that, according to polls, few taxpayers know about."

A certificate of merit was awarded to *Globe and Mail* justice reporter Kirk Makin for a continuing series of stories on the mentally ill in conflict with the criminal justice system. Kirk Makin's continuing coverage aims to shed light on the urgency of assisting the mentally ill in the justice system, as well as to show readers what is genuinely being done and where more help is needed. The judges said the stories were "well-executed and insightful" and offered alternate approaches to dealing with the problem.

Broadcast

A team from the BBC, led by Canadian journalist Laura Lynch, is the winner in the broadcast category for a two-part documentary entitled "Power and the Judges." The December 2010 documentary examined the power that judges hold, whether their independence and impartiality can be ensured and whether they should ever have the authority to overrule laws.

Looking at judges in Russia, Colombia and Turkey, it features interviews with a Canadian expert and helps set Canada's justice system in context. Lucy Bailey was the producer and Jeremy Skeet the senior documentary editor at the BBC's World Service News and Current Affairs. The Justicia jury said the worldwide comparison of the role of judges and courts was "thought provoking, insightful and informative. It was an analysis of such depth and breadth that few journalists could possibly match."

A certificate of merit was awarded to Jon Woodward of CTV British Columbia's investigative team for "The Tamil Troubles." The four reports examined the legal situation of the Tamil refugee claimants who arrived on the shores of British Columbia last year. The Justicia judges said the reports fostered an "atmosphere of accountability" by questioning government policy and strategies.

The Justicia Awards, which take the form of bronze statuettes, were presented at the CBA Awards Lunch on Saturday, August 13, at the Marriott Halifax Harbourfront Hotel. Entries were judged by Blair Fraser, a lawyer with Cox & Palmer in

Moncton, Antoine Hacault of Thompson Dorfman Sweatman LLP in Winnipeg, and Lisa Taylor, a former practising lawyer who is currently a journalism instructor at Ryerson University.

The criteria for judging entries are accuracy, effectiveness in explaining legal issues to the public, informational value, insight and originality. This year's submissions were published or broadcast between May 16, 2010 and May 15, 2011. Read more in the August 12 [announcement](#) on the Justice Canada website.

Prime Minister's Volunteer Awards announces first call for nominations

Canadians across the country have a new opportunity to recognize the exceptional contributions that volunteers make in their communities. The awards will recognize individuals or groups of volunteers, businesses and nonprofit organizations in five regions across Canada, and will offer a national award in two categories: one for lifelong achievement and one for new volunteers. The deadline for nominations is **September 9, 2011**. For more information, and to submit a nomination, visit the website of the [Prime Minister of Canada](#).

Call for Nominations: Progress Women of Excellence Awards

The Canadian Progress Club, Halifax-Cornwallis, is seeking nominations for its 22nd annual Women of Excellence Awards. The organization's signature fundraising event supports Phoenix Youth Programs and other charities in the community. The deadline for nominations is August 15, and the awards dinner is scheduled for November 16.

Progress Women of Excellence Awards Dinner
Wednesday, November 16, 2011
World Trade and Convention Center
Reception at 6 pm, Dinner & Awards at 7 pm

Nominate your candidate by email: nominations@cpchalifaxcornwallis.ca or by calling Jacqueline at 902.442.5514.

[2011 Nomination Package](#)

Further details are available at <http://www.cpchalifaxcornwallis.ca/>.

VOLUNTEER & PRO BONO OPPORTUNITIES

Artists Legal Information Services (ALIS)

Artists Legal Information Services (ALIS) is a legal support organization based in Halifax. It currently consists of volunteer law students at Dalhousie University who seek to promote the legal rights of artists.

Our mission is to make a stronger, more vibrant arts community in Nova Scotia by helping to resolve legal issues for artists living there. This will be accomplished by providing free clinics, workshops and library resources to artists in Atlantic Canada. We work with all types of artists to help them understand how the law impacts them, and provide a framework for navigating potential obstacles.

If you are a lawyer with experience in contract law, entertainment law, tax law, or just have an interest in the needs of local artists, then we would love to hear from you. We are looking for support from the Atlantic Canada legal community on a *pro bono* basis.

If you are interested in getting involved, please contact us at daniel.pink@gmail.com. For more information please visit www.nsalis.com.

reachAbility Volunteer Opportunities

reachAbility's Legal Referral Service is a community-based service that bridges the gap between existing local resources and public need. We provide an opportunity for persons living with disabilities to better understand their legal rights, as well as providing lawyers with an opportunity to use their legal skills in a volunteer capacity to address the needs of an often marginalized segment of our community.

reachAbility's Legal Referral Service offers access to free legal advice for any person with a disability. Lawyers throughout the province volunteer their time and expertise to our clients and we're always looking for new perspectives. The time commitment that we ask from our volunteers is small – a single one-hour consultation each year – but it is a commitment that will make an immediate difference in the life of a Nova Scotian with a disability.

Join other volunteering members of the Legal Community by completing our online Lawyer Volunteer Form at: <http://reachability.org/legal-programming/lawyer-sign-up-form/>

For further information, contact us: (902) 429-5878 or legal@reachability.org

Or visit us online: <http://reachability.org/legal-programming/legal-referral-services-lawyer-information/>

Antigonish Heritage Museum Board – Legislation Committee

We are seeking a volunteer to serve on the above noted committee. We are an incorporated, not-for-profit organization that was created by Bill No. 13 Province of Nova Scotia, that was assented to by the Lieutenant Governor on May 9, 1997.

We would request that anyone interested in serving on this committee please contact the undersigned at the following email: antheritage@parl.ns.ca

If there are any questions, please contact the undersigned.

