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:: NOTICES ::

SOCIETY NEWS

Disposal of Undistributed Trust Funds: Submissions due October 25, 2011

The next Application for Disposal of Undistributed Trust Funds has been set for **November 1, 2011**. Submissions should be received at the Society's office **no later than October 25, 2011**.

Members who wish to make an application for disposal of undistributed trust funds should refer to the procedures at www.nsbs.org under [Trust Accounts](#), or contact Elaine Cumming, Professional Responsibility Counsel, Tel: (902) 422 1491, ecumming@nsbs.org.

Notice from the Supreme Court Liaison Committee (Family)

Lawyers are reminded that an application for child support for a child attending a post-secondary program must include evidence of the child's budget and resources.

Law society rules to fight money laundering are effective, says B.C. Supreme Court

The regulation of the legal profession by Canada's law societies provides an effective and constitutional anti-money laundering and terrorist financing regime, the British Columbia Supreme Court has ruled.

In a judgment handed down September 27, 2011, the Court also said the application of the federal *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* and the related regulations to the legal profession violate section 7 of the *Canadian Charter of Rights and Freedoms*, and is therefore unconstitutional.

The case was brought to Court by the Federation of Law Societies of Canada with support from the Law Society of British Columbia, the Barreau du Québec, the Chambre des notaires du Québec, and the Canadian Bar Association as intervening parties.

The Federation argued the federal legislation is unnecessary because Canada's law societies have already implemented rules requiring legal professionals to identify their clients, and not to accept large amounts of cash from clients except in certain circumstances. The Court accepted these arguments, and held that all legal professionals are exempt from the legislation.

"We are pleased that the court has recognized the important and proactive role the law societies are playing in the fight against money laundering," said Ronald J. MacDonald QC, President of the Federation.

"Canada's law societies share many of the same objectives as the federal government in fighting money laundering, and in keeping with their public interest mandate they have implemented rules and rigorous enforcement measures to deal with any allegations of unethical conduct or money laundering that may involve members of the legal profession."

For more details, see the [news release](#) and [case summary](#) issued by the Federation on September 28, and read the complete [BCSC decision](#).

Globe and Mail article, September 30, 2011, by Jeff Gray, Law Reporter:
[Money-laundering rules don't apply to lawyers: B.C. court](#)

Notice to prospective Movember participants: Help put a new face on justice in Nova Scotia!

HEY BRO, *surgo mystax* ... Help advance prostate cancer research. Highlight the importance of regular checkups. And put a new face on justice in Nova Scotia.

This November, lawyers and judges across the province will be sporting a hirsute upper lip for a good cause and renaming the month "Movember".

- **[Movember: Putting a new face on Justice](#)** – See the poster online for registration details; print it out and post in your workplace!

In the spirit of the annual Glube Cup Charity Hockey Tournament for Feed Nova Scotia, groups of lawyers, Crowns and judges are picking sides again, this time, for a friendly follicle face-off. They will be growing moustaches in support of another worthy cause; prostate cancer research.

If you're not into the perils and perspiration of the springtime hockey tournament, this challenge is for you; truly a gentleman's sport – no protective padding required. You don't even have to get off the couch! Just coax those hair follicles above your upper lip to do what they do naturally (sorry, Rogaine not allowed).

Imagine yourself as the Salvador Dali of the courtroom, accentuating those crucial arguments or instructions with Dali-esque artistic panache. Or perhaps you would rather deliver that closing submission in the stoic, reliable Tom Selleck style.

Under the leadership and with the encouragement of the Nova Scotia Barristers' Society and the Canadian Bar Association - Nova Scotia Branch, private law firms, the Public Prosecution Service, the Department of Justice Legal Services, members of the Judiciary and many others are forming teams at this very moment.

So, bro, *surgo mystax* ... gett some sponsors, grow a moustache, and go for a check-up in Movember.

AND ... HEY SISTA ... you can help, too! Women play a vital role in men's health and so they should join in. "Mo Sistas" can influence men to participate and grow a Mo. Relative to men, they tend to be extremely health conscious and more open to talking about their health issues. Mo Sistas can act as mentors and leaders, sponsors and canvassers. They can encourage men to take part in Movember, to be aware of their own health, live a healthy lifestyle and get checked regularly.

For more information, contact **Dan MacRury QC** at (902) 563 3530, at macrurda@gov.ns.ca or visit www.movember.com.

Here is a summary of the Nova Scotia legal profession's campaign.

TO REGISTER (as part of a team or as an individual): **Go to www.movember.com**

You can decide whether to enter as an individual, as a member of an existing team, or start a new team. Members of the Judiciary across the province plan to set up their own team. Individual law firms and groups of lawyers such as Department of Justice, Legal Aid, Public Prosecution Service, etc. may want to have their own teams. Some lawyers may choose to set up a team based on their geographical location.

If you form a team, you are asked to please contact local organizer, Dan MacRury QC at (902) 563-3530 or macrurda@gov.ns.ca so he can keep track of and communicate with the teams.

TO DONATE AND CANVAS FOR DONATIONS (to an individual or a team):

The interested donor (sponsor) or "player" can decide to make a contribution to either the individual, or the team on which that individual "plays". When an individual makes a donation by credit card, the tax receipt is issued almost immediately.

If the participant prefers to canvas door-to-door, or contact people who do not have computers, then he or she can simply press print at the **Movember.com** website portal and make copies of posters, donation forms, etc. Then the donor would give the campaigner cash, which would be logged on the sheet (as with any other campaign) and eventually the donor would receive a tax receipt from Prostate Cancer Canada.

All teams are encouraged to register as quickly as possible so the organizers at PCC can establish the networks which will join all of those “competitors” in a kind of provincial competition.

POSTERS & OTHER PROMOTIONAL MATERIALS:

The Movember website offers posters and other materials that can simply be printed off and displayed wherever the teams wish. The Nova Scotia Movember organizers have produced their own poster as well; “[Putting a New Face on Justice](#)”. It is available for printing on the Society’s website via the link.

CLOSING GALA FOR PARTICIPANTS:

This Gala, which is typically a stand-up affair, is set for **Friday, November 25** at Pier 21. Last year they were so successful that they had to move it to Pier 21 from the Waterfront Warehouse. Anybody who raises \$100 gets a free ticket; \$200, two free tickets and so on. It starts at 8:00 pm. A program begins at about 9:45 pm. with official thank yous, awards, costumes, etc. It’s quite a night.

2011 Statistical Snapshot of NSBS membership now online

Results from the 2011 Annual Member Reports have been tabulated, and the new [Statistical Snapshot](#) is now online. For easy reference anytime, it’s located under “About the Society” on the homepage at www.nsbs.org.

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>.

Current Issues in Legal Ethics

Please note, the fourth column in the new Current Issues in Legal Ethics series will appear in the next edition of *InForum*, to be published on Monday, October 24. The articles, from Elaine Cumming, Professional Responsibility Counsel, focus on lawyers’ ethical duties under the current *Legal Ethics Handbook* and the new *Code of Professional Conduct*, which is expected to come into force in January 2012.

