

:: WHAT'S NEW ::

Society news

- Nomination process underway for Second Vice-President 2012-2013 [...more](#)
- Changes in Category – October 23 to November 7, 2011 [...more](#)
- Reminder: NSBS Mandatory Online Assessment now available for the new *Code of Professional Conduct* [...more](#)
- Movember update: Putting a new face on justice in Nova Scotia [...more](#)

Continuing Professional Development

- *Land Registration Act* training [...more](#)

Library & Information Services

- Nova Scotia Law News vol. 36 no. 4 (October 2011) now available [...more](#)
- Case Commentators needed for Nova Scotia Law News [...more](#)
- New books at the Library [...more](#)
- New decisions [...more](#)
- Proclamations update [...more](#)

From LIANS

- Register today for the LIANS Solo and Small Firm Conference – November 21, 2011 [...more](#)
- Practising beyond Nova Scotia – a new *Risk and Practice Management Tip* from the *Risk and Practice Management Program, LIANS* [...more](#)
- Computer virus scam plagues Canada – a new *Fraud Alert* from the *RPM Program, LIANS* [...more](#)
- Caring for aging parents and loved ones: housing options for the elderly – a new *Wellness Tip* from *NSLAP* [...more](#)

From the Courts

- Nova Scotia Appeal and Supreme Courts launching NEW interactive *Civil Procedure Rules* and Forms [...more](#)

From the Province

- JUSTICE
 - *Identification of Criminals Act* introduced Nov. 7 to prevent people with criminal records from hiding their past through a legal name change [...more](#)
 - New legislation repeals outdated *Civil Constables Act* and *Constables Act*, fixes a typo in *Civil Forfeiture Act* [...more](#)
- SPEAKER'S OFFICE: Pension Panel releases report & recommendations (Nov. 3) [...more](#)
- TRANSPORTATION & INFRASTRUCTURE RENEWAL
 - Transportation Safety Board of Canada releases report into June 2010 train derailment near Avondale [...more](#)
 - Legislation introduced to reduce speed limits in school areas, effective fall 2012 [...more](#)
- SERVICE NOVA SCOTIA & MUNICIPAL RELATIONS: *Timely Medical Certificates Act* announced Nov. 1 [...more](#)
- ECONOMIC & RURAL DEVELOPMENT & TOURISM: *Nova Scotia Jobs Fund Act* introduced Oct. 31 to replace *Industrial Development Act* [...more](#)
- OFFICE OF AFRICAN NOVA SCOTIAN AFFAIRS: Community Consultations Report released Oct. 28, further input welcome to Nov. 30 [...more](#)
- FISHERIES/AQUACULTURE: Public meetings Nov. 7 - 17 to seek input on recreational fishing regulations [...more](#)
- Call for applications: Adjudicative and Non-Adjudicative Agencies, Boards and Commissions [...more](#)
- Error & Omission Notices [...more](#)

Other news & notices

- Announcing Cape Breton's newest law firm: The Breton Law Group [...more](#)

- Call for proposals – Build a Better Business Series: Planning for Success in Your Succession Planning [...more](#)
- Remembrance Day article by Dartmouth lawyer, “All prisoners deserve our best justice” [...more](#)
- Missing Wills:
 - Diane Desbois, Halifax [...more](#)
 - Thomas Mewey, Debert [...more](#)
 - Eva Fogarty, Dartmouth [...more](#)
- Classifieds:
 - Lease sharing and networking opportunity with Chartered Accounting firm in Upper Tantallon [...more](#)
 - Assistance with Florida law and U.S. immigration [...more](#)

Awards & Appointments

- Call for nominations: Weldon Award for Unselfish Public Service 2012, Schulich School of Law, Dalhousie University [...more](#)
- Best Lawyers – 2012 Lawyers of the Year in Nova Scotia [...more](#)

Events of Interest

- Schulich School of Law Mini-Law School – **The State of the UN Climate Change Negotiations: A Preview of the December 2011 Durban Conference** - November 9 [...more](#)
- Upcoming Events from the Atlantic Provinces Trial Lawyers Association
 - **APTLA's 10th Anniversary Conference of Presidents: Persuasion in Practice** - November 18 [...more](#)
 - **10th Anniversary Party Celebrating 10 Years of Seeking Justice For All** - November 18 [...more](#)
- Upcoming events from CBA-NS:
 - **Assessment of Legal Capacity: The Challenges for Law and for Lawyering** – November 18 [...more](#)
 - **Family Law for Legal Assistants Conference** – December 9 [...more](#)
- **Sixth Annual Halifax Rock for Dimes** – November 18 [...more](#)
- **LIANS Solo and Small Firm Conference** – November 21 [...more](#)
- **The Role of Proponents in Crown Consultation with Aboriginal Peoples** – November 22 [...more](#)
- **Aboriginal Law: Consultation and other emerging issues** – November 23 [...more](#)
- **Scotch Tasting for Movember** - November 23 [...more](#)
- Dalhousie Health Law and Policy Seminar Series – **Regulating Health Professionals' Hours of Work: Legal and Ethical Challenges** - November 25 [...more](#)
- **RELANS, The Real Estate Transaction: From Beginning to End** – December 5 [...more](#)
- **Discover the Ability in Disability - 4th Annual Symposium** - November 30 & December 1 [...more](#)
- **Fair Registration Practices Office Workshop** - November 30 [...more](#)
- **Intensive Trial Advocacy Programme** - June 3-9, 2012 [...more](#)

Career Opportunities

- **Notice from the Department of Justice: Expressions of interest for Local Counsel** [...more](#)
- **Notice of Opportunity for Fixed-Term Agreement(s) as Agent(s) of the Director of Public Prosecutions:**
 - *Judicial districts: Richmond, Inverness, Antigonish and Guysborough Counties* [...more](#)
 - *Judicial district: Halifax County, NS* [...more](#)

:: NOTICES ::

SOCIETY NEWS

Nomination process underway for Second Vice-President 2012-2013

The Governance & Nominating Committee has begun the nomination process for a candidate for Second Vice-President to assume office in the 2012-2013 year.

The Governance and Nominating Committee will begin looking at possible candidates when it next meets on December 8. Any suggested names should be forwarded to the Committee Chair, Marjorie A. Hickey QC, at marjorie.hickey@mcinnescooper.com. The process will continue through December and into January.

Changes in Category – October 23 to November 7, 2011

This regular feature of *InForum* was formerly published quarterly. It will now be available in every edition of *InForum*, in order to provide more timely updates on changes of category.

The following members have changed to the Practising Lawyer category:

Alan Roland Farquhar
Barbara Helen Kerr
Christine Elizabeth Nault

The following members have changed to the Non-Practising Member category:

Nicole Diane Arsenault
J. Gregory Clooney
Heather Shields

The following members have changed to the Retired Member category:

Della F. Risley

IMPORTANT: NSBS Mandatory Online Assessment for the new *Code of Professional Conduct*

The Nova Scotia Barristers' Society [Code of Professional Conduct](#) was approved by Council on September 23, 2011, and will come into effect on January 1, 2012.

The new *Code* has a new format and, while there are only a few substantive changes to the rules of ethics, it is important that all lawyers become familiar with the new *Code* and the changes that have been approved.

Council has also approved a new regulation requiring all practising lawyers and articled clerks to successfully complete a mandatory online *Code of Professional Conduct* assessment. Successful completion of the assessment will be required before a non-practising, retired or life member may change their category of membership to a practising lawyer.

The purpose of this assessment is to ensure that lawyers become familiar with the new format of the *Code*, are able to navigate through the new rules when seeking guidance on ethical matters, and are made aware of those areas where the rules have been amended in any substantial way.