Yours truly
Joselyn Gillis, Curator, Antigonish Heritage Museum Board
902-863-4947

LIANS and NSBS Mentorship Program

The LIANS and NSBS Mentorship Program officially launched on Wednesday, April 6 with the first annual event. The highlight of the evening was a keynote speech given by the Honourable Judge Anne Derrick, who spoke about the importance and benefits of a mentorship program.

For information about the new program, visit the [Mentorship Program](#) section on the LIANS website, under the Risk and Practice Management heading at http://lians.ca/rpm/mentorship_program/.

Documents available on the website include the **Mentorship Program Application Form**, a **Model Mentoring Activity Plan** for participants and a **Mentoring Guidelines** booklet. Also available are photos from the launch event and a complete transcript of Judge Derrick's keynote speech.

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 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 kevin.macdonald@cdr.ns.ca or Maria Franks execdir@legalinfo.org.

MISSING WILLS

Seeking will for the late Allan Douglas Clements

Lawyers with any information on the location or existence of an original Last Will and Testament of Allan Clements; DOB 14 April 1934; are asked to please contact:

Peter Robertson
Muttart Tufts Dewolfe & Coyle
20 Cornwallis Street
Kentville, Nova Scotia, B4N 3X3
Tel. (902) 678-2157

At the time of his death on July 6, 2011, Mr. Clements resided at 8403 Highway 221, Centreville. He resided in said area the majority of his life.

Seeking missing will for current resident of Clayton Park

Mrs. Elizabeth Lough, an 84-year-old Clayton Park resident, is unable to recall the name of the lawyer who prepared her will. Lawyers with any information on the location or existence of a will for Mrs. Gough are asked to please contact her son Robert Lough at 443.3506.

Public Trustee seeks last will and testament of Lilyan Mae Brodrick of Lower Sackville

The Public Trustee of Nova Scotia is looking for the Last Will and Testament of Lilyan Mae Brodrick. She died June 14, 2011.

The family believes she may have hired a lawyer in the Sackville area to prepare the will. But the Public Trustee hopes that all lawyers would check their records to see if they did a will for this lady. She had resided at 13 Howland Drive, Lower Sackville, Nova Scotia.

If you have any information, please contact **M. Estelle Theriault QC**, the Public Trustee of Nova Scotia, at **424-7760** (phone) or **424-0616** (fax).

Seeking will for the late Helen Frances Smith

Lawyers with any information on the location or existence of an original Last Will and Testament of Helen Frances Smith are asked to please contact:

Laurie C. LaViolette
Bedford Law
Suite 100, 1496 Bedford Highway
Bedford, NS B4A 1E5
(902) 832-2100
laurie@bedfordlaw.com

At the time of her death, February 25, 2011, Helen Frances Smith had been a resident of Northwood Center in Halifax since 2004. Prior to 2004, Ms. Smith was a resident of St. John's, Newfoundland.

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 daughters Rose Lee at 902 865 6483 or Sandra Richardson at 204 389 5734 or sand.rm@hotmail.com.

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

InForum is an electronic newsletter published approximately twice a month. To receive a free subscription, please contact the Society at info@nsbs.org.

902-491-4467 | 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 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

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

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
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.

InForum is an electronic newsletter published approximately twice a month. To receive a free subscription, please contact the Society at info@nsbs.org.

Thank you for any assistance you can provide.
Gary Boyd, Merlin Caribbean Inc
Phone: 809-613-2262
Email: garyjboyd@hotmail.com or garyboyd.smvc@gmail.com
Skype: garyjboyd

CAREER OPPORTUNITIES www.nsbs.org/careers.php

:: CONFERENCES & SEMINARS ::

NSBS ADMISSIONS & PROFESSIONAL DEVELOPMENT

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

Land Registration Act Training

Registration is open for the Online *Land Registration Act* training program.
Cost for this program is \$600 plus HST and registrants have one week to complete the course.

Dates for next LRA course:

- Sept 14 to 21, 2011
- January 18 to 25, 2012
- April 18 to 25, 2012

One-day seminar: Advanced Cross-examination Techniques

Thursday, October 27, 2011

Schooner Room, Casino Nova Scotia, Halifax

Register online: [Details and registration](#)

Note: Early-bird registration until September 12

Pozner & Dodd's first live presentation of Advanced Cross-Examination Techniques to the Nova Scotia Bar!
America's top trial advocacy team, Larry Pozner and Roger Dodd, are bringing their one day program on Advanced Cross-examination Techniques to Halifax on October 27, 2011.

Whether your practice is civil or criminal, or you're preparing for your first or fiftieth trial, this is a presentation that no litigator can afford to miss. With practical tips and instructive true-life examples, Pozner and Dodd teach you simple, straightforward, effective techniques from the Chapter Method of Cross-examination that will surprise and reinvigorate even the most experienced litigators.

This powerful program plays to dozens of sold-out audiences of trial lawyers and non-litigators across Canada and the United States every year. Register early, as space is limited. Early bird deadline closes September 12, 2011. For more information and to register, see the detailed [program brochure](#).

OUTSIDE CONFERENCES & SEMINARS

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

Upcoming events from CBA-NS

The CBA Canadian Legal Conference

Get the inside track on new developments in the law!

August 14-16, Halifax

Details and registration available online: www.cba.org/halifax2011

The 2011 CBA Canadian Legal Conference (CLC) will deliver quality professional development (PD), with 12 hours of accredited PD over two days. Subjects include privacy issues, multi-jurisdictional class actions, the new Canadian

securities regulator, and many more. A full stream of dedicated Canadian Corporate Counsel Association programming is planned. As day turns to evening, relax and enjoy the best entertainment Halifax has to offer! Still ahead:

- Law firm receptions (Aug. 15);
- Maritime Music Extravaganza (Aug. 15) showcasing Nova Scotia's top music stars including Jimmy Rankin, Ashley MacIsaac, and many more;
- Maritime Kitchen Party and Pub Dance (closing gala, Aug. 16) with dinner and entertainment including fiddle medleys, step dancing, spoon playing and much more! Separate ticket required.