FROM THE COURTS

Swearing-in ceremony for the Honourable Justice Michael J. Wood – October 17, 2011

The Honourable Justice Michael J. Wood will be sworn-in at a ceremony on Monday, October 17 at 12:30 pm. The ceremony will be held at the Law Courts building on Upper Water Street in Halifax.

The public is welcome to attend, and the ceremony will also be broadcast live on the Courts of Nova Scotia website: <http://www.courts.ns.ca/>

Justice Wood was appointed to the Nova Scotia Supreme Court on September 29 by the federal Minister of Justice and Attorney General of Canada, the Honourable Rob Nicholson, P.C., QC. The appointment took effect immediately. (See the Department of Justice Canada [announcement](#).)

Justice Wood comes to the Bench with almost 30 years of experience as a lawyer in private practice with the Halifax law firm Burchells LLP. His areas of focus were primarily litigation and administrative law. His experience as a litigator is

extensive. It encompasses fields such as construction, professional liability, complex commercial disputes, product liability, environmental contamination, and institutional abuse. In administrative law, he dealt with matters such as professional discipline, human rights, and municipal planning and development.

Justice Wood has acted as counsel to the Nova Scotia Human Rights Commission and was discipline counsel to the Nova Scotia Barristers' Society, the Nova Scotia Real Estate Commission and the Provincial Dental Board of Nova Scotia. He has appeared before all levels of Court both in Nova Scotia and New Brunswick. He has also appeared before the Federal Court and the Supreme Court of Canada.

As an active member of the Nova Scotia Barristers' Society, he served on Council as well as on committees concerned with Ethics and Professional Responsibility, Administration of Justice, and Professional Responsibility Practices and Procedures. He was also a member of the National Advisory Committee and chair of the Atlantic Regional Committee for the Supreme Court Advocacy Institute. He was called to the Bar in 1982 and was appointed Queen's Counsel in 1999.

Justice Wood will be sitting in Halifax, replacing the Honourable Justice C. Richard Coughlan, who will become the resident Supreme Court Judge in Bridgewater. Justice Coughlan is moving to replace the Honourable Justice Margaret J. Stewart, who elected to become a supernumerary Judge in June of this year. For more details on Justice Wood's appointment, visit <http://www.courts.ns.ca/>.

Notice: New fax number for Pictou Family Court

As of October 15, 2011, Pictou Family Court's fax number will be **1 902 485 8934**.

All other fax numbers will NOT be monitored for incoming documents and correspondence. The fax number 902-485-7060 will be disconnected.

Thank you,
Sheila O'Hara
Supervisor, Court Administration & Judicial Support
Pictou Justice Centre
69 Water Street, Pictou, NS
485-7176

[Hints & Tips from the Prothonotary](#) (September 22, 2011)

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: Minister names first Director of Independent Investigation Unit

A former Crown prosecutor will lead the province's new independent investigation unit, Justice Minister Ross Landry [announced on September 27](#). **Ronald J. MacDonald QC** has been appointed as the first director of the Serious Incident Response Team, which will investigate incidents involving police.

- **Serious Incident Response Team (SIRT) website:** www.gov.ns.ca/just/sirt.asp
- **Biography:** [Ronald J. MacDonald QC](#)

"Ron MacDonald's extensive background, along with his personal integrity, will make him an excellent first director of the Serious Incident Response Team," said Mr. Landry. "The director is a key piece as we create an independent unit that will give Nova Scotians utmost confidence in the investigation of serious incidents involving police."

A graduate of St. Francis Xavier University and Dalhousie law school, Mr. MacDonald has been a Crown prosecutor, a defence lawyer and a leader in the legal community. He joined the Bar in 1985, became a Crown prosecutor in 1991, and was named a Queen's Counsel in 2002. He is the current President of the Canadian Federation of Law Societies, and a Past President of the Nova Scotia Barristers' Society. Most recently, he was seconded to the Department of Justice as its criminal law policy advisor. His five-year term began September 27.

"This is a new phase in policing in Nova Scotia, and I am very pleased to be a part of it," Mr. MacDonald said. "SIRT will earn the trust of Nova Scotians with its thorough, transparent and independent investigations of police."

The team will investigate matters such as death, serious injury, sexual assault or other public-interest concerns involving police. It can independently launch an investigation or begin an investigation after a referral from a chief of police, the head of the RCMP in Nova Scotia or the Minister of Justice.

The team will have a director, two civilian provincial investigators, seconded police officers as required and administrative support. Decision-making authority will reside with the civilian director. It is expected to be operational early next year.

See the CBC.ca article from September 27:

[Director of police misconduct investigations named for N.S.](#)

JUSTICE: Proposed scrap metal legislation targets thieves – consultation closes Oct. 21

The province is proposing legislation that will make it harder for thieves to sell stolen metals, which will better protect the health, safety and property of Nova Scotians.

"The thieves who are stealing oil pipes, telephone cables and power lines are threatening the safety of Nova Scotians, harming our environment and hurting the economy of our province," said Justice Minister Ross Landry, in an [October 6 announcement](#). "Nova Scotians want these vandals and thieves stopped, and we intend to make it harder for them to profit from their crimes."

Before the legislation is introduced, Mr. Landry is asking for input from Nova Scotians, including the scrap metal industry. The legislation would require scrap metal dealers and recyclers to keep a record of their transactions, including the identity of the seller. They must also notify police when they receive certain items, such as industrial copper wire. The penalties for not complying with the legislation would be a fine of up to \$5,000 or one year in jail.

"Copper theft is a real problem in Nova Scotia," said Paul Casey, director of reliability and control centre operations for Nova Scotia Power. "These thefts cause unnecessary power outages, they cost our customers hundreds of thousands of dollars in unnecessary expenses, and they create hazardous worksites for our crews who have to repair the damage."

The consultation period will close Friday, Oct. 21. More information on how Nova Scotians can be involved can be found at www.gov.ns.ca/just/consultation.

JUSTICE: Construction begins at new jail site in Pictou County

On September 30, Justice Minister Ross Landry marked the beginning of construction of the Northeast Nova Scotia Correctional facility in Pictou County. Crews began clearing trees and preparing the land for construction earlier that week.

"I am very pleased that work has begun on our new correctional facility," said Mr. Landry said in this [announcement](#). "We're investing over \$30-million in this project and it's going to create 70 new correctional jobs, in addition to the employment created during construction."

"This is a significant investment in the justice system that will help stimulate the local and provincial economy. I am very much looking forward to opening the doors to this new, modern and safe facility by early 2014."

The land-clearing contract was open to Mi'kmaq companies only. Pine Breeze Logging Services is expected to complete the work in three to four weeks. Mr. Landry said the department will continue to look at other areas of Mi'kmaq involvement, including employment opportunities and cultural programming.