All lawyers must complete this online assessment **no later than April 30, 2012**.

Last week, members should have received an email from assessment@nsbs.org with detailed instructions on how to access and complete the mandatory online assessment. If you have not yet received it, please check your 'junk mail' folder in case this important email was diverted.

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

For more information on the new *Code*, see the feature article in the October 2011 edition of the [Society Record](#) magazine, and read **Current Issues in Legal Ethics**, an ongoing series of *InForum* articles by Elaine Cumming, Professional Responsibility Counsel.

The *Code of Professional Conduct* is available on the Regulation & Licensing page of the Society's website: <http://www.nsbs.org/regulationLicensing.php>.

An [Executive Summary](#) is also now available.

Movember update: Putting a new face on justice in Nova Scotia

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

In the spirit of the annual Glube Cup Charity Hockey Tournament for Feed Nova Scotia, teams of lawyers, Crown attorneys and judges are picking sides again, with encouragement from the Nova Scotia Barristers' Society and the Canadian Bar Association - Nova Scotia Branch. This time, it's for a friendly follicle faceoff – they are growing moustaches in support of another worthy cause: prostate cancer research.

More than 60 lawyers and a number of judges attended a special Movember launch, held October 31 in Courtroom 301 at the Halifax Law Courts. The Hon. Justice Duncan Beveridge, of the Nova Scotia Court of Appeal, was a great sport – he has worn a moustache for many years but agreed to shave it off at the launch, for inspiration and in order to participate in the charity effort. His wife Margo, who handled the shaving process, admitted afterwards: "I was worried! I've never done this before!"

A follow-up event is in the works for the end of the month, to compare and photograph the results. Interested donors or sponsors can make contributions to participating individuals or teams, with tax receipts issued by Prostate Cancer Canada.

"More than 25,000 Canadian men will be diagnosed with prostate cancer this year and more than 4,000 will die of it," says Daniel A. MacRury QC, Vice President of CBA-NS and Chief Crown Attorney for the Cape Breton Region. "If growing a mustache can, in some way, help save even one or two of them, we will have done a good thing."

The global Movember movement began in Australia and now also has formal campaigns across Canada, the US, the UK, Ireland, Finland, the Netherlands, Spain, South Africa and New Zealand. In 2010, nearly 119,000 Canadian "Mo Bros" and "Mo Sistas" got on board, raising \$22.3 million CAD. For more details, see www.movember.com.

For more details on the legal profession's efforts, please contact Mr. MacRury at (902) 563 3530 or macrurda@gov.ns.ca, and watch *InForum* for further updates.

2011 Statistical Snapshot of NSBS membership 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.

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

Nova Scotia Appeal and Supreme Courts launching NEW interactive *Civil Procedure Rules* and Forms

All Forms related to the *Civil Procedure Rules* will soon be available in an "interactive" format - meaning that they can be filled out and saved or printed on your computer directly from the Courts of Nova Scotia website. However, these Forms must still be printed and then filed with the Courts as "hard copies" (on paper).

The Forms are provided for the convenience of prospective litigants. In the event of a discrepancy, the Forms in the consolidated version of the *CIVIL PROCEDURE RULES* will be considered the OFFICIAL version.

For more information, go to the Courts of Nova Scotia website at www.courts.ns.ca and follow the links in the first item under the "NEWS" heading. The new interactive format is expected to be available this week.

Notice to the Profession: Provincial Court of Nova Scotia

The 2012 intake dates have been set for Provincial Court matters in Courtroom #6 (long trials) in Halifax Provincial Court on Spring Garden Road. To view the new intake schedule, see the "Most Recent Notices" on the Courts of Nova Scotia's "[Notices to the Bar](#)" page.

Also please note the following:

- All intake is at 9:00 am.
- To qualify for dates in Courtroom #6, a matter must require four days or more. All cases will be pre-trialed and time requirements will have to be justified.
- CR#6 will continue to provide relief to CR#5, by hearing Youth Court matters one week a month during March through June and September through December 2012. Youth matters for CR#6 are docketed by the Youth Court (CR#5).
- The clerk for CR#6 is Arthena Devoe (424-3516; devoea@gov.ns.ca)

Discussion Paper on a possible global review of the Federal Courts Rules

At its last plenary meeting, the Federal Courts Rules Committee agreed that the Discussion Paper on a possible global review of the Federal Courts Rules should receive wide distribution to members of the public and the profession. **Closing date for comments January 6, 2012*****

[Global Review of the Federal Courts Rules: A Discussion Paper](#)

The Rules Committee of the Federal Courts has established a subcommittee to conduct a global review of the Federal Courts Rules. In this message, we invite you to participate and to provide input.

Please note that another subcommittee is examining issues relating to the rules and whether they pose an obstacle to the use of information technology. Those issues are not within the mandate of this subcommittee. Ultimately, the work of both subcommittees will be considered together by the Rules Committee, and specific reforms may be proposed.

We invite you to participate

You can participate in two ways. First, you can provide written comments directly to the subcommittee. Second, there will be an opportunity to meet and discuss these issues with members of the subcommittee; dates and locations for the meetings will be announced in the New Year. Please feel free to circulate this document to others who may be able to assist the subcommittee in its task. All input is welcome.

To make written comments, please email or write **by January 6, 2012** to:

Ms Chantelle Bowers

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

Executive Assistant to the Chief Justice
Federal Court of Appeal
90 Sparks Street,
Ottawa, ON K1A 0H9
Chantelle.Bowers@fca-caf.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

Provincial notices

Please note, *InForum* will now provide many provincial notices by linking directly to the original announcements on the Province's website. To access the full text of these items, follow the links on the *What's New* page at the start of *InForum*. Exceptions will include memos from the Province directly to the membership, which will continue to appear in full under this heading.

Call for applications: Adjudicative and Non-Adjudicative Agencies, Boards and Commissions

Want to make a difference? If you have an interest, we have a committee. The Province of Nova Scotia is accepting applications from individuals interested in being appointed to serve on its various Adjudicative and Non-Adjudicative Agencies, Boards and Commissions (ABCs).

Applicants are assessed on skills and qualifications and the needs of individual agencies, boards or commissions. For board position profiles, current opportunities and how to apply, visit www.gov.ns.ca/exec_council/abc or contact the Executive Council Office at 424-4877 or toll free at 1-866-206-6844.

The application deadline for adjudicative agencies, boards and commissions is November 21. Applications for non-adjudicative agencies, boards and commissions are welcome any time, with assessments beginning November 18.

The province has an Employment Equity Policy and welcomes applications from Aboriginal people, African Nova Scotians and other racially visible people, persons with disabilities and women. People are encouraged to self-identify on applications, covering letters or resumes.

Notice from the Department of Justice: Expressions of interest for local counsel

(This [notice](#) is also available on the *Career Opportunities* page: www.nsbs.org/careers.php)

The law firms of Bennett Jones LLP and Siskinds LLP have been jointly retained to act on behalf of the Governments of Nova Scotia, New Brunswick, Manitoba and Saskatchewan, in actions contemplated under the *Nova Scotia Tobacco Damages and Health Care Costs Recovery Act*, and similar legislation in other provinces.

We are seeking EXPRESSIONS OF INTEREST from lawyers who are willing to act as Local Counsel in Nova Scotia for the contemplated action. Local Counsel will become part of a skilled and dedicated legal team that will be advancing this important legal action. Letters of interest should be submitted by November 30, 2011. For details, please visit the [Careers Opportunities](#) page.

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 **Antigonish, Colchester and Halifax Land Registration Offices**.