Exclusive offer for local lawyers

The Canadian Bar Association is pleased to offer specially rated packages for the Nova Scotian legal community attending the Canadian Legal Conference and Expo in Halifax August 14-16, 2011. Connect with colleagues from across the nation at the CLC's outstanding day programs and nightly social events.

*****This exclusive offer is available to all members of the Nova Scotia Bar.**

Social Events Package - \$295

Join fellow lawyers from across Canada for 3 evenings of exceptional entertainment. Highlights include fiddling sensation Richard Wood at the Opening festivities and top musical talents from the Maritimes Jimmy Rankin, Ashley MacIsaac, Bruce Guthro, and Laura Smith at Monday's extravaganza. The closing Gala includes music from Greg Simm and Anthony Rissessco, and features a high energy traditional kitchen party show featuring fiddle medleys, step dancing, spoon playing, pipes, whistles, folk songs and storytelling all presented with audience participation.

Package includes:

- Opening Festivities at the Cunard Centre (Sunday, August 14)
- Monday Night Maritime Music Extravaganza (Monday, August 15)
- Closing Gala (Tuesday, August 16)

Please contact mtgs@cba.org for details or [click here](#) to register online.

Tuesday August 16: [Simon Sinek](#), motivational speaker and bestselling author of *Start with why*.

[Click to view Professional Development Program](#)

The CBA's National Alternative Dispute Resolution Section proudly presents: *Proportionality and the Effective Use of ADR*

Save the Date and Earn CPD Credits!

Tuesday, August 16 – 9:00-12:00

Canadian Legal Conference

World Trade and Convention Centre, Halifax, Nova Scotia

Clients increasingly are demanding that their disputes be resolved efficiently. Counsel therefore need to know - and in some Canadian jurisdictions are professionally obliged - to advise their clients about the most appropriate dispute resolution method to resolve the case at hand. With the rapid growth of ADR, the importance and necessity of access to credible and skilled mediators, arbitrators and other ADR professionals have taken on heightened significance.

This program features top Canadian practitioners who will share their insights into the latest trends, focusing on mediation, arbitration, ethical issues and cross-Canada developments. The program will provide attendees with information about ADR methodologies, to assist those advising clients, and will provide lawyers who are mediators and arbitrators with substantive information and education. This is a must-attend event for counsel - whether experienced or new to ADR - and for mediators and arbitrators who want to acquire new insights into effective and proportional dispute resolution.

InForum is an electronic newsletter published approximately twice a month. To receive a free subscription, please contact the Society at info@nsbs.org.

Light lunch and refreshments to follow for program registrants and those interested in obtaining additional information on the ADR Section – RSVP in advance to Catherine Bisson

Co-Chairs/Speakers:

Anne Gottlieb, Mediation at Work Ltd (Toronto)
Michael Schafner, Fraser Milner Casgrain LLP (Toronto)

Speakers:

- Laura Bruneau, Bruneau Group (Ottawa)
- J. Brian Casey, Baker & McKenzie LLP (Toronto) Jacinta Gallant, Resolution PEI (Charlottetown)
- Pamela Large-Moran, PLM Law/Conflict Resolution Services (CRS) Atlantic (Charlottetown)
- Jean McKenna, Ritch Dunford Lawyers (Halifax) Elaine Newman, Newman Arbitrations Inc. (Toronto) Jennifer Ross-Carrière, Mxi Technologies Ltd. (Ottawa) Ray Wagner, Wagner & Associates (Halifax)

Earn 3 hours towards your CPD credits, including 45 minutes on Ethics! [Register Now!](#)

Privacy and Security Webinar with David Fraser

August 16, 2011, 2:00pm AST (Atlantic Standard time)

Cost: Free

Join David Fraser of McInnes Cooper, Canada's leading legal expert on security and privacy in the cloud on August 16th at 2:00pm AST. David has worked with companies from coast to coast helping them understand what moving their information to the cloud means and what real affects this has on security and privacy.

David will be joined by Shawn Wilkie, Founder of SheepDogInc.ca and John MacDonald, Google's Canadian Enterprise Sales Executive to answer any questions specific to privacy and security with Google Apps for Business.

It is time to stop the guessing and start understanding what the future of being in the cloud means to your business.

For details and to register: <http://sheepdoginc.ca/privacy-and-security-webinar-with-david-fraser/>

Friends of the late Sgt. Mark Gallagher Dinner

Raising funds for the construction and furnishing of a new vocational school in Rivière Froide, Haiti

Saturday, Sept. 10, 2011 at 6pm

World Trade and Convention Centre, 1800 Argyle Street, Halifax

For more information and to purchase tickets, download the [PDF order form](#).

Civil Procedure Rules seminar

Friday, September 16, 1:30 - 4:30

Cabot Rooms, Sydney Delta Hotel, Sydney

Cost: \$25 for members of the Cape Breton Barristers Society, \$50 for non-members

The Cape Breton Barristers Society has scheduled an afternoon seminar on the new Civil Procedure Rules. Chief Justice Kennedy, along with Justices John Murphy, Simon MacDonald, Cindy Bourgeois and Patrick Murray will take part in this session. Guy LaFosse, QC will also serve on the panel. Following the seminar there will be a meet and greet with the Justices.

50:50: Vision of Halifax

October 19 and 20, 2011

Medjuck Architecture Building, 5410 Spring Garden Road, Halifax

To celebrate its 50th anniversary, Dalhousie's Faculty of Architecture and Planning invites you to imagine Halifax 50 years from now. The past 50 years have brought tremendous change to our city and region, and we'd like to explore what the future might hold for our children and grandchildren in 2061! We are inviting design professionals, city-builders, and the public to participate in a two-day workshop that will take place in the architecture and planning studios at Dalhousie University.