The next step is to tender a contract for the installation of sewer, storm and water lines as well as driveways, parking lots and the building area. This tender will be issued by the middle of October. The next phase is the construction of the correctional facility. This tender is expected to be ready by the end of November, once the architectural drawings are complete. It will run for four weeks. Seven general contracting companies were pre-qualified to bid on this tender.

For more information, visit www.gov.ns.ca/just/Corrections/NENS.asp

JUSTICE: Nova Scotia Police Long Service Awards presented

Justice Minister and Attorney General Ross Landry recognized long-serving police officers from across Nova Scotia on Sept. 28, for contributions to law enforcement. Mr. Landry presented Nova Scotia Provincial Police Long Service Awards at a ceremony in Halifax to 43 recipients and recognized another person for many years of work in crime prevention.

"This is a tremendous accomplishment and I extend my sincere thanks to all of the recipients for the loyal and distinguished service they have provided to this province," said Mr. Landry. "We are very fortunate to have such dedicated people protecting the streets and communities of Nova Scotia."

The provincial award program recognizes police officers who have served in the province for 15 and 25 consecutive years. This is the fourth year for the program. A list of the recipients is available at www.gov.ns.ca/just/Policing_Services/long_service_award.asp.

IMMIGRATION: Class action suit certified

NOTE: The following is released 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.

On Sept. 26, the province of Nova Scotia and the law firm of Branch MacMaster LLP announced that they reached an agreement to settle the class action brought to address issues surrounding the former Economic Stream of the Nova Scotia Nominee Program.

The agreement has been approved by the court, and class action members are now able to make a claim. Eligible class action members will each be entitled to \$75,000, less the 15 per cent for legal fees that the court approved as fair and reasonable. Class action members who were paid under a business mentorship will get \$75,000 less any payments the class action member received as part of their mentorship agreement. The 15 per cent legal fees will be taken from the net amount.

To get a claim form, eligible class action members should visit <http://immigration.gov.ns.ca/settlement-agreement> . Alternatively, they may contact **Greg McMullen**, lawyer for the class, at **604 654 2999**.

LABOUR/ADVANCED EDUCATION: Province seeks feedback on Proposed Adult Learning Act Regulations by Oct. 31

Nova Scotians are invited to respond to proposed regulations for the *Adult Learning Act*. The deadline for feedback is Monday, Oct. 31.

The regulations will provide a guide to help administer the act, which was passed in the legislature in December 2010. Consultations are being held throughout the province with adult learning partners.

"The consultation process is so important to the final result because we can learn from a variety of perspectives," said Marilyn More, Minister of Labour and Advanced Education. "All feedback received will be considered. What we'll end up with is a set of regulations made richer because of all the voices involved."

The regulations are to provide consistency for operations among organizations that teach adult education, including how they qualify to get public funding, what records they must keep, and how they report what they do. They also state adult learner responsibilities and what must be included in the Nova Scotia School for Adult Learning annual report to the minister of Labour and Advanced Education.

The proposed regulations in both French and English, and with details on how to submit comments can be found on the Department of Labour and Advanced Education's website at www.gov.ns.ca/lae/.

The Nova Scotia School for Adult Learning is an initiative of the Department of Labour and Advanced Education that supports Nova Scotians as they build on their skills, knowledge and credentials to succeed at home, in the community, and in the workforce.

N.S. GAMING CORP.: Gaming Corporation releases 2010-11 Community Report

Nova Scotians can see how the Nova Scotia Gaming Corporation is meeting its social responsibilities in its 2010-11 Community Report, released October 3. To see the report, visit:

http://nsgc.ca/social_responsibility/social_responsibility_report_card .

AFRICAN NOVA SCOTIAN AFFAIRS: Unsung heroes sought for African Heritage Month

The African Heritage Month Information Network is looking for six unsung heroes to grace the 2012 African Heritage Month poster.

As a follow-up to the 2010 theme, Leading Ladies, Lasting Legacies, the network wants to recognize six men from across the province who have made a lasting impact in their communities.

"In every African Nova Scotian community in this province, there are men who have spent years working selflessly for the good of others, often without accolades or recognition," said Percy Paris, Minister of African Nova Scotian Affairs. "We want to honour them in 2012 as we celebrate our heritage."

Nova Scotians can nominate their unsung hero by downloading a nomination form at

<http://www.gov.ns.ca/ansa/AHM2012.asp>

Nominations close on Nov. 1. Community organizations can also submit their events now for the 2012 African Heritage Month brochure. Forms are available at the same web address, and must be returned by Dec. 9.

The African Heritage Month Information Network is a partnership between the Office of African Nova Scotian Affairs, African Nova Scotian Music Association, African Nova Scotian North-Central Network, African Heritage Month Southwest Network, Black History Month Association, Cumberland African Nova Scotian Association and Valley African Nova Scotian Development Association.

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 **Colchester, Halifax, Kings, Pictou** and **Richmond County Land Registration Offices**.

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

Memo to NSBS: Department of Justice seeks input from members on family law changes

The Department of Justice is inviting the Nova Scotia Barristers' Society and the Society's membership to provide input on proposed changes to provincial family law statutes.

Members of the Society are encouraged to read two discussion papers about the proposed changes to legislation and share their thoughts, questions and concerns **by October 24**.

The proposed changes would update and clarify the law, and bring Nova Scotia more into line with the other provinces and territories.

Specifically, proposed changes to the *Maintenance and Custody Act* would:

- add best interests of the child factors for courts to consider when making custody and access determinations, including whether there has been any family violence;
- add factors for the court to consider when assessing the impact of family violence;
- add the principle that a child should have as much contact with each parent as is consistent with the child's best interests, subject to the court's consideration of family violence; and
- make it clearer that grandparents may apply for custody of or access to a grandchild with the prior permission of the court.

The Department of Justice is also proposing to improve and modernize the law relating to the recognition and enforcement of out-of-province custody and access orders, by adopting provisions of the uniform *Custody Jurisdiction and Enforcement Act* to replace the *Reciprocal Enforcement of Custody Orders Act*.

The consultations with the Society's members, other stakeholders and the public will help government ensure these legislative changes reflect the opinions and wishes of Nova Scotians.

There are two ways the Society's members can share comments:

- Read the discussion papers at www.gov.ns.ca/just/consultation and then send us your feedback electronically or in writing (see site for information)
- Request a copy of the discussion papers by calling **424-6094**.

The deadline to respond is October 24, 2011.

NOVA SCOTIA SECURITIES COMMISSION: CSA publish for comment proposed National Instrument 51-103 Ongoing Governance and Disclosure Requirements for Venture Issuers

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.

OTHER NOTICES

Walter O. Newton QC retirement

muttarts law firm congratulates **Walter O. Newton QC** on his retirement from the practice of law, and is proud to continue to assist the clients of **Newton Law. muttarts law firm** serves individuals, businesses and local governments throughout the Annapolis Valley. www.muttartslaw.ca

New name for Kentville law firm

Muttart Tufts Dewolfe & Coyle is now muttarts law firm. Located in Kentville, muttarts law firm has seven lawyers serving individuals, businesses and local governments throughout the Annapolis Valley. www.muttartslaw.ca

Notice from LEAF Halifax: Looking for interest in Informed Opinions workshop

Dear NSBS members,

Shari Graydon is a media guru and writer who leads Informed Opinions, <http://www.informedopinions.org/>. She is interested in coming to Halifax to lead a workshop to support local feminists working in and around social justice and related legal and health issues in increasing their influence on the matters that most concern them.