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

FISHERIES/AQUACULTURE: Province seeks feedback on draft coastal strategy

Nova Scotia is another step closer to having a new strategy that will protect the coastline, while supporting sustainable coastal development. The draft coastal strategy and feedback form are available at www.gov.ns.ca/coast or by calling 902-424-5830. The feedback form will be available **until Nov. 30**. The draft strategy is only available in English but the final strategy will be bilingual.

ENVIRONMENT: Legislated review of *Environmental Goals and Sustainability Act* to proceed

The province welcomes an independent review of the *Environmental Goals and Sustainable Prosperity Act*. The act requires a review every five years.

The public can provide input on the act **until Dec. 16** by emailing EGSPAreview@gov.ns.ca, phoning 1-888-320-0555, or by mail: Round Table on Environment and Sustainable Prosperity, c/o Department of Environment, EGSPA Review, Box 442, 5151 Terminal Road, Halifax, NS B3J 2P8. For more information on the review, visit www.gov.ns.ca/nse/EGSPAReview/.

OTHER NOTICES

Announcing Cape Breton's newest law firm

In January 2012, The Breton Law Group will open its new law office in downtown Sydney. Until our renovations are complete, we have three locations to serve you. We appreciate your patience during this transitional period.

www.bretonlawgroup.com

Joseph R. Wall
Carolyn A. MacAulay

130 Charlotte Street
Sydney, NS
Tel: 539-1649 – Fax: 539-2249

Gail Rudderham Chernin, Q.C.
Dwight J.W. Rudderham

500 George Place
Sydney, NS B1P 1K6
Tel: 567-0250 – Fax: 567-0252

James R. Gogan
Robin C. Gogan
Tony W. Mozvik

380 Kings Road, Moxham Court,
Suite 2B, Sydney, NS
Tel: 563-1000 – Fax: 563-1113

Call for proposals – Build a Better Business Series: Planning for Success in Your Succession Planning

Victoria County's Sustainable Economic Development Office, in collaboration with Cape Breton University's Small Business Centre, will offer a seminar and mini-consultation day featuring professionals who provide expert advice on topics related to succession planning. A keynote address will be provided by Tom Deans, PhD, author of *Every Family's Business*.

Professionals are invited to submit a proposal to deliver a presentation and/or provide mini-consultations at this fast-paced networking and educational event. One professional will be selected to provide an overview of each topic area, and multiple professionals may register to offer "mini-consults" to individual business owners in the afternoon sessions.

Date: Tuesday, November 29, 2011

Location: Gaelic College of Celtic Arts and Crafts, St. Ann's Bay

Target audience: Business owners across Cape Breton Island who want to plan, insure, and legally arrange their business to best protect themselves, their families, and their business. This includes those who are just starting up to

those who are actively looking to transition out of their current business into other pursuits or retirement. Every business needs a succession plan.

Presentation topic areas (20 minutes each):

- Legal Considerations
- Business Brokerage
- Tax Planning
- Insurance Products & Services
- Financing Options
- Human Resources Concerns
- Communications & Public Relations
- Management Consulting

Audiovisual equipment will be provided. Presenters must provide electronic copies of presentations in “3 slides per page note sheets” by November 22, 2011. These materials will be provided to participants. The event may be videotaped in which case presenters will be asked to sign a waiver related to specific uses of the materials. There is no fee provided to presenters. Travel and accommodations costs and arrangements are the responsibility of the presenters. Lunch and refreshments will be provided for presenters.

Interested parties must submit all required materials **by Wednesday, November 10, 2011**. Email a detailed proposal including presenter credentials and biographic information, a proposed presentation outline, key messages and testimonial or reference information from other groups where you have presented the same material. Provide detailed contact information. Highlight any published materials you have created related to the topic you will present. Please indicate whether you will have materials (books, CDs, etc) available for sale at the event.

Email proposal to: nona.macdermid@countyvictoria.ns.ca.

Please cc: Kristin@flourishconsulting.ca.

Visit www.victoriacounty.com to see event details & FAQs.

Remembrance Day article by Dartmouth lawyer

For poignant and timely thoughts in advance of Remembrance Day, read the new article by Donald Murray QC of Dartmouth: “[All prisoners deserve our best justice](#),” published Sunday, November 6, 2011 in *The Novascotian*.

In the article, Mr. Murray shares his impressions from a visit to **le jardin des Canadiens**, which commemorates 27 Canadian soldiers – including 12 Nova Scotians. The soldiers had survived their landing and battles at Juno Beach on June 6, 1944 but were killed after being captured as POWs.

AWARDS & APPOINTMENTS

Call for nominations: Weldon Award for Unselfish Public Service 2012, Schulich School of Law, Dalhousie University

This annual award, sponsored by the Dalhousie Law School Alumni Association, is to honour a graduate of the Law School for unselfish public service to the community. Established in 1883, this award is a tribute to the ideals of the Law School's first Dean, Richard Chapman Weldon, and a reminder of the Weldon tradition, which had its origins during his 31-year tenure as Dean from 1883-1914.

Eligibility: A graduate of the law school with a record of unselfish public service.

Nominations: With your nomination, please include a minimum of two letters of support along with the nominee's curriculum vitae.

Deadline: Nominations must be received **by December 19, 2011**

For questions or to submit a nomination please contact:

Karen Kavanaugh, Director of Alumni & Development
Schulich School of Law, Dalhousie University
Weldon Law Building, 6061 University Avenue

Halifax, NS B3H 4H9
Tel: 902-494-3744 | Fax: 902-494-1316
karen.kavanaugh@dal.ca

Best Lawyers – 2012 Lawyers of the Year in Nova Scotia

On October 5, **Best Lawyers** identified the following 19 Nova Scotians as the 2012 Lawyers of the Year in the practice categories noted:

Julia E. Cornish QC – Family Law
David G. Coles QC – Defamation and Media Law
Michael E. Dunphy QC – Construction Law
Paul W. Festeryga – Tax Law
Robert G. Grant QC – Energy Regulatory Law
David G. Henley – Maritime Law
Carl A. Holm QC – Insolvency and Financial Restructuring Law
Brian G. Johnston QC – Labour and Employment Law
George W. MacDonald QC – Bet-The-Company Litigation
Joseph A. F. MacDonald QC – Mergers and Acquisitions Law

Timothy C. Matthews QC – Trusts and Estates
David A. Miller QC – Corporate and Commercial Litigation
Paul M. Murphy QC – Real Estate
Scott C. Norton QC – Personal Injury Litigation
S. Bruce Outhouse QC – Legal Malpractice Law, and Alternative Dispute Resolution
F. Van W. Penick QC – Natural Resources Law
Richard N. Rafuse QC – Banking Law
Charles S. Reagh – Corporate Law
Clarence A. Beckett QC – Insurance Law

Best Lawyers has designated a total of 276 lawyers in Canada as 2012 Lawyers of the Year. Only a single lawyer in each practice area in each community is honoured as the “Lawyer of the Year” for 2012. In its announcement, *Best Lawyers* noted: “The lawyers being honoured 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.” For more details, visit the [Lawyers of the Year](#) section of the *Best Lawyers* website.

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/>

LIANS and NSBS Mentorship Program

For information, 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.

MISSING WILLS

Seeking will for the late Diane Desbois

Lawyers with any information on the location or existence of an original Last Will and Testament of Ms. Diane Desbois are asked to please contact:

Angie Bilodeau
Patterson Law
5th Floor, 1718 Argyle Street
Halifax, B3J 3N6
(902) 405-8113
abilodeau@pattersonlaw.ca

At the time of her death, September 12, 2011, Ms. Desbois lived in Halifax.