Download the announcement: <http://architectureandplanning.dal.ca/images/forms/5050.pdf>

50:50: Vision THEMES: http://architectureandplanning.dal.ca/alumni/5050_themes.shtml

Call for participants: If you'd like to brainstorm with experts about the future of the city, come join us! Planners, architects, developers, engineers, artists, project managers, members of government, ecologists, historic preservationists and the general public are all invited to participate. We're hoping to have 150 participants.

Registration deadline: September 2, 2011

Download a Design Workshop Participation Form:

http://architectureandplanning.dal.ca/images/forms/5050_participant_form.pdf

Frequently Asked Questions: http://architectureandplanning.dal.ca/alumni/5050_faq.shtml

For more information: Contact nancy.farmer@dal.ca tel. (902) 494-1378

Halifax Leaf Persons Day Breakfast

The Annual Halifax LEAF Persons Day Breakfast celebrates the landmark 1929 "Persons Case" that guaranteed women the right to participate in all aspects of public life in Canada. This Persons Day, we invite you to join us. All tickets must be purchased in advance. Thank you for your support of LEAF's work towards advancing substantive equality.

When: Wednesday, October 26 from 9-10:30am

Where: Saint Mary's Boat Club

Speaker: Melina Buckley will talk about gender, legal aid and women's rights. Across Canada and around the world we are faced by a growing "no women's land" created by the gulf between legal rights and the assistance required to meaningfully access them. What steps can we take to reverse the long-term erosion of legal aid and its devastating consequences for women?

Melina Buckley is an associate with Camp Fiorante Matthews in Vancouver and is currently serving as Policy Counsel to the Missing Women Inquiry in British Columbia. Melina has had an eclectic legal career working as a lawyer and legal policy consultant working primarily in the areas of human rights, constitutional law, access to justice and dispute resolution. She is called to the Bar in Ontario and British Columbia and holds a Ph.D. in law from the University of British Columbia. She has served as co-counsel in numerous public interest litigation cases and has directed several national research projects as well as a comprehensive justice reform project in Jamaica.

Contact: halifax@leaf.ca

Canada Rocks vs. Britain Rocks - Sixth Annual Halifax Rock for Dimes – November 18, 2011

On **Friday November 18, 2011**, local amateur musicians will once again strap on their instruments to battle for the title of "Halifax's Best Band" and raise much-needed money for Nova Scotians with physical disabilities. Over \$90,000 has been raised to date by March of Dimes Canada at this annual rocking event in Halifax. Last year's "Retro 80s" event at the World Trade Convention Centre was one of the biggest and best Rock for Dimes events across Canada in March of Dimes Canada history.

This year's novel musical theme for the "two stages" event will be **CANADA ROCKS vs. BRITAIN ROCKS**. If last year's cool costumes for the Retro 80s theme were any indication, there should be many fans of Canadian and British Rock music dusting off their favourite Maple Leaf and/or Union Jack costumes for this one! Once again, the Battle includes not only lawyers but also other professionals, such as medical professionals and software experts, which proves to be a very entertaining cross-disciplinary experience. Ask anyone who went last year!

Eight bands are preparing for this Clash of the Bands. They are: **Loose Garage** (Capital Health), **Project 501** (Stewart McKelvey), **Red C** (McInnes Cooper), **Terminal Road** (N.S. Department of Justice), **Piranha Brothers** (Various in-house and private lawyers), **Gene** (Government and private lawyers), **Buck McFate** (Burchells LLP) and **Fonts & Pixels** (ISL – Internet Solutions Ltd.). As you can see, six of the 8 bands comprise your fellow bar society members, all of whom are back to compete for a really great charitable cause. Best bar event of the year!

Mark your calendars now. The date is **Friday, November 18, 2011**. Doors open at 7:00 P.M. Be there or be square. For tables (of 10), tickets and more detailed event & sponsorship information, go to: www.rockfordimes.ca or call 1-800-263-3463.

Halifax Rock for Dimes benefits March of Dimes Canada's Conductive Education (CE) Nova Scotia Program, which helps children and adults in our province. CE is an innovative program that blends elements of education and rehabilitation to improve the independence, mobility and confidence of children with disabilities, and has proven especially beneficial to children with cerebral palsy, multiple sclerosis and developmental apraxia. March of Dimes Canada is a nationally registered charitable organization providing support services to people with disabilities, their families and caregivers across Canada. Last year, November 2nd became March of Dimes Conductive Education Awareness Day at Province House in Halifax and prominent MLAs delivered resolutions in the House of Assembly recognizing the "immense benefit" of March of Dimes and Conductive Education in Nova Scotia.

MUNDIAVOCAT – Football World Cup for Lawyers

June 1 – 10, 2012 | Rovinj, Croatia

This event includes:

- The 16th edition of the MUNDIAVOCAT CLASSIC (open to all lawyers)
- The 3rd edition of the MUNDIAVOCAT MASTER (lawyers aged 35+)

For details or to register, see the website: www.munciavocat.com

Or contact:

Corporate Sport Organisation

15 / 29 rue Guilleminot, 75014 Paris, France

Tel. +33 (0)1 77 70 65 15 | Fax +33 (0)1 77 70 65 14 | Email: info@mundiavocat.com

Also please note, the Mundiavocat General Assembly will take place from September 30 to October 2, 2011. For information on Rovinj, see www.rovinj.hr.