LEAF Halifax would like to help make such a workshop happen, but unfortunately we do not have funding, so our role will be largely coordination. If you are interested in participating and could personally finance your spot (\$300), or if your firm/organization would support this as a continuing education activity, please let me know by October 20. We are looking for 20 participants.

Martha Paynter
Chair, LEAF Halifax
Halifax@leaf.ca

Community Foundation launches Nova Scotia's 2011 Vital Signs

On October 4, the Community Foundation of Nova Scotia launched Nova Scotia's 2011 Vital Signs – a snapshot of quality-of-life trends in our province.

www.novascotiasvitalsigns.ca/

This was the first of 22 reports to be rolled out by community foundations nationally, from Halifax to Victoria. Learn about Nova Scotia's successes as well as the challenges that lie ahead.

The Community Foundation of Nova Scotia is a public foundation created by and for the people of Nova Scotia. We work with private donors, communities and charitable organizations to stimulate charitable giving, establish permanent endowment funds, and support initiatives that make an ongoing difference in communities across Nova Scotia.

Vital Signs is a national program, pioneered by the Toronto Community Foundation in 2001, that highlights community needs and opportunities and inspires civic engagement and public debate on the issues most important to our communities.

Nova Scotia's Vital Signs is the first Vital Signs in Canada to be completed on a provincial level. Report sponsors include The Nicholson Foundation, The JSF Fund @ The Community Foundation of Nova Scotia, Bell Aliant and KPMG.

The present provincial-level project was motivated by two earlier Vital Signs® studies led by Community Funds in Wolfville and Lunenburg County. These two communities discovered many surprising and important things about themselves. More importantly, both are now using what they learned to work collaboratively with others at the local level to effect positive social change. Over time, this can be repeated throughout the province.

Wolfville Community Fund's Vital Signs: http://www.cfns.ca/pages/wolfville/wolfville_vitalsigns.html

Lunenburg County Community Fund Vital Signs: <http://www.lunenburgcountycommunityfund.ca/>

For more information on Nova Scotia 2011 Vital Signs or the Community Foundation of Nova Scotia, please contact:

Allison Kouzovnikov | Executive Director

Community Foundation of Nova Scotia

1888 Brunswick Street, Suite 806

Halifax, NS B3J 3J8

Tel. 1-877-999-5907 or 902-490-5907

Fax 902 490-5917

www.cfns.ca

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 attend 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.

AWARDS & APPOINTMENTS

David G. Coles QC named "Halifax Best Lawyers Defamation and Media Law Lawyer of the Year" for 2012

(October 5, 2011 - Halifax, Nova Scotia): *Best Lawyers*, the oldest and most respected peer-review publication in the legal profession, has named David G. Coles QC the "Halifax *Best Lawyers* Defamation and Media Law Lawyer of the Year" for 2012.

After more than a quarter of a century in publication, *Best Lawyers* is designating "Lawyers of the Year" in high-profile legal specialties in large legal communities. Only a single lawyer in each specialty in each community is being honoured as the "Lawyer of the Year."

Best Lawyers compiles its lists of outstanding attorneys by conducting exhaustive peer-review surveys in which thousands of leading lawyers confidentially evaluate their professional peers. The current, 18th edition of *The Best Lawyers in America* (2012) is based on more than 3.9 million detailed evaluations of lawyers by other lawyers.

The lawyers being honored as "Lawyers of the Year" have received particularly high ratings in our surveys by earning a high level of respect among their peers for their abilities, professionalism, and integrity.

Steven Naifeh, President of *Best Lawyers*, says, "We continue to believe – as we have believed for more than 25 years – that recognition by one's peers is the most meaningful form of praise in the legal profession."

Human Rights Commission: Human Rights Awards 2011, deadline Oct. 14

Nominations of people and organizations that make life better by promoting human rights in the province are being sought for the 2011 Human Rights Award. The awards are presented by the Human Rights Commission and Partners for Human Rights.

"Improving and protecting human rights is a commitment that takes a lot of time and hard work," said the acting Minister responsible for the Human Rights Commission, Graham Steele. "The awards are a way of acknowledging people and organizations who are devoted to improving life for all of us and encourage others to get involved."

The awards will be presented at the International Human Rights Day celebration, Friday, Dec. 9. The theme this year is Celebrating 25 Years of Partners for Human Rights: Raising Awareness Through Education in Our Communities.

"This is a special year because we are celebrating 25 years of Partners for Human Rights and the group's success in raising awareness through education," said Karen Fitzner, acting director and CEO of the Human Rights Commission. "At the same time, we look forward to honouring those who share this goal."

Award winners in 2010 were 14-year-old Kendra Slawter of East Preston and Anne Simmons of North Preston. The deadline for nominations is Friday, Oct. 14. For more information and nomination forms go to <http://humanrights.gov.ns.ca/node/74>

VOLUNTEER & PRO BONO OPPORTUNITIES

Nova Scotia Health Organizations Protective Association (NS HOPA)

The Nova Scotia Health Organizations Protective Association (NS HOPA) is seeking volunteers for the Board of Directors. NS HOPA is a non-profit provincial insurance reciprocal providing liability insurance to member organizations. Board meetings are quarterly and approximately six (6) hours in length. Board members also sit on a minimum of one (1) committee. Board terms are three (3) years, renewable for one term.

For more information please contact:

NS HOPA Nominating Committee

Attention: Deborah Rozee

Bedford Professional Centre

2 Dartmouth Road, Bedford NS B4A 2K7

Phone: 902. 832. 8520 | Email: deborah.rozee@nshopa.ca

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

For information, visit the [Mentorship Program](http://lians.ca/rpm/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.

MISSING WILLS

Missing will for Robert Clifford Joseph Murdock

Lawyers with any information on a will for the late Robert Clifford Joseph Murdock are asked to please contact his wife, Mrs Cathy Kennedy Murdock at 613 634 9107 or 613 351 8229.

Mrs. Murdock currently lives in Ontario but is certain her husband's will is with a law firm somewhere in Nova Scotia. Mr. Murdock resided in the province from August 1982 to 1987. His date of birth date is January 25, 1949.

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. Lough 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.rn@hotmail.com.

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:

- 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](#)

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 27, 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.

STATUS OF WOMEN: Campaign school helps women enter politics

Oct. 14 - 16, 2011

Mount Saint Vincent University

The Nova Scotia Advisory Council on the Status of Women is holding its sixth Campaign School for Women from Oct. 14 to 16. It will offer a series of workshops to help women interested in running for political office get a realistic look at what it takes to participate in a campaign.