Seeking missing will for Debert man

If you have any information about the existence of a will for the late Thomas Mewey of Debert, Nova Scotia, please contact his son Kevin Mewey at 406.6944. Thomas Mewey was born on Nov. 14, 1944, and was 67 years old at the time of his death on October 30, 2011.

Seeking missing will for the late Eva Fogarty

Lawyers with any information on the preparation of a will for Eva Fogarty, who passed away recently. Ms. Fogarty lived in Dartmouth and Windsor during the past 20 years. Anyone with any information should contact Mr. Milt Isnor at 902 462 3697.

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).

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

OUTSIDE CONFERENCES & SEMINARS

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

The Schulich School of Law Mini-Law School

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

Wednesdays 7:00-8:30pm

Weldon Law Building, Room 105

NEXT LECTURE:

November 9, 2011

The State of the UN Climate Change Negotiations: A Preview of the December 2011 Durban Conference

Meinhard Doelle

Attendees may be requested to show picture identification to get into the Weldon Law Building

Upcoming events from CBA-NS

- **Online CLE:**
 - ***Assessment of Legal Capacity: The Challenges for Law and for Lawyering*** with Jeanne Desveaux & Prof. Sheila Wildeman on Friday, November 18 – [Register online](#)
- ***Support for the Supporters: Family Law for Legal Assistants Conference***, Friday, December 9 at the Halifax Marriott Harbourfront– [Register online](#)

Upcoming Events from the Atlantic Provinces Trial Lawyers Association

APTLA's 10th Anniversary Conference of Presidents: Persuasion in Practice

Friday, November 18th, 2011 | Delta Halifax, Halifax, NS

Our Education Program brings together Presidents from across the Trial Lawyers Associations of Canada, and within our own 10 year pool of Presidents. We are canvassing advocacy in case preparation/presentation, and persuasion in settlement attempts, bench trials and with juries.

Complete [conference information](#) and registration is available online

APTLA's CONFERENCE OF PRESIDENTS is open to APTLA Members and Non-Members, lawyers and non-lawyers, and qualifies for Seven (7) MCPD Credit Hours from the Law Society of New Brunswick.

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

10th Anniversary Party Celebrating 10 Years of Seeking Justice For All Friday, November 18 | Waterfront Warehouse

In October, 2001, plaintiff lawyers from the four Atlantic Provinces came together in Halifax to form the Atlantic Provinces Trial Lawyers Association. Ten years later we are coming together again to celebrate what we have accomplished since then. All Members - new, old, past, and present - are encouraged and welcomed to join us! If you have been any part of APTLA - you have contributed to our success, so please come to Halifax on November 18th and enjoy our Conference of Presidents and/or our 10th Anniversary Party!

Join your APTLA colleagues at the **Waterfront Warehouse** on the night of **Friday, November 18th**.
Drinks/Martini Bar @ 7:00pm, Dinner @ 7:30pm.
Music & Entertainment by The Swell Guys. \$65/person.
Contact the APTLA Office for your ticket(s) - admin@aptla.ca

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.aptla.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**. 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!

Doors open at 7:00 pm. 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.

Register today for the LIANS Solo and Small Firm Conference!

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

The 3rd annual LIANS Risk and Practice Management Conference for Solo and Small Firms 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; Stacey Gerrard, LIANS Counsel; Darlene Jamieson QC; Tony Robinson QC; Det. Cst. Dana Drover of the Halifax Regional Police; 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.

Cost is \$250 + tax

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

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

Scotch Tasting for Movember

November 23, 6:30 pm | Wickwire Holm

On Wednesday November 23, Wickwire Holm is hosting a Scotch Tasting for local lawyers and judges in the North Magazine on Citadel Hill in support of Movember, as part of the "Putting a New Face on Justice" campaign. The event consists of a Scotch tasting lead by Scotch expert, Dave Danskin, appetizers and an opportunity to network among friends and colleagues. The evening will also include a raffle for our "Big Mo on the Town" prize.

All proceeds raised will be donated to Movember Canada and directed to programs run by Prostate Cancer Canada.

Prostate Cancer Canada uses funds raised from Movember for the development of programs related to awareness, public education, advocacy and support of those affected, as well as research into the prevention, detection, treatment and cure of prostate cancer. During his lifetime, 1 in 7 men will develop prostate cancer, the most common cancer to affect Canadian men. This year, more than 25,000 Canadian men will be diagnosed with prostate cancer and more than 4,000 will die from it.

The event begins at 6:30 pm and costs \$60. We are able to accept cheques (made payable to Wickwire Holm) or cash. If you would like to reserve your spot, please email Daniel Pink at dpink@wickwireholm.com. Space is limited and spots will fill up fast.

Dalhousie Health Law and Policy Seminar Series

Weldon Law Bldg, Room 104, 6061 University Ave, Hfx, NS

12:10 - 1:30 pm

NEXT SEMINAR:

Friday, November 25

Regulating Health Professionals' Hours of Work: Legal and Ethical Challenges

Fiona MacDonald, School of Law, Queensland University of Technology

Light lunch served at noon in the Faculty Lounge (Rm 312)

No registration required! No fee. Call 902.494.6881 for more information

Discover the Ability in Disability - 4th Annual Symposium

November 30 & December 1

Halifax Marriott Harbourfront Hotel

The Nova Scotia Human Rights Commission, in partnership with the Disabled Persons Commission and the Collaborative Partnership Network, presents the 4th Annual Symposium on Inclusive Education & Employment. Our symposium speaks of the challenges and opportunities persons with disabilities encounter on the road towards education, work and community.

Guest speakers include **Margaret Trudeau**, mental health advocate, and **Mark Nagler**, President of Nagler Disability Consulting Services.

See www.IDPD.ca for details and registration.

Fair Registration Practices Office Workshop

November 30, 2011

Lord Nelson Hotel & Suites, Halifax

If you have been wondering what's happening with the *Fair Registration Practices Act*, attend this workshop for answers. At the end of this day-long workshop, which includes information sessions and a panel discussion, regulatory bodies should have a clear understanding of their obligations under the Act and know the next steps in the process. This is the first in a series by the Fair Registration Practices Office that will offer learning, networking and interactive opportunities for attendees.

Register online: <http://tinyurl.com/3cx9svs>

For more information or to reach the workshop secretariat:

Phone: 902 422 1886 or 1 877 731 1333

Email: FRPA@agendamanagers.com

RELANS is pleased to announce that registration is open for our upcoming conference.

The Real Estate Transaction: From Beginning to End

WHEN: Afternoon, Monday, December 5, 2011

WHERE: Westin Nova Scotia, Lower Water Street, Halifax

ATTENDANCE: Registration is open to RELANS Members, non-Member Lawyers and Real Estate Assistants.

Registration can be done individually, or by firm.

Please click the link below for more information and to sign up for the meeting:

http://www.surveymonkey.com/s/RELANS_December2011

Notice: Sign up is via the above link only. Space is limited.

This legal education program is for anyone wanting to learn the details, subtleties, problems (and their solutions) of real estate transactions. This program will include a detailed review of the various elements of standard and special real estate transactions; using small group sessions, panel discussions, short-snapper presentations,

lectures and Q&A. It is open to anyone who wishes to attend, but will be of particular value to those lawyers who are young in practice or those who do not yet do a high volume of real estate transactions.

We will follow the December 5th Conference with RELANS's Annual Christmas Party, which will run from 5:00-7:00 also at the Westin. It is for all RELANS Members AND their Real Property Staff, to mix and mingle and raise a glass of good cheer. If you attend the conference, please plan to stay... and even if you don't please plan to come down and join your RELANS colleagues!