Upcoming Events from the Atlantic Provinces Trial Lawyers Association

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:

- Case Intake and Evaluation
- iPhone and iPad for Lawyers: Apps You Need to be Using
- Trying a Case on a Budget
- Powerpoint and Trial: Persuading a 21st Century Jury
- After 25 Years: Lessons Learned Every Trial Lawyer Should Know
- Chronic Pain & Unemployment Equals Depression: A Rateable Disease

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.

:: CLASSIFIEDS ::

New office space for lease in St. Margaret's Bay

Beautiful new office space for lease in St. Margaret's Bay, 13589 Peggy's Cove Road, with options of main floor and second floor space between 800-1,000 square feet. Currently, the building includes Bay Insurance and Financial, Bluenose Accounting, and St. Margaret's Bay Massage Therapy. I know that there can be a lot of interaction with lawyers with all three types of businesses that we have and would be able to refer clients. If you have any further questions, please feel free to contact us here at the clinic at info@baymassage.ca or 826-2803.

*Thanks for your interest,
Tatum O'Handlley
Amy Caines*

Assistance with Florida law and U.S. immigration

I am a practising member of both the Nova Scotia and Florida Bars. Should you or any of your clients have questions regarding Florida law, I would be pleased to assist. I am also familiar with U.S. immigration rules, should you or any of your clients have questions regarding U.S. immigration.

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Nova Scotia Reports available for free

Available for the taking: Nova Scotia Reports, 2d series, v.1-206 and Digests, v.1-110.
Please contact Lindy Stephens at lindy.stephens@mcinnescooper.com or 902-444-8606.

Court robes for sale – new price!

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 best fit women from 5'2" to 5'4". Price now \$300, reduced from \$350. Photos available. Email glennija@gov.ns.ca.

Vacant lot in Bedford suitable location for law offices

A vacant lot is available for sale that would be suitable for an office building for lawyers, dentists, doctors or other professionals. The lot is located on 1670 Bedford Highway, across from the Bedford South Mall and next to Shoppers and Sunnyside Mall. It is zoned Commercial Highway (CHWY). Not allowed: condo and/or multi-unit residential building (unless zoning change); allowed: office building, commercial retail, doctors, lawyers, dentists, physicians, hotel, motel, etc.

Lot size: 18,664 square feet
Asking price: \$330,000 (NEGOTIABLE)

For details, please contact:
Basim Sobeih, Real Estate Consultant, Commercial / Residential
Century 21 ABC Realty Ltd.

Mobile: 902.488.8117
Fax : 902.463.3245
basim.sobeih@century21.ca

Black leather couch

Elegant, high-end black leather couch would go well in any office/home - purchased 2009, Crate and Barrel NYC. Please contact Andrew Munro - amunro.law@gmail.com or cell: 789-6842

Pictures at: <https://picasaweb.google.com/andrewmunro/CrateAndBarrelBlackLeatherCouch#>

Halifax property suitable for law practice

5538 Macara Street
Halifax, NS
\$292,500

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 John DeWitt at jdewitt@eastlink.ca or (902)223-7653.

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 for further details.

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.

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.

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.

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.

:: NEW FROM LIBRARY & INFORMATION SERVICES ::

Case Commentators needed for *Nova Scotia Law News*

Are you interested in sharing your views on recent, significant decisions from the Nova Scotia courts? Would you like to see your work published in *Nova Scotia Law News* and Library & Information Services' online article database, Secondary Sources?

Library & Information Services is looking for experienced practitioners in the following fields to write case comments for the *Nova Scotia Law News*:

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- Landlord and Tenant (Commercial)
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- Practice and Procedure
- Real Property
- Wills and Estates

For more information, please contact Barbara Campbell, Director of Library & Information Services, by calling 425 2665 (BOOK), toll-free 1 866 219 1202, or by sending an e-mail to bcampbel@nsbs.org.

Tip: Deleting members' files from barristers' library computers

In barristers' libraries, while performing research, some members occasionally save a word processing or other document to the desktop of a public access computer for convenience. Please be aware that at the barristers' library in Halifax, staff delete such member-created files every Friday. Be sure to email the document to yourself, or save it onto a flash drive, to ensure that your work is not lost.

Library & Information Services staff encourage members to delete any convenience files saved to a public access computer before leaving all barristers' libraries. If you require your convenience files to remain accessible on a public access computer at the Barristers' Library in Halifax for a period of time, please advise the staff at Library & Information Services.

WiFi at the Barristers' Library in Halifax

Did you know that the Barristers' Library in Halifax provides wireless internet service? Bring your laptop to the library, tap into our WiFi network, and work from the comfort of your own desktop. Please speak to the staff at Library & Information Services for the wireless access password.

:: NEW DECISIONS ::

Library & Information Services - Keeping you informed

CIVIL RIGHTS - Unreasonable search and seizure - admissibility of evidence *R. v. Routledge*, No. 2085086; 2085087, Whalen, J.P.C., June 10, 2011. [2011 NSPC 49](#); M24

CRIMINAL LAW - Assault, assault with a weapon, resisting arrest - guilty *R. v. Jones*, No. 2292404; 2294273; 2294274; 2294275; 2294276; 2294277; 2294278; 2294279; 2294280; 2294281; 2294282, Derrick, J.P.C., August 8, 2011. [2011 NSPC 47](#); M24

CRIMINAL LAW - Criminal harassment - not guilty *R. v. Blohm*, No. 2057186, Whalen, J.P.C., June 30, 2011. [2011 NSPC 51](#); M24

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CRIMINAL LAW - Possession for the purpose of trafficking *R. v. Miller*, No. 2219978, Derrick, J.P.C., July 29, 2011. [2011 NSPC 44](#); M24

CRIMINAL LAW - Sentencing - appointment of amicus curiae *R. v. Jones*, No. 2292404; 2294274; 2294275; 2294276; 2294277; 2294279; 2294280; 2294281; 2294282, Derrick, J.P.C., August 8, 2011. [2011 NSPC 50](#); M24