More than half of Nova Scotia's population is female, yet women make up only 24 per cent of town and city councillors, 23 per cent of MLAs, and nine per cent of MPs.

The non-partisan Campaign School for Women will be held at Mount Saint Vincent University and is open to any Nova Scotia women interested in running for political office. Registration runs until Oct. 4. For more details and to register go to www.women.gov.ns.ca.

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

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

Upcoming events from CBA-NS

- Limited time Online CLE Promotion: **5 Online CLE for \$276 only** until October 15, 2011 – [More info](#)
- **Online CLE:**
 - *Intellectual Property in Commercial Transactions* with Rob Cowan on Friday, October 21 – [Register online](#)
 - *Assessment of Legal Capacity: The Challenges for Law and for Lawyering* with Jeanne Desveaux & Prof. Sheila Wildeman on Friday, November 18 – [Register online](#)
- **Wills & Estates Conference** – *All You Ever Wanted to Know About Death & Taxes But Were Too Afraid to Ask*, Friday, Oct. 28, 2011 at the Casino Nova Scotia – [Register online](#)
- **Constance Glube Spirit Award Dinner** – Oct.28, 2011 at the Casino Nova Scotia. [Register online](#)
- **Family Law for Legal Assistants Conference**, Friday, December 9 at the Halifax Marriott Harbourfront– [Register online](#)

Access to Justice for Women: Why not?

October 25, 2011, 4:30-6:30pm
Schulich School of Law, Room 104
6061 University Ave, Halifax

An engaged workshop sponsored by the Canadian Bar Association (Nova Scotia), Nova Scotia Legal Aid, Women's Legal Educations and Action Fund (Halifax) and the Schulich School of Law.

Who should attend?

Anyone with an interest in current, emerging and future challenges and solutions to the issues of access to justice for women including family law lawyers, legal aid lawyers, government policy makers, law students, community groups and volunteers who work with access to justice issues.

RSVP by October 18

Email: lawdean@dal.ca | 902-494-2114

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.

Wednesday, October 26 from 9-10:30am

Saint Mary's Boat Club

Tickets: \$30 for waged / \$15 unwaged

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

Federal Court of Appeal and the Federal Court Education Seminar: The Jurisdiction of the Federal Courts

Presented by the National Judicial Institute / Institut National De La Magistrature

October 27 – 28, 2011

Ottawa, Ontario

Keynote Address: The Right Honourable Beverley McLachlin, P.C., Chief Justice of Canada

[Download agenda and registration](#)

5th Annual Curl for Cancer – Halifax

Friday, October 28, 2011

Mayflower Curling Club

3000 Monaghan Drive, Halifax

Curl For Cancer – Halifax is an afternoon of friendly competition, instruction, games, prizes, snacks and friendship. You're invited to join as a corporate team, gather your friends together or enlist clients to help you challenge some of last year's winners. No curling experience necessary - only your good humour and enthusiasm are required!

[Registration form \(PDF\)](#)

Deadline to register is October 14, 2011 (*first come, first served*)

Questions? Email curlforcancer@ns.cancer.ca

The Lunenburg County Barristers' Association invites you to its Fall Conference Conference: Challenges and Opportunities of Rural Practice in Nova Scotia

November 3 and 4, 2011

The Best Western, Bridgewater, Nova Scotia

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

In working groups and discussions facilitated by Matt Homann of LexThink, the conference will explore these main topics:

- Operational Models for Rural Practice in the 21st Century
- Serving our Communities – Access to Justice for All
- The Good Life – Attracting and Retaining Young Talent in our Communities

For the complete Conference Program and other details, visit the [Challenges & Opportunities website](#). Registration is available on the website through PayPal, or by contacting Elizabeth Dumke at 902 530 3404 or edumke@dumkemaclLeod.ca.

Please register soon, as hotel spots are limited. Accommodation information is available on the website; the conference venue, the Best Western in Bridgewater, will provide preferred rates.

The Second Annual Innis Christie Lecture in Labour and Employment Law Why the Right-Freedom Distinction Matters to Labour Lawyers Professor Brian Langille

Friday, November 4, 2011 at 4 pm
Room 105, Weldon Law Building,
6061 University Avenue, Halifax, N.S.

Reception to Follow:
RSVP - lawdean@dal.ca - (902) 494-2114

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.

LIANS Solo and Small Firm Conference

November 21, 2011 – 9:00 am to 4:15 pm | Westin Nova Scotian, Halifax

Please be advised that the LIANS Risk and Practice Management Conference for Solo and Small Firms is scheduled to take place on November 21, 2011, at the Westin Nova Scotian in Halifax. The conference will offer sessions on Fact Patterns of Risk Management, Succession Planning, Red Flags of Fraud, the Incoming *Code of Professional Conduct*, as well as a vendor expo.

Confirmed speakers for the conference include **Jocelyn Frazer**, Equity Ombudsperson and Acting Practice Advisor at the Law Society of Alberta; **Barney Christianson QC**, Practice Management Advisor for the Law Society of Manitoba; **Darlene Jamieson QC**; **Victoria Rees and Elaine Cumming** of the Professional Responsibility department for the Nova Scotia Barristers' Society; and **David Penney** of Homewood Human Solutions™, who will offer a health and wellness session.

Online registration is now available on the LIANS homepage at www.lians.ca.

- **Early-bird rate: \$200 + tax; after Oct. 28: \$250 + tax**
- **Discounts for two or more registrants from the same firm!**

Sessions will appeal to lawyers, office managers, paralegals and legal assistants. Lawyers and staff from all sized firms are welcome.

The Role of Proponents in Crown Consultation with Aboriginal Peoples

Nova Scotia Office of Aboriginal Affairs Learning Seminar

November 22, 2011

Westin Hotel, Halifax Nova Scotia

As Aboriginal consultation continues to evolve across Canada, Proponents and Third Parties are playing an increasingly important role in the consultation process. This learning seminar offers essential information for the business sector, industry and professional associations, consultants, legal professionals, governments, non-governmental organizations, Mi'kmaq groups, and those who need to gain a better understanding of the elements of the Duty to Consult and the Crown's delegation of procedural aspects of consultation to Proponents.

Seminar Highlights

- Fundamentals of Duty to Consult and Accommodation
- Case Law for Proponents
- Provincial and Federal government perspectives
- Delegation of procedural aspects - Nova Scotia's approach
- Establishing relationships with First Nations
- Exploring and developing Impact Benefits Agreements (IBAs).

Registration information and the seminar program are available at: <http://www.gov.ns.ca/abor/resources/learning-seminar/>

Seminar Rate: \$275 **Student Rate:** \$175 (limited seating)

All prices include taxes, conference materials, breakfast & lunch.