Intensive Trial Advocacy Programme **June 3–9, 2012 | Faculté de droit of the Université de Moncton**

The Intensive Trial Advocacy Programme is organized and presented by The Faculté de droit of the Université de Moncton, and is designed to train lawyers in basic trial techniques equally applicable to civil and criminal cases. It is ideally suited to lawyers, practising in both the criminal and civil courts with two to twelve years of experience, who have had some familiarity with litigation but limited trial experience.

To view the schedule, for more information and to register: <http://www.umoncton.ca/umcm-droit/node/78>

:: CLASSIFIEDS ::

Lease sharing and networking opportunity with Chartered Accounting firm in Upper Tantallon

A growing Chartered Accounting firm located in a new commercial building in Upper Tantallon (just outside Halifax) is looking to develop a referral relationship with a small legal practice (established or start-up) that would include corporate and tax advantaged structures among other services.

Available space currently include two unused offices that could be provided at a low or no rent rate lease depending on the ability of the legal practice to refer business to and handle referrals from the accounting practice. The firm, [Bluenose Accounting](#), is open to any discussions for arrangements that would be mutually beneficial. In addition to referrals, possibilities include co-marketing of services, provision of workshops and involvement in networking opportunities to promote services to local business owners.

There is also roughly 800 square feet available for separate lease in the building, which is located at the entrance to the Peggy's Cove Road close to the busy crossroads area of Upper Tantallon. Upper Tantallon is one of HRM's most rapidly growing areas and is poised for continued growth. For more information, please contact Anthony at **902 820 8000** or by email at Anthony@bluenoseaccounting.com.

Assistance with Florida law and U.S. immigration

I am an active member of both the Nova Scotia and Florida Bars and would be pleased to assist any of your clients who spend time in the U.S. and who may have questions concerning Florida law or Florida / U.S. tax and immigration matters.

William A. Sutherland QC, Barrister, Solicitor & Notary Public
Suite 27, 6960 Mumford Road, Halifax, Nova Scotia B3L 4P1
Tel. 902 445 2500 ext. 7, Fax. 902 445 5187
wassutherland@hfxmail.com (Member Nova Scotia and Florida Bars)

Books and Reports available for free

Available for the taking:

- Canada Federal Court Reports – 1971-2003//
- Canada Law Reports (Exchequer Court) – 1952-1970//
- Dominion Law Reports – v.1-70, 1912-1922; 1923-1955
- 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.

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 ::

***Nova Scotia Law News* vol. 36 no. 4 (October 2011) now available**

A new issue of the *Nova Scotia Law News* is [available online](#) and as a print pull-out section in the latest *Society Record*.

Due to the change in frequency of publication of the *Society Record*, the *Law News* will continue to be published quarterly, but only two issues per year will be in print format. All four issues of the *Law News* are available on the [library page](#) of the Society's website.

In order to keep current, please see the new decisions in *InForum* and [Law News Online](#). Search the New Decisions (week ending) query box for recent dates.

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 e-mail to bcampbel@nsbs.org.

New books at the Library

LEGAL RESEARCH

LEGAL PROBLEM SOLVING : REASONING, RESEARCH AND WRITING / Fitzgerald, Maureen F -- 5th ed. -- Markham, Ont. LexisNexis Canada, 2010. **[KB 15.3 F554 2010]**

THE ULTIMATE GUIDE TO CANADIAN LEGAL RESEARCH / Fitzgerald, Maureen F; Barker, Susan -- Markham, Ont. LexisNexis Canada, 2011. **[KB 15.3 F554U 2011]**

MILITARY LAW

MILITARY JUSTICE IN ACTION : ANNOTATED NATIONAL DEFENCE LEGISLATION / Letourneau, Gilles; Drapeau, Michel W -- Toronto: Carswell Thomson Reuters, 2011. **[KB 95 L649M 2011]**

RECEIVERS

BENNETT ON RECEIVERSHIPS / Bennett, Frank -- 3d ed. -- Toronto: Carswell Thomson Reuters, 2011. **[KB 113 B471R 2011]**

REMEDIES

VULNERABLE PERSONS : PROTECTION AND REMEDIES IN CANADA / Kirwin, Lynn M -- Toronto: Carswell Thomson Reuters, 2011. **[KB 198 K58 2011]**

TRUSTS

DRAFTING TRUSTS AND WILL TRUSTS IN CANADA / Kessler, James; Hunter, Fiona -- 3d ed. -- Markham, Ont. LexisNexis Canada, 2011. **[KB 154 K42D 2011 + CD-ROM]**

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

:: NEW DECISIONS ::

Library & Information Services - Keeping you informed

ADMINISTRATIVE LAW – Boards and tribunals – judicial review of decision of Assistance Appeal Board decision declining to fund equipment to grow medical marijuana as a "special need" *Riley v. Nova Scotia (Minister of Community Services)*, Amh. No. 346690, Bourgeois, J., October 21, 2011. [2011 NSSC 387](#); **S637/9**

CIVIL RIGHTS – Exclusion of evidence – statement to police *R. v. Chan*, CR. No. 334922, Wright, J., September 28, 2011. [2011 NSSC 350](#); **S637/6**

COMPANY LAW – Remedies – equal division of funds held in trust *Belliveau v. Belliveau*, S.D.D. No. 206004, Duncan, J., October 28, 2011. [2011 NSSC 397](#); **S637/21**

COMPANY LAW – Shareholder agreement – oppression remedy *Giffin v. Soontiens et al.*, Hfx. No. 292594, Moir, J., January 19, 2011. [2011 NSSC 403](#); **S637/15**

COMPANY LAW – Shareholder agreement – oppression remedy *Giffin v. Soontiens et al.*, Hfx. No. 292594, Moir, J., October 31, 2011. [2011 NSSC 404](#); **S637/16**

CONTRACTS – Direct Sellers Licensing Act – applicability *Camelot Homes Inc. v. Cochrane*, Claim No. 347619, O'Hara, Adjudicator, October 3, 2011. [2011 NSSM 57](#); **SmCI19/13**

CONTRACTS – Direct Sellers Licensing Act – applicability *Camelot Homes Inc. v. Robertson*, Claim No. 347618, O'Hara, Adjudicator, October 3, 2011. [2011 NSSM 58](#); **SmCI19/14**

COURTS – Bias – application for recusal *Truckair v. Canada (Attorney General)*, Syd. No. 346310, Bourgeois, J., October 28, 2011. [2011 NSSC 398](#); **S637/11**

CRIMINAL LAW – Animal cruelty – appeal *R. v. Benoit et al.*, C.A.C. No. 327751, Fichaud, J.A., November 1, 2011. [2011 NSCA 99](#); **S636/9**

CRIMINAL LAW – Appeals – sexual interference and sexual assault *R. v. W. (G.A.)*, C.R.A. Yar. No. 323562, LeBlanc, J., October 20, 2011. [2011 NSSC 383](#); **S637/1**

CRIMINAL LAW – Assault – appeal of conviction dismissed *R. v. Stalling*, Amh. No. 350360, Bourgeois, J., October 24, 2011. [2011 NSSC 391](#); **S637/14**

CRIMINAL LAW – Evidence – plea negotiation privilege *R. v. Cater et al.*, No. 1997518 – 1997550; 2035773 – 2035784, Derrick, J.P.C., October 24, 2011. [2011 NSPC 75](#); **M25**

CRIMINAL LAW – Mental disorder – lack of criminal responsibility *R. v. Jones*, No. 2292404; 2294273 – 2294282, Derrick, J.P.C., November 2, 2011. [2011 NSPC 77](#); **M25**

CRIMINAL LAW – Proceeds of crime – application to release assets to pay legal fees *R. v. Lynds*, S.K. No. 353388, Cacchione, J., October 31, 2011; October 25, 2011 (orally). [2011 NSSC 400](#); **S637/13**