CRIMINAL LAW - Sentencing - arson *R. v. Tucker*, No. 2274077; 2312737; 2312738, Atwood, J.P.C., August 8, 2011. [2011 NSPC 46](#); M24

CRIMINAL LAW - Sentencing - assault using, or threatening to use, a weapon *R. v. Dann*, C.R.H. No. 328414, Coughlan, J., July 13, 2011; May 18, 2011 (orally). [2011 NSSC 275](#); S633/23

CRIMINAL LAW - Sentencing - possession of cocaine, cannabis marijuana and ecstasy for the purpose of trafficking, possession of firearms *R. v. Lloyd*, No. 1851573; 1851575; 1851576; 2327884; 2327885; 2327886; 2331190; 2331191; 2331192; 2331193; 2331194; 2331195; 2331833, Atwood, J.P.C., July 27, 2011. [2011 NSPC 45](#); M24

CRIMINAL LAW - Uttering death threat - guilty *R. v. Moulton*, No. 2219032; 2219033; 2219034; 2219035, Williams, J.P.C., July 15, 2011. [2011 NSPC 48](#); M24

FAMILY LAW - Child in need of protective services - permanent care and custody order *Nova Scotia (Minister of Community Services) v. H. (A.) et al.*, No. 068399; 069644, Haley, J., June 23, 2011. [2011 NSSC 255](#); S633/25

FAMILY LAW - Common-law relationship - child support, division of property, unjust enrichment *Beaton v. MacNeil*, S.F.S.N.M.C.A. No. 65736, Wilson, J., July 28, 2011. [2011 NSSC 302](#); S633/19

FAMILY LAW - Custody, access and child support - variation *Pretty v. Pretty*, No. 1206-5188, Forgeron, J., July 18, 2011; July 8, 2011 (orally). [2011 NSSC 296](#); S633/26

FAMILY LAW - Custody - religious upbringing, summer access, custody and access assessment *MacLean v. Boylan*, S.F.H.M.C.A. No. 032826, Jollimore, J., May 4, 2011. [2011 NSSC 314](#); S633/31

FAMILY LAW - Custody - shared parenting *Gibney v. Conohan*, S.F.S.N.M.C.A. No. 067852, O'Neil, J., July 6, 2011. [2011 NSSC 268](#); S633/28

FAMILY LAW - Divorce - division of property and matrimonial debt *Bennett v. Bennett*, No. 1217-00587, Legere-Sers, J., July 15, 2011; October 22, 2010 (orally). [2010 NSSC 444](#); S633/30

FAMILY LAW - Matrimonial property - separation agreement *Campbell v. Campbell*, Pic. No. 1205-002980; S.P.D. No. 069741, Kennedy, C.J., July 14, 2011. [2011 NSSC 293](#); S633/24

NEGLIGENCE - Liability - securing boat in anticipation of hurricane *Wolverine Motor Works Shipyard LLC v. Canadian Naval Memorial Trust*, Hfx. No. 226509, McDougall, J., July 29, 2011. [2011 NSSC 308](#); S633/27

NEGLIGENCE - Standard of care - registered *McIntosh v. Isaac Walton Killam-Grace Health Centre for Children, Women and Families*, Hfx. No. 264101, Muise, J., July 12, 2011. [2011 NSSC 260](#); S633/22

PRACTICE - Costs - effect of offer to settle *Boutillier v. Pearcey et al.*, Syd. No. 203307, MacAdam, J., July 29, 2011. [2011 NSSC 307](#); S633/21

PRACTICE - Costs - security for costs *Ellph.com Solutions Inc. et al. v. Aliant Inc. et al.*, Hfx. No. 259106, Moir, J., August 8, 2011. [2011 NSSC 316](#); S633/29

PRACTICE - Discovery - privilege, relevancy, production of documents, redaction *Saturley et al. v. CIBC World Markets Inc. et al.*, Hfx. No. 305635; 322441, Moir, J., August 2, 2011; June 29, 2011(orally). [2011 NSSC 310](#); **S633/20**

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.

July 29, 2011

[R. v. Imperial Tobacco Canada Ltd.](#)

Neutral citation: [2011 SCC 42](#) (CanLII)

File Nos.: 33559, 33563.

2011: February 24; 2011: July 29.

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

Civil procedure — Third-party claims — Motion to strike — Tobacco manufacturers being sued by provincial government to recover health care costs of tobacco-related illnesses, and by consumers of “light” or “mild” cigarettes for damages and punitive damages — Tobacco companies issuing third-party notices to federal government claiming contribution and indemnity — Whether plain and obvious that third-party claims disclose no reasonable cause of action.

Torts — Negligent misrepresentation — Failure to warn — Negligent design — Duty of care — Proximity — Tobacco manufacturers being sued by provincial government and consumers and issuing third-party notices to federal government claiming contribution and indemnity — Federal government claiming representations constituted government policy immune from judicial review — Whether facts as pled establish prima facie duty of care — If so, whether conflicting policy considerations negate such duty.

Torts — Provincial statutory scheme establishing rights of action against tobacco manufacturers and suppliers — Whether federal government liable as a “manufacturer” under the Tobacco Damages and Health Care Costs Recovery Act, S.B.C. 2000, c. 30, or a “supplier” under the Business Practices and Consumer Protection Act, S.B.C. 2004, c. 2, and the Trade Practice Act, R.S.B.C. 1996, c. 457.