Keynote Speakers

Sandra Gogal, Partner, Miller Thomson Law Firm

W. Ming Song, Principal, Songbird Law Corporation

For more information, please contact:

Tracy McHarg

Tel: (902) 424-4174 | Email: mchargta@gov.ns.ca

Aboriginal Law: Consultation and other emerging issues

November 23, 2011

World Trade and Convention Centre, Halifax, NS

Course Leader: Tom Isaac (Partner, McCarthy Tétrault LLP)

Course Highlights:

- Update on Consultation Caselaw
- Quasi-Judicial Tribunals and Administrative Boards - Their Role in Consultation
- Federal and Provincial Trends in Consultation and Aboriginal Issues
- Best Practices - Consultation and The Negotiations and Drafting of Benefits Agreements
- Modern Treaties and Crown Agreements with Aboriginal Peoples
- U.N. Declaration on the Rights of Indigenous Peoples and Free, Prior, Informed Consent

[Download brochure](#)

REGISTER BEFORE OCTOBER 14 AND SAVE \$300! Register online for this course [here](#).

For more information or to register for this course, please contact Lexpert® Events:

Toll-Free: 1-877-298-5868

Direct: 416-609-5868

Fax: 416-609-5841

Email: register@lexpert.ca

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 ::

Books and Reports available for free

Available for the taking:

- Canada Federal Court Reports – 1971-2003//
- Canada Law Reports (Exchequer Court) – 1952-1970//
- Coutlee's Supreme Court Cases – 1875-1907(1v.)//
- Dominion Law Reports – v.1-70, 1912-1922; 1923-1955
- Draper's King's Bench Reports (Canada) – 1828-1831 (1v.)//
- Exchequer Court Reports (Canada) – v.1-21, 1875-1922//
Digests: 1891-1922 (Morse)
1823-1946 (Quain)
- Federal Courts Reports – 2004-2005 v.3
(Continues Canada Federal Court Reports)
- Maritime Provinces Reports – v.1-53, 1929-1968//
Digest: 1929-1952 (3v.) (Doull)
- Law Reports (UK) Statutes – 1866, v.1; 1868, v.3; 1870, v.5; 1871 – 1884, v. 6-21; 1887-1911, v. 24-49; 1913-1941, v. 51; 1943-1986

Please contact Lindy Stephens at lindy.stephens@mcinnescooper.com or 902 444 8606.

Cleaning services for home and office

Housecleaning and office cleaning services available: My name is Flutura and I have been cleaning houses for several lawyers in HRM for the past 10 years. I am trustworthy, conscientious and meticulous. If interested, please contact me at 445 9329, 209 1614 or flutura_v@hotmail.com. References available upon request.

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.

:: NEW FROM LIBRARY & INFORMATION SERVICES ::

New service hours for Library & Information Services

Effective October 3, 2011, hours of service will be from 9:00 am to 4:15 pm, Monday to Friday.

The library will continue to be staffed from 8:30 am to 4:30 pm, Monday to Friday. Members may access the library after regular business hours and on weekends by signing in with the commissionaire on the 2nd floor of the Law Courts building.

Online legal research training available

Need a research refresher? We invite members to contact Library & Information Services for training on the following online legal resources on an as-needed basis:

- [L&IS databases](#): Law News Online, Quantum Tables, Secondary Sources
- [CanLII](#)
- online [Nova Scotia Annotated Civil Procedure Rules](#)
- Westlaw Canada's [LawSource](#) (available in all barristers' libraries)

To make an appointment, contact Library & Information Services by telephone at **1-866-219-1202 (toll-free)**, **902-425-BOOK (2665)** or by email at nsbslib@nsbs.org.

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*:

Creditor and Debtor
Guardian and Ward
Mechanics' Liens
Mortgages
Practice and Procedure

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 email to bcampbel@nsbs.org.

:: NEW DECISIONS ::

Library & Information Services - Keeping you informed

CIVIL RIGHTS – Right to be tried within a reasonable time - 32.5 months from charge to trial, young offender *R. v. R. (R.D.)*, C.A.C. No. 334403, Beveridge, J.A., September 27, 2011. [2011 NSCA 86](#); **S631/29**

CRIMINAL LAW – Appeals - appeal of conviction for robbery dismissed *R. v. Ogden*, C.A.C. No. 335103, Saunders, J.A., September 27, 2011. [2011 NSCA 89](#); **S631/28**

CRIMINAL LAW – Guilty plea - application to withdraw dismissed *R. v. L. (F.)*, No. 1912581; 1912582, Chisholm,

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

J.P.C., February 24, 2011. [2011 NSPC 8](#); M24

CRIMINAL LAW – Guilty plea - leave to withdraw dismissed *R. v. L. (F.)*, C.A.C. No. 348207, Saunders, J.A., September 29, 2011. [2011 NSCA 91](#); S636/1

CRIMINAL LAW – Sentence - appeal of sentence for sexual assault *R. v. W. (E.M.)*, C.A.C. No. 321590, Fichaud, J.A., September 28, 2011. [2011 NSCA 87](#); S631/30

CRIMINAL LAW – Sentencing - failure to stop at the scene of an accident *R. v. Young*, No. 2263592, Ross, J.P.C., September 22, 2011. [2011 NSPC 66](#); M24

CRIMINAL LAW – Sentencing - fraud exceeding \$5,000 *R. v. Naugler*, No. 2201066; 2201070; 2201074, Derrick, J.P.C., October 4, 2011. [2011 NSPC 68](#); M25

FAMILY LAW – Custody - variation, joint changed to sole custody *Yates v. Boswell*, No. 1201-50455, Gass, J., September 19, 2011; March 16, 2010 (orally). [2010 NSSC 11](#); S635/11

FAMILY LAW – Mobility - motion to stay dismissed *Slawter v. Bellefontaine*, C.A. No. 355688, Saunders, J.A., September 28, 2011. [2011 NSCA 90](#); S631/31

FISH AND GAME – Fisheries Act - defence of due diligence *R. v. Thompson*, No. 2123879; 2323880; 2123881, Atwood, J.P.C., July 7, 2011. [2011 NSPC 64](#); M24

LANDLORD AND TENANT – Residential tenancies - appeal *Archibald v. Gerard*, S.C.C.H. No. 352637, Parker, Adjudicator, September 27, 2011. [2011 NSSM 49](#); SmCI19/5

PRACTICE – Appeals - date set for filing of factum and appeal book, waiver of notice *New Scotland Soccer Academy v. Nova Scotia (Labour Standards Tribunal) et al.*, C.A. No. 354453, Saunders, J.A., September 22, 2011. [2011 NSCA 88](#); S631/27

PRACTICE – Deficiency judgment - notice of motion filing requirements *Scotia Mortgage Corp. v. Chalmers*, Hfx. No. 330446, Smith, A.C.J., October 4, 2011; September 27, 2011 (orally). [2011 NSSC 339](#); S635/12

PRACTICE – Judgments and orders - application for contempt order dismissed *Howes v. Murphy*, No. 1201-062352, Gass, J., September 28, 2011; May 16, 2011 (orally). [2011 NSSC 354](#); S635/13

PRACTICE – Non-suit - case dismissed *Johansson v. General Motors of Canada Ltd.*, Hfx. No. 230488, Murphy, J., September 23, 2011; May 11, 2011 (orally). [2011 NSSC 352](#); S635/10

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.