CRIMINAL LAW – Sentencing – possession for the purpose of trafficking cannabis marijuana *R. v. Miller*, No. 2219978, Derrick, J.P.C., October 31, 2011. [2011 NSPC 76](#); **M25**

CRIMINAL LAW – Sentencing – trafficking in a controlled drug, lawyer smuggling substance into a jail *R. v. Calder*, C.R.H. No. 316393, Coady, J., June 17, 2011. [2011 NSSC 312](#); **S637/19**

DAMAGES – Personal injuries – brain injuries, appeal *Szendroi et al. v. Vogler*, C.A. No. 343734, Farrar, J., October 25, 2011. [2011 NSCA 98](#); **S636/8**

FAMILY LAW – Access and spousal support – father's access extended, mother's spousal support request denied *Bachmann v. Bachmann*, No. 1206-5978, MacLellan, J., October 25, 2011; June 13, 2011 (orally). [2011 NSSC 394](#); **S637/7**

FAMILY LAW – Access – variation of consent order *Marshall v. Walsh*, S.F.S.N.M.C.A. No. 024385, MacLellan, J., October 24, 2011. [2011 NSSC 388](#); **S637/2**

FAMILY LAW – Appeal – matrimonial property, division of assets, spousal support, priority of judgments *Gill v. Hurst*, C.A. No. 338209, Bryson, J.A., November 1, 2011. [2011 NSCA 100](#); **S636/10**

FAMILY LAW – Custody and access – child support *Marchand v. Boudreau*, S.F.P.A.M.C.A. No. 068129, Legere-Sers, J., July 7, 2011. [2011 NSSC 276](#); **S637/17**

FAMILY LAW – Custody – interim custody and parenting arrangement *Hefter v. Hefter*, S.F.H.M.C.A. No. 075674, Legere-Sers, J., October 24, 2011. [2011 NSSC 385](#); **S637/4**

MAINTENANCE – Child support – shared parenting arrangement *McNally v. Marsh*, S.F.S.N.M.C.A. No. 0061382, Wilson, J., October 24, 2011. [2011 NSSC 392](#); **S637/3**

MAINTENANCE – Spousal support – application for support after an 11 year delay *Molloy v. Molloy*, S.F.P.A.F. No. 10373, Legere-Sers, J., October 26, 2011. [2011 NSSC 390](#); **S637/20**

PRACTICE – Expert's report – whether 1972 or 2008 Rules apply *Bernard v. Thibideau*, Hfx. No. 183869, Rosinski, J., October 25, 2011. [2011 NSSC 395](#); **S637/5**

PRACTICE – Judicial review – amendment to notice allowed *Nova Scotia (Department of Community Services) v. Hopkins*, Amh. No. 352463, Bourgeois, J., October 19, 2011; October 7, 2011 (orally). [2011 NSSC 382](#); **S637/10**

PRACTICE – Pleadings – demand for particulars *Penwell v. Harwood et al.*, Hfx. No. 331663, Rosinski, J., July 29, 2011. [2011 NSSC 309](#); **S637/18**

PRACTICE – Small Claims Court – appeal dismissed *Boone v. DC Drive Electronics Ltd.*, SC Am. No. 337239; Amh. No. 345563, Bourgeois, J., October 19, 2011. [2011 NSSC 380](#); **S637/8**

REAL PROPERTY – Boundary dispute – motion for contempt order *Pittson v. Murnaghan et al.*, Hfx. No. 236026, Duncan, J., October 31, 2011. [2011 NSSC 402](#); **S637/22**

WILLS AND ESTATES – Costs – against estate *Van Kippersluis v. Van Kippersluis Estate*, Ken No. 12441; Ken No. 349015, Warner, J., October 31, 2011. [2011 NSSC 399](#); **S637/12**

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.

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

November 4, 2011

[R. v. Sarrazin](#)

Neutral citation: [2011 SCC 54](#) (CanLII)

File No.: 33917.

2011: April 18; 2011: November 4.

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 — Charge to jury — Included offences — Attempted murder — Accused charged with second-degree murder — Whether the potential verdict of attempted murder should have been left with the jury.

Criminal Law — Appeals — Powers of the Court of Appeal — Application of curative proviso — Whether requirements for application of proviso should be relaxed — Whether proviso applies in this case — If so, whether conviction can be upheld pursuant to curative proviso — Criminal Code, R.S.C. 1985, c. C-46, s., 686(1)(b)(iii).

N was shot in the forearm and the abdomen and suffered life-threatening injuries, particularly to his liver. N was released from the hospital and was expected to make a full recovery. Five days later, he died as a result of a blood clot. In the autopsy, trace amounts of cocaine were detected in his blood, indicating cocaine consumption within 30 to 45 minutes of death. Expert testimony indicated that N might have died from complications arising from the ingested cocaine. At trial, the defence argued that a reasonable doubt had been raised as to whether the victim's death was or was not related to the shooting — even if the evidence showed the accused intended to kill the victim, there was a reasonable doubt on the medical evidence that they in fact caused the victim's death. The accused argued that the correct verdict in law to give such a finding (if it were made by the jury) would be to acquit the accused of murder, but convict them of attempted murder. The trial judge declined to put the option of attempted murder to the jury, and the accused were convicted of second-degree murder. The majority of the Court of Appeal ordered a new trial by concluding that the trial judge's failure to afford the jury an opportunity to consider returning a verdict on an included offence, where that verdict was reasonably available, constituted a reversible error. The minority found that the trial judge's error was harmless in the circumstances of this case and would have applied the curative proviso on the basis that the jury was equipped with all the tools it needed to give the matter of causation careful consideration.

Held (Deschamps, Rothstein and Cromwell JJ. dissenting): The appeal should be dismissed.

October 28, 2011

[Canada \(Canadian Human Rights Commission\) v. Canada \(Attorney General\)](#)

Neutral citation: [2011 SCC 53](#) (CanLII)

File No.: 33507.

2010: December 13; 2011 October 28.

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

ON APPEAL FROM THE FEDERAL COURT OF APPEAL

Administrative law — Judicial Review — Standard of review — Canadian Human Rights Tribunal awarding legal costs to complainant — Whether standard of reasonableness applicable to Tribunal's decision to award costs — Whether Tribunal made a reviewable error in awarding costs to complainant — Canadian Human Rights Act, R.S.C. 1985, c. H-6, ss. 53(2)(c), 53(2)(d).

Administrative law — Boards and Tribunals — Jurisdiction — Costs — Canadian Human Rights Tribunal awarding legal costs to complainant — Whether Tribunal having jurisdiction to award costs — Canadian Human Rights Act, R.S.C. 1985, c. H-6, ss. 53(2)(c), 53(2)(d).

M filed a human rights complaint with the Canadian Human Rights Commission alleging that the Canadian Forces had discriminated against her on the ground of sex contrary to the provisions of the *Canadian Human Rights Act* (“CHRA”). The Canadian Human Rights Tribunal (“Tribunal”) concluded that M’s complaint of sexual harassment was substantiated in part and she was awarded \$4,000 to compensate for “suffering in respect of feelings or self respect.” M applied for legal costs. The Tribunal determined that it had the authority to order costs pursuant to s. 53(2)(c) and 53(2)(d) of the CHRA and awarded M \$47,000 in this regard. The Federal Court upheld the Tribunal’s decision on its authority to award costs. The Federal Court of Appeal allowed an appeal of this decision and held that the Tribunal had no authority to make a costs award.

Held: The appeal should be dismissed.