The appeal concerns two cases before the courts in British Columbia. In the Costs Recovery case, the Government of British Columbia is seeking to recover, pursuant to the *Tobacco Damages and Health Care Costs Recovery Act* (“CRA”), the cost of paying for the medical treatment of individuals suffering from tobacco-related illnesses from a group of tobacco companies, including Imperial. British Columbia alleges that by 1950, the tobacco companies knew or ought to have known that cigarettes were harmful to one’s health, and that they failed to properly warn the public about the risks associated with smoking their product. In the Knight case, a class action was brought against Imperial alone on behalf of class members who purchased “light” or “mild” cigarettes, seeking a refund of the cost of the cigarettes and punitive damages. The class alleges that the levels of tar and nicotine listed on Imperial’s packages for light and mild cigarettes did not reflect the actual deliveries of toxic emissions to smokers, and alleges that the smoke produced by light cigarettes was just as harmful as that produced by regular cigarettes.

In both cases, the tobacco companies issued third-party notices to the Government of Canada, alleging that if the tobacco companies are held liable to the plaintiffs, they are entitled to compensation from Canada for negligent misrepresentation, negligent design and failure to warn, as well as at equity. They also allege that Canada would itself be liable as a “manufacturer” under the CRA or a “supplier” under the *Business Practices and Consumer Protection Act* and the *Trade Practice Act*, and that they are entitled to contribution and indemnity from Canada pursuant to the *Negligence Act*.

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Canada brought motions to strike the third-party notices, arguing that it was plain and obvious that the third-party claims failed to disclose a reasonable cause of action. In both cases, the chambers judges struck all of the third-party notices. The British Columbia Court of Appeal allowed the tobacco companies' appeals in part. A majority held that the negligent misrepresentation claims arising from Canada's alleged duty of care to the tobacco companies in both the Costs Recovery case and the Knight case should proceed to trial. A majority in the Knight case further held that the negligent misrepresentation claim based on Canada's alleged duty of care to consumers should proceed, as should the negligent design claim. The court unanimously struck the remainder of the tobacco companies' claims.

Held: The appeals should be allowed and the claims should be struck out. The tobacco companies' cross-appeals should be dismissed.

July 28, 2011

[Kuwait Airways Corporation v. Republic of Iraq and Bombardier Aerospace](#)

Neutral citation: [2011 SCC 41](#) (CanLII)

File No.: 33145.

2011: July 28.

ORDER MOTION:

LEBEL J.:

[1] The respondent, mis-en-cause, Bombardier Aerospace has made a motion under r. 47 of the *Rules of the Supreme Court of Canada*, SOR/2002-156, to resolve an issue relating to the taxation of costs in the appeal. It also asks for an extension of time to serve and make this motion. The appellant, Kuwait Airways Corporation, which succeeded in this appeal (see *Kuwait Airways Corp. v. Iraq*, 2010 SCC 40, [2010] 2 S.C.R. 571), takes no position on this motion and defers to this Court's decision.

[2] In its judgment, this Court allowed the appeal of Kuwait Airways Corporation with costs throughout. The appellant's bill of costs was filed for taxation against the Republic of Iraq and Bombardier Aerospace, both of which were respondents in this Court. Prior to the Court's judgment, Bombardier Aerospace had made no representations with respect either to its status in this Court or to the conclusions that might be granted in a judgment of the Court, which would have been an appropriate precaution to take.

[3] Nevertheless, although Bombardier Aerospace was designated a respondent under this Court's rules of procedure, it did not participate in the proceedings before the Court. In these circumstances, to infer that the Court intended to also award costs against Bombardier Aerospace would be to unduly expand the scope of its conclusion. The Court awarded costs to the appellant without specifying that the award was against all the respondents. Its judgment necessarily concerned the Republic of Iraq alone, and not Bombardier Aerospace, which did not participate in the proceedings before it, and the Court had no reason to award costs against Bombardier Aerospace in the circumstances.

[4] Bombardier Aerospace could of course have exercised greater diligence regarding this issue of costs. However, discussions about it have been under way for several months in various forms and with various people at the Court. What is more, the appellant has not raised the lateness of this proceeding. It would accordingly be inappropriate to deny the extension of time sought by Bombardier Aerospace.

[5] For these reasons, the motion of the respondent, mis-en-cause, Bombardier Aerospace is granted in part in order to extend the time to serve and file the motion and to declare that the award of costs does not apply to the respondent, mis-en-cause, Bombardier Aerospace and that the bill of costs may not be taxed against it. Costs will not be awarded on this motion.

[R. v. Sinclair](#)

Neutral citation: [2011 SCC 40](#) (CanLII)

File No.: 33359.

2010: December 14; 2011: July 28.

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

ON APPEAL FROM THE COURT OF APPEAL FOR MANITOBA

Criminal law — Appeals — Powers of Court of Appeal — Unreasonable verdict — Misapprehension of evidence — Accused convicted of manslaughter — Court of Appeal setting aside conviction on basis of trial judge's misapprehension of evidence — Whether Court of Appeal applied proper test in setting aside conviction — Whether trial judge misapprehended evidence — Criminal Code, R.S.C. 1985, c. C-46, s. 686(1)(a)(i).

A driver observed three males kicking and stomping Adam Lecours on a roadway. They left him lying on the street bleeding. Another driver failed to see Mr. Lecours lying in the road in time to avoid hitting him. Mr. Lecours died from his injuries. The trial judge convicted accused and a co-accused of manslaughter. The Court of Appeal set aside the conviction on the basis that the trial judge had misapprehended evidence by accepting that there was evidence that the accused had planned to go out to commit a robbery together with his co-accused and a youth, and by inferring from this evidence that the accused was with his co-accused at the scene of the crime. In setting aside the conviction, the Court of Appeal partially based its decision on this Court's decision in *R. v. Beaudry*, 2007 SCC 5, [2007] 1 S.C.R. 190.

Held (McLachlin C.J and Binnie, Fish and Cromwell JJ. dissenting): The appeal should be allowed. The order for a new trial should be set aside and the conviction restored.