October 6, 2011

[R. v. J.M.H.](#)

Neutral citation: [2011 SCC 45](#) (CanLII)

File No.: 33667.

2011: May 19; 2011: October 6.

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

ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO

Criminal law — Appeals — Powers of Court of Appeal — Evidence — Assessment — Accused charged with two counts of sexual assault — Complainant not disclosing events at time of occurrences but posting poem on line — Trial judge acquitting accused — Court of Appeal overturning acquittals and ordering new trial — Whether trial judge failed to consider evidence as a whole thereby committing error of law — Whether trial judge's allegedly flawed assessment of evidence constitutes error of law allowing appellate review of acquittal — Criminal Code, R.S.C. 1985, c. C-46, s. 676(1)(a).

H was acquitted at trial of two counts of sexual assault on his 17 year-old cousin. A alleged that on two occasions in 2006, H had non-consensual sexual intercourse with her while she was sleeping with him in his bed. A testified that she told H to “stop” both times but that he eventually had intercourse with her. On both occasions, she spent the rest of the night with H in his bed. A did not tell anyone about the occurrences but posted a poem online very soon after the first incident as “an outlet”, and this led to the incidents coming to light. At trial, H denied any sexual contact with A. The trial judge had “absolutely no doubt” that sexual intercourse had taken place between H and A but was not satisfied that A was sexually assaulted without her consent. The court of appeal concluded that the trial judge erred in law in mishandling the evidence by taking a “piecemeal” approach incompatible with his obligation to consider the cumulative effect of all relevant evidence.

Held: The appeal should be allowed and the acquittals restored.

September 30, 2011

[*Canada \(Attorney General\) v. PHS Community Services Society*](#)

Neutral citation: [2011 SCC 44](#) (CanLII)

File No.: 33556.

2011: May 12; 2011: September 30.

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

ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH COLUMBIA

Constitutional Law — Division of Powers — Criminal Law — Safe injection site — Sections 4(1) and 5(1) of Controlled Drugs and Substances Act (“CDSA”) prohibiting possession and trafficking of illegal drugs subject to exemption from federal Minister of Health — Clinic operating safe injection site pursuant to ministerial exemption granted under s. 56 of Act — Minister subsequently revoking exemption — Whether division of powers exempts clinic as health facility from application of CDSA as exercise of federal jurisdiction over criminal law — Controlled Drugs and Substances Act, S.C. 1996, c. 19, ss. 4(1), 5(1), 56 — Constitution Act, 1867, ss. 91(27), 92(7), 92(13), 92(16).

Constitutional Law — Charter of Rights — Right to life, liberty and security of the person — Safe injection site — Sections 4(1) and 5(1) of Controlled Drugs and Substances Act prohibiting possession and trafficking of illegal drugs subject to exemption from federal Minister of Health — Clinic operating safe injection site pursuant to ministerial exemption granted under s. 56 of Act — Minister subsequently revoking exemption — Whether sections 4(1) and 5(1) of Act contravene claimants' rights to life, liberty and security of the person — Whether decision of Minister to revoke accords with principles of fundamental justice — Controlled Drugs and Substances Act, S.C. 1996, c. 19, ss. 4(1), 5(1), 56 — Charter of Rights and Freedoms, ss. 1, 7.

Constitutional Law — Charter of Rights — Remedies — Safe injection site — Sections 4(1) and 5(1) of Controlled Drugs and Substances Act prohibiting possession and trafficking of illegal drugs subject to exemption from federal Minister of Health granted under s. 56 of Act — Clinic operating safe injection site pursuant to ministerial exemption — Minister subsequently revoking exemption — Appropriate remedy — Charter of Rights and Freedoms, s. 24(1).

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

In the early 1990s, injection drug use reached crisis levels in Vancouver's downtown eastside ("DTES"). Epidemics of HIV/AIDS and hepatitis C soon followed, and a public health emergency was declared in the DTES in September 1997. Health authorities recognized that creative solutions would be required to address the needs of the population of the DTES, a marginalized population with complex mental, physical, and emotional health issues. After years of research, planning, and intergovernmental cooperation, the authorities proposed a scheme of care for drug users that would assist them at all points in the treatment of their disease, not simply when they quit drugs for good. The proposed plan included supervised drug consumption facilities which, though controversial in North America, have been used with success to address health issues associated with injection drug use in Europe and Australia.

Operating a supervised injection site required an exemption from the prohibitions of possession and trafficking of controlled substances under s. 56 of the CDSA, which provides for exemption at the discretion of the Minister of Health, for medical and scientific purposes. Insite received a conditional exemption in September 2003, and opened its doors days later. North America's first government sanctioned safe injection facility, it has operated constantly since then. It is a strictly regulated health facility, and its personnel are guided by strict policies and procedures. It does not provide drugs to its clients, who must check in, sign a waiver, and are closely monitored during and after injection. Its clients are provided with health care information, counselling, and referrals to various service providers or an onsite, on demand detox centre. The experiment has proven successful. Insite has saved lives and improved health without increasing the incidence of drug use and crime in the surrounding area. It is supported by the Vancouver police, the city and provincial governments.

In 2008, a formal application for a new exemption was made before the initial one expired. The Minister had granted temporary extensions in 2006 and 2007, but he indicated that he had decided to deny the application. When the expiry of the extensions loomed, this action was started in an effort to keep Insite open.

The trial judge found that the application of ss. 4(1) and 5(1) of the CDSA violated the claimants' rights under s. 7 of the Charter. He granted Insite a constitutional exemption, permitting it to continue to operate free from federal drug laws. The Court of Appeal dismissed the appeal and held that the doctrine of interjurisdictional immunity applied.

Held: The appeal and the cross appeal are dismissed. The Minister of Health is ordered to grant an exemption to Insite under s. 56 of the CDSA forthwith.

September 23, 2011

[R. v. Topp](#)

Neutral citation: [2011 SCC 43](#) (CanLII)

File No.: 33529.

2011: March 23; 2011: September 23.

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

ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO

Criminal law — Sentencing — Fines — Offender's ability to pay — Burden of proof — Whether offender required to prove inability to pay a fine corresponding to funds fraudulently obtained — Whether trial judge erred in declining to impose a fine — Whether trial judge was bound to impose a fine in light of accused's failure to explain what happened to misappropriated funds — Criminal Code, R.S.C. 1985, c. C-46, s. 734(2).

The accused used his brokerage business to defraud Canada Customs of \$4.7 million. He was convicted of 16 counts of fraud and attempted fraud under the *Customs Act*, R.S.C. 1985, c. 1 (2nd Supp.). The Crown sought a \$4.7 million fine in addition to imprisonment. At the sentencing hearing, the accused's counsel asserted that the accused was unable to pay a fine, but adduced little evidence to support the assertion. No explanation was given of where the \$4.7 million had gone and the Crown was unable to trace or locate the funds. The Crown urged the court to infer that the funds were still in the accused's possession. The trial judge sentenced the accused to imprisonment but declined to impose a fine because she

was not satisfied as required by s. 734(2) of the *Criminal Code* that the accused was able to pay a fine. The Court of Appeal dismissed an appeal by the Crown.