October 27, 2011

[*British Columbia \(Workers' Compensation Board\) v. Figliola*](#)

Neutral citation: [2011 SCC 52](#) (CanLII)

File No.: 33648.

2011: March 16; 2011: October 27.

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

Administrative law — Judicial review — Standard of review — Patent unreasonableness — Injured workers receiving compensation pursuant to British Columbia’s Workers’ Compensation Board Chronic Pain Policy — Workers filing appeal with Board’s Review Division claiming policy breached s. 8 of British Columbia Human Rights Code — Board rejecting that Policy breached Human Rights Code — Workers subsequently filing complaints with Human Rights Tribunal repeating same arguments — Human Rights Tribunal deciding that this was appropriate question for Tribunal to determine — What is the scope of Tribunal’s discretion to determine whether the substance of a complaint has been “appropriately dealt with” when two bodies share jurisdiction over human rights — Whether exercise of discretion by Tribunal was patently unreasonable — Human Rights Code, R.S.B.C. 1996, c. 210, ss. 8 and 27(1) — Administrative Tribunals Act, S.B.C. 2004, c. 45, s. 59.

The complainant workers suffered from chronic pain and sought compensation from British Columbia’s Workers’ Compensation Board. Pursuant to the Board’s Chronic Pain Policy, they received a fixed compensation award. They appealed to the Board’s Review Division, arguing that a policy which set a fixed award for chronic pain was patently unreasonable, unconstitutional and discriminatory on the grounds of disability under s. 8 of the British Columbia *Human Rights Code* (“Code”). The Review Officer accepted that he had jurisdiction over the *Human Rights Code* complaint and concluded that the Board’s Chronic Pain Policy was not contrary to s. 8 of the *Code* and therefore not discriminatory.

The complainants appealed this decision to the Workers’ Compensation Appeal Tribunal (“WCAT”). Before the appeal was heard, the legislation was amended removing WCAT’s authority to apply the *Code*. Based on the amendments, the complainants’ appeal of the Review Officer’s human rights conclusions could not be heard by WCAT, but judicial review remained available. Instead of applying for judicial review, the complainants filed new complaints with the Human Rights Tribunal, repeating the same s. 8 arguments about the Board’s Chronic Pain Policy that they had made before the Review Division.

The Workers’ Compensation Board brought a motion asking the Tribunal to dismiss the new complaints, arguing that under s. 27(1)(a) of the *Code*, the Tribunal had no jurisdiction, and that under s. 27(1)(f) of the *Code* the complaints had already been “appropriately dealt with” by the Review Division. The Tribunal rejected both arguments and found that the

issue raised was an appropriate question for the Tribunal to consider and that the parties to the complaints should receive the benefit of a full Tribunal hearing. On judicial review, the Tribunal's decision was set aside. The Court of Appeal, however, concluded that the Tribunal's decision was not patently unreasonable and restored its decision.

Held: The appeal should be allowed, the Tribunal's decision set aside and the complaints dismissed.

October 26, 2011

[R. v. Barros](#)

Neutral citation: [2011 SCC 51](#) (CanLII)

File No.: 33727.

2011: January 25; 2011: October 26.

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

ON APPEAL FROM THE COURT OF APPEAL FOR ALBERTA

Criminal law — Informer privilege — Private investigator hired by defence to identify confidential police informant — Investigator allegedly attempting to obtain stay of charges by identifying informant — Whether investigator bound by informer privilege.

Criminal law — Appeals — Powers of court of appeal — Private investigator hired by defence to identify confidential police informant — Investigator allegedly attempting to obtain stay of charges by identifying informant — Investigator charged with one count of obstructing justice and two counts of extortion — Court of appeal overturning acquittals and ordering new trial — Whether trial judge committed errors of law allowing appellate review of acquittals — Criminal Code, s. 676(1)(a).

B was a former police officer working as a private investigator. He was hired by the lawyer for Q, who had been charged with several drug offences based on information from a confidential police informant. To discover the identity of the informant, B met with several of Q's associates and requested their phone records and other information. He then met with the police officer in charge of Q's case and told the officer he knew who the informant was. B was later charged with one count of obstruction of justice and two counts of extortion. The judge directed a verdict of acquittal on the obstruction charge (Count 1), finding B was entitled to take any investigative steps to discover the informant's identity. The judge acquitted B of extortion with respect to the conversation with the police officer (Count 2), because the Crown had not established that B had the objective of ending the criminal proceedings against Q when he spoke to the officer. She also found no legal threat had been made and that the Crown had failed to negate justification or excuse for B's conduct. With respect to the extortion committed against Q's associates, the judge found the Crown proved neither a threat nor the intention required for extortion and acquitted B on Count 3. The Crown appealed the directed verdict and the acquittals. A majority of the Court of Appeal allowed the appeal and ordered a new trial on all three counts.

Held (Fish and Cromwell JJ. dissenting in part): The appeal should be allowed in part.

October 21, 2011

[R. v. Dorfer](#)

Neutral citation: [2011 SCC 50](#) (CanLII)

File No.: 33952

2010: October 12; 2011: October 21

Present: McLachlin C.J. and LeBel, Fish, Rothstein and Cromwell JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH COLUMBIA

The appeal from the judgment of the Court of Appeal for British Columbia (Victoria), Number CA036895, 2010 BCCA 440, dated October 12, 2010, was heard on this day and the following judgment was rendered orally:

The Chief Justice — The majority of the Court would dismiss the appeal, LeBel and Fish JJ. dissenting. While we are persuaded that the presiding judge erred in law in his instruction about the limited use of Mr. Babcock's criminal record, we are of the view that this error did not occasion any substantial wrong or miscarriage of justice, given the fact that propensity reasoning relative to Mr. Babcock's record was never placed before the jury either implicitly through the examination of witnesses or explicitly through the submissions to the jury, and given the absence of any evidentiary foundation to support a propensity instruction with respect to Mr. Babcock's record.

LeBel J. (dissenting) — With respect, I agree with Prowse J. A., dissenting, that the trial judge erred in law in instructing the jury on the use of the criminal record of a third party suspect. More particularly, the judge misdirected the jury in saying that such evidence could be used only to test the credibility of the third party. In my opinion, this error of law cannot be cured by the application of s. 686(1)(b)(iii) of the *Criminal Code*, R.S.C. 1985, c. C-46. The evidence against the accused was not overwhelming. The error of law was clear and significant. In the context of this trial, it could not be considered to be harmless. For these reasons, I would allow the appeal, quash the conviction and order a new trial on the same charges.

:: NEW BILLS ::

Library & Information Services – Keeping you informed

Nova Scotia Bills

<http://nslegislature.ca/index.php/proceedings/status-of-bills/>

The House resumed sitting on October 31, 2011.