:: 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/>

:: PROCLAMATIONS UPDATE ::

Library & Information Services - Keeping you informed

No proclamations were published in the *Royal Gazette, Part II* since the last issue of *InForum*.

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.

:: LIANS TIPS ::

RISK AND PRACTICE MANAGEMENT TIP: When a staff member is the client

In past *InForum* tips, we reminded you of your duty to supervise the work conducted by staff, and reminded you to stay diligent when you represent friends and family. These reminders are equally important when your client is also a staff member.

Many lawyers provide their professional services to their staff for free. In that scenario, it is tempting to allow the staff person to work on their own file to reduce the lawyer's load. This is not a recommended practice. If an error is made, it can still lead to a claim against you. If your office is small, and work by the staff member unavoidable, remember to remain diligent about supervising the work done by the staff member, and documenting your instructions and advice to your "client". You are responsible for the work coming out of your office. Even if you have great staff, mistakes can happen, which may lead to claims against you – so it is important to remain diligent and to document your file appropriately.

*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 or call 423-1300 ext. 345.*

FRAUD ALERT: Popular email scam attempt

We have had several identical reports of a scam attempt email received by members, which features several "Red Flags" ([Read an updated list](#) on lians.ca). The wording follows below:

Ref: Legal Help

Dear Attorney

My name is Izaddin Aris from Malaysia. I provided a business associate of mine who is now base in Canada a loan three years ago. He needed this money to revive his business Then.

The loan was for 30 months Period and interest of 28%. The capital and interest were supposed to be paid on or before February 2011 but He has only paid part of the loan for now, so i would like you to assist me in collecting the money from him as he is now base in Canada .

Please let me know if this fall within the scope of your practice.

*Sincerely
Bin Aris*

Be vigilant with every request for services that you receive, not just those received via the Internet. Fraudulent requests for services can be made by mail and courier, as well as by individuals who arrive in person to retain you and to use your trust account to receive and disburse funds. Be cautious with all cheques received, especially if they exceed the agreed upon amount.

Remember that **you must always confirm** a prospective client's identification in accordance with the [Client ID Regulations](#) of the Nova Scotia Barristers' Society.

If you do decide to proceed with a transaction, be sure to go to the bank website to verify branch transit number, address and phone number on the cheque. Wait until the bank confirms that the funds are legitimate and are safe to withdraw from the deposit. Where possible, use the [Large Value Transfer System \(LVTS\)](#), an electronic funds transfer system that allows large payments to be exchanged securely and immediately.

Visit our [Fraud section](#) to read more on reported scams and how to avoid them.

For tips to avoid being victimized and to report or seek advice on dealing with fraud and scam attempts, contact Cynthia Nield at cnield@lions.ca or 902 423 1300, x346.

NSLAP WELLNESS TIP: How to avoid overreacting

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

When you feel overwhelmed, build a bigger picture. Have you ever experienced a feeling of powerlessness that precipitated a sense of panic or a crisis? This sometimes happens when people feel frantic and don't establish a little distance from the problem. They may see only one part of the situation but feel as if they see it all.

Gain perspective

Here is some information about the process of building the bigger picture, which means increasing your distance from a situation – setting it in a context. That implies seeing things you didn't see before about a problem, or seeing the same things from a new angle.

Gaining perspective will allow you easier access to your personal resources when you find yourself in difficult circumstances. Imagine a village nested in a valley. If you walk through the village you will see all the people, the stores, the doors of the houses – you will hear engines and hammering and smell cooking fat – and you will feel the rhythm of the village. If you climb to the top of a nearby mountain, you will get a totally different view of that same village. There, surrounded by quiet and fresh air, you will see a pattern of houses and streets and yards set in the valley below you.

Building a bigger picture is about establishing some distance from a situation, stepping back from the press of its detail.

Remember a time when there was tumult around you, but you didn't get caught in it. The good news is that most people have at least one experience in which they did keep some distance from a challenging situation. Unfortunately, people tend to forget how they managed this.

Make a mental movie in which you're the star

Give yourself time to recall an experience when you kept your sense of perspective. The idea of finding an example from your own life is central because it represents a situation in which you reacted with your own resources.

Most people experience situations in which they overreact instead of calmly using their personal resources. See, hear, and feel yourself in the situation.

Write down your responses to the following exercise. This will make the exercise easier and more effective. You will have the information sorted out on paper instead of mixed up in your head. And, you won't have to do the job again when you want to recall it – to play your movie.

Remember, with as much detail as you can, the following elements:

1. What was the situation? For example: Last year Peter kept asking me to do things that were not part of my job and that I did not have time to do.
2. What did you do? For example: I took a deep breath and told him that I was sorry but I didn't think it was part of my job and that I was already very busy with my own tasks.
3. How did you feel? For example: I felt quite relaxed and I was glad about the way I said what I said. Afterwards, he stopped always asking me to do extra work. Identify your personal strategy. Identify what you did to give yourself some distance.

For example, in the above situation: I realize that, before reacting, I took a deep breath. That allowed me to delay a response while I summoned my own perspective and some courage.

Practise this strategy

Prepare for difficult situations by training yourself in your strategy, then use it whenever you face a challenge. Frequent practice will help you remember your strategy in situations that are critical.

Remind yourself to rehearse. For example: I will practise taking a few deep breaths as often as I can.

Persist

Doing this exercise is a way to prevent uncomfortable situations and to increase your sense of well-being.

Don't expect yourself to never feel frantic again. But, the more you practise your strategy, the more likely you are to decrease the frequency of your overreactions. If you're getting frantic, climb a mountain in your imagination.

If, after real effort you feel like you need a hand, you should seek professional help.

*For more resources and counselling to avoid overreacting, visit the NSLAP website at 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.*