Held: The appeal should be dismissed.

::: 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 ::

Registration open: LIANS Solo and Small Firm Conference November 21, 2011 – 9:00 am to 4:15 pm | Westin Nova Scotian, Halifax

Please be advised that the LIANS Risk and Practice Management Conference for Solo and Small Firms is scheduled to take place on November 21, 2011, at the Westin Nova Scotian in Halifax. The conference will offer sessions on Fact Patterns of Risk Management, Succession Planning, Red Flags of Fraud, the Incoming *Code of Professional Conduct*, as well as a vendor expo.

Confirmed speakers for the conference include Jocelyn Frazer, Equity Ombudsperson and Acting Practice Advisor at the Law Society of Alberta; Barney Christianson QC, Practice Management Advisor for the Law Society of Manitoba; Darlene Jamieson QC; Victoria Rees and Elaine Cumming of the Professional Responsibility department for the Nova Scotia Barristers' Society; and David Penney of Homewood Human Solutions™, who will offer a health and wellness session.

Online registration is now available on the LIANS homepage at www.lians.ca.

Early-bird rate: \$200 + tax; after Oct. 28: \$250 + tax

Discounts for two or more registrants from the same firm!

Sessions will appeal to lawyers, office managers, paralegals and legal assistants. Lawyers and staff from all sized firms are welcome.

RISK AND PRACTICE MANAGEMENT TIP: Searching for Emails on your Blackberry

The Risk and Practice Management program often reminds our members about the importance of effective document management, and that includes being able to find the documents you have saved. Many of us now use a smartphone device, which can make searching for specific email messages easier and faster.

For example, your Blackberry saves emails on your device for 30 days and you can quickly search for, and find, email messages by either sender or subject in two easy steps:

1. Highlight a particular message in your Blackberry message list, then click the "Menu" button;
2. Scroll to and select "Search by" and then select either "Sender" or "Subject".

Once you have selected the search criteria, your Blackberry will then display the results of your search. Read our next edition of *LIANSwers* for more information on this topic.

*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: British scam attempt through regular mail

This week, a number of members reported having received the following scam attempt document by regular (paper) mail, in an envelope featuring what appears to be a British postmark:

*Silverdale Ltd (Harrison-Silverdale Ltd)
25 Cardiff Road, Luton
Bedfordshire Luf Lpp
TEL: 07405164603 FAX: 02076812164
harrisonsilverdaleltd@yahoo.co.uk
www.harrisonsilverdale.com*

Dear [redacted],

My company is seeking legal representation in the issue of the default sales agreement. My company supplied hardware and telecommunications equipment to a client that resides in your city. The amount on the default sales agreement is \$917,800.62. I will send you a copy of the sales agreement and related sales invoice as soon as you let me know if this falls under the scope of your practice so that I can provide you with more information on this matter. Other activities include constructing, leasing and selling residential and commercial buildings and provision of investment services.

We are presently incapacitated due to international legal boundaries to exert pressure on our delinquent customers in your province and we request for your services accordingly.

We got your contact information from the lawyers Directory as a result of our search for a reliable firm or individual to provide legal services as requested. After a careful review of your profile as well as your qualification and experience, we are of the opinion that you are capable and qualified to provide the legal services as requested. I will also need a referral if this is not your line of practice. Please email us immediately at: harrisonsilverdaleltd@yahoo.co.uk

Best regards,
Pete Basu

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

Visit [Precedents/Checklists](#) under '[Resources](#)' on LIANS.ca for a list of sample retainer agreements that you can use in your practice.

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

NSLAP WELLNESS TIP: How to deal with anger around the holidays

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

How to deal with anger

Expressing your emotions is healthy, but letting your anger explode can have serious consequences in interpersonal relationships and can quickly spoil a positive family holiday gathering. There is nothing wrong with being angry; it is how you express your anger that makes all the difference. Here are some suggestions to help you control and express your anger.

Know yourself

The first step in controlling your anger is to be aware of the kinds of situations that set you off.

What are your triggers?

Emotions usually have triggers. Identifying your 'high risk' situations, or external triggers, is a good place to start. You probably know what situations usually trigger your anger. This information will allow you to prepare for 'high risk' situations. For example, it could be coming home and finding that the kids have left their toys all over the place. The workplace is another likely source of irritation, perhaps in the form of a colleague with whom you often disagree.

What is your self-talk?

How you talk to yourself about a situation is often as important as the situation itself. It is helpful to be aware of how you can talk your own anger up by dwelling on negative assumptions and thoughts, for example: "I am sure he did that on purpose."

Recognize your anger signs

The earlier you are aware of your anger, the better. Practise paying attention to your own set of physical reactions (e.g., rapid heartbeat, flushing, muscle tightness, etc.) and behavioural signs (e.g., pacing, talking faster, slamming doors) that indicate you are getting angry.

Calm yourself down

Take 10 deep breaths. Deep breathing is a simple way to lower your arousal. It is also a way to put some time between the event and your reaction and to increase your chances of communicating your anger more effectively.

Take time out

There are not many people who can communicate anger effectively, when they are at a '10' on a '0 to 10' anger scale. Most find it useful to take a break and remove themselves from the situation before acting. It may help just to take a walk around the block or, if possible, do a physical activity.

Direct yourself

Once you are aware of your anger and 'talk up' process, you can begin to direct yourself by acknowledging your anger and channeling it into a plan. This implies that you are responsible for your own reactions and gives you a sense of control.

Choose a time to talk

Once you have cooled down, you may find it helpful to go back to the person you are angry with and arrange a time and place to get together and work out your differences. This is an act of control and it points to a constructive way you can work out your differences.

Clarify the issue

Angry threats and accusations do not work well if solutions are what you had in mind. Tell the other person why you are angry by describing the facts, what he or she said or did (e.g., "you criticized me in front of the boss"). Make certain the other person is prepared to listen, in other words, has calmed down also. Finally be sure you are prepared to listen.

Express your anger

Perhaps you feel you are unjustly treated or have not been respected. Whatever your feelings are, state them clearly (e.g., I felt angry and humiliated).

Specify what you would like

Letting the other person know what you would like helps create a problem-solving atmosphere and represents an opportunity for dialogue (e.g., "Next time, I would like you to talk to me privately if you have any criticism").

Be realistic

Keep in mind that even if the strategy described here is highly effective, it does not guarantee compliance or event that you will be heard. If there is nothing you can agree on, you can agree to disagree and follow other options (e.g., in the workplace, talk to a supervisor).

Professional help

If you enter in violent or destructive behaviours when you are angry, whether they are physical or verbal, or if you feel angry most of the time, you should consider getting professional help.

*For more resources and counselling on raising children, 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.*