The following bills were INTRODUCED since the last *InForum*:

Government Bills

Bill No. 72

Timely Medical Certificates Act

An Act to Amend Chapter 494 of the Revised Statutes, 1989, the Vital Statistics Act

Hon. John MacDonell, Minister of Service Nova Scotia and Municipal Relations

First Reading: November 1, 2011

Bill No. 73

Safer School Zones Act

An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act

Hon. Bill Estabrooks, Minister of Transportation and Infrastructure Renewal

First Reading: November 2, 2011

Private Member Bills

Bill No. 66

Ratepayer Protection Act

An Act to Require the Accountability of Nova Scotia Power Incorporated to Ratepayers

Andrew Younger, Dartmouth East

First Reading: October 31, 2011

Bill No. 67

Scrap-metal Dealers and Recyclers Act

An Act to Regulate the Sale of Scrap copper and Certain Other Scrap Metal

Allan MacMaster, Inverness

First Reading: October 31, 2011

Bill No. 68

Elimination of Bonuses in Power Rates Act

An Act to Amend Chapter 380 of the Revised Statutes, 1989, the Public Utilities Act, Respecting Eliminating Bonuses in Power Rates

Chuck Porter, Hants West

First Reading: October 31, 2011

Bill No. 69

Transparency in Power Rates Act

An Act to Amend Chapter 380 of the Revised Statutes, 1989, the Public Utilities Act, Respecting Transparency in Power Rates

Chuck Porter, Hants West

First Reading: October 31, 2011

Bill No. 70

Ratepayer Fairness Act

An Act to Amend Chapter 380 of the Revised Statutes, 1989, the Public Utilities Act, Respecting Ratepayer Fairness

Chuck Porter, Hants West

First Reading: October 31, 2011

Bill No. 71

Public Service Act (amended)

An Act to Amend Chapter 376 of the Revised Statutes, 1989, the Public Service Act, to Establish the Office of Fire and Emergency Services

Hon. Stephen McNeil, Annapolis

First Reading: November 1, 2011

Bill No. 74

Income Tax Act (amended)

An Act to Amend Chapter 217 of the Revised Statutes, 1989, the Income Tax Act

Hon. Wayne J Gaudet, Clare

First Reading: November 3, 2011

Bill No. 75

Life-threatening Illness Student Support Act

An Act to Support Students with Diabetes and Other Life-threatening Illnesses

Hon. Karen Casey, Colchester North

First Reading: November 4, 2011

The following bills received SECOND READING since the last *InForum*:

Government Bills

Bill No. 65

Nova Scotia Jobs Fund Act

An Act Relating to the Nova Scotia Jobs Fund

Hon. Percy Paris, Economic and Rural Development and Tourism

First Reading: November 1, 2011

Second Reading Debates: November 1, November 3, 2011
Second Reading Passed: November 3, 2011

View the status and full text of bills at
<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 ::

Register today for the LIANS Solo and Small Firm Conference!

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

The 3rd annual LIANS Risk and Practice Management Conference for Solo and Small Firms 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; Stacey Gerrard, LIANS Counsel; Darlene Jamieson QC; Tony Robinson QC; Det. Cst. Dana Drover of the Halifax Regional Police; 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.

Cost is \$250 + tax

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: Practising beyond Nova Scotia

The National Mobility Agreement has expanded many lawyers' client bases. Lawyers who used to do work only within Nova Scotia now find themselves bringing actions in PEI, New Brunswick, Ontario, Alberta and elsewhere.

If this has become your practice, you must become familiar with the civil procedure rules in the other provinces and, in particular, pay attention to the legislation that governs their limitations of actions. Limitation periods vary from province to province and if you miss the filing deadline, you could be facing a claim for professional negligence.

You can find a [table of most Nova Scotia limitation periods](#) (current to June 2011) on the LIANS website, in the Risk and Practice Management section.

Check your filing deadline as soon as you open your file, and be sure to properly diarize the date in order to avoid a claim against you.

*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: Computer virus scam plagues Canada

The scam works like this: a caller purporting to work for Microsoft or another software company inquires about the proper functioning of your computer. They will then offer to repair your computer using an internet-based software installation or by accessing your computer remotely after you've provided your passwords. They request credit card information at this point as payment for the software or repair service charges, typically ranging from \$35 to \$470 per call.

Between 70 and 80 per cent of frauds reported daily to the Canadian Anti Fraud Centre (CAFC) since September 2011 concern phone calls claiming to be able to protect your computer from viruses. The RCMP and the CAFC advise that if you receive one of these scam attempts, simply hang up the phone. Do not give the caller your computer passwords, credit card numbers or any personal information.

Never allow an unsolicited third party to download software or remotely access your computer. Harmful software can be installed to capture personal financial data such as online banking usernames and passwords and bank account information. This information can be used to empty your bank accounts and charge your credit cards. Your computer can then be accessed at any time by the perpetrators without your knowledge or participation to send spam, spread viruses to your contacts or overload computer networks. Once the criminals have your credit card information, it can be used to make purchases without your consent.

Overall, if you receive an unsolicited phone call or email offering to provide a service for a fee, it is likely a scam. Protect yourself by hanging up or deleting the email – these criminals are trying to steal your money and other valuable personal information.

To report or seek advice on dealing with fraud and scam attempts, contact Cynthia Nield at cnield@ians.ca, or 902 423 1300, x346.

NSLAP WELLNESS TIP:

Caring for aging parents and loved ones: housing options for the elderly

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

One of the most important decisions you will make is your elders' living situation as their health changes. Here are some possible options you might need to consider:

Staying put at home

With support from friends and family, seniors usually prefer to live in their own homes and communities for as long as possible. When their health declines, they often require additional support services delivered by community-based agencies to keep them safe, happy and healthy at home.

Available home care resources include:

- Nursing care for medications, injuries, etc.;
- Personal care and support for daily activities and grooming help with regular day-to-day activities including errands, shopping, cleaning and transportation;
- Homemaker services such as Meals on Wheels;
- Companions who spend time with an elderly person, reading to them or taking them on outings, or full-time attendants who provide daily one-on-one care in the home;
- Adult day care programs designed for individuals with disorders such as Alzheimer's disease that offer away-from-the-home care during working hours;
- Occupational therapy for in-home assessments, physiotherapy, exercise training and rehabilitation;
- Nutritional counselling, naturopathy and chiropractic services provided in the home; and
- Respite care provided by special programs designed to give family caregivers a break, or fill in if the caregiver is sick.

Retirement apartments and communities

Apartment complexes with one-bedroom or two-bedroom units designed for the elderly exist across Canada. Some are subsidized for individuals who qualify (usually income-based). Activity and leisure programs are included, and many have other useful services such as buses to local shopping or health professionals who visit regularly.

Retirement communities usually contain a variety of housing (from apartments to townhouses) and offer additional features, such as meal or maid services. Many of these communities are designed to offer expandable levels of care. For example, as a person loses independence or becomes frail, medical or nursing assistance can be made available. These communities tend to be privately operated (although some are subsidized).

Living with you

In-law suites can be a suitable solution when parents are unable to live alone but are not yet ready to move into a nursing home. These can be an added extension or an apartment within the home that includes separate kitchen and bathroom facilities. Another option is that parents live with you and have their own bedroom.

Continuing care retirement or life-care communities

These communities provide various types of accommodation and services, including independent rental units. They also offer 24-hour skilled nursing care, so residents can change the nature of their care as their needs change. Although residents may pay significant entrance fees, they enter into a binding legal agreement that will, for the duration of their lives, guarantee nursing and health-related services. Watch for hidden or rising costs of care when budgeting.

Long-term nursing care facilities

These facilities offer a variety of accommodation options. Residents of the facility pay a fee based on the type or style of accommodation. "Preferred" accommodation is a term used to describe private or semi-private suites with special features, whereas basic or standard accommodation refers to shared accommodations. Expect dining rooms and common rooms, and facilities such as a lounge, beauty salon, chapel, garden or gift shop. Basic packages will include furnishings, meals, bed linens and laundry services, personal hygiene, supplies, pastoral services, social and recreational programs, medication administration and assistance with the essential activities of daily living. Nursing and personal care on a 24-hour basis may also be provided, as well as access to a physician and other health professionals.

Palliative care

Palliative care is a special kind of health care for individuals who are living with a life-threatening illness, usually at an advanced stage. The goal is to provide the best quality of life by ensuring their comfort and dignity. Pain management, symptom management and social, psychological, emotional and spiritual support are the focus. Palliative care is offered by specially qualified staff, including at home, in long-term care facilities and in hospitals.

*For more information, resources and counselling on caring for aging parents, 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.*
