

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

:: WHAT'S NEW ::

Society News

- [Halifax District Byelection for Council](#)
- [New Queen's Counsel appointments](#)
- [Introducing the Society's new and improved website](#)
- [Reminder: Nomination process underway for Second Vice-President 2012-2013](#)
- [Reminder: NSBS Mandatory Online Assessment for the new *Code of Professional Conduct*](#)
- [Changes in Category – December 5, 2011 to January 9, 2012](#)
- [Save the date: Wickwire Lecture scheduled for February 29, 2012](#)
- [Letters: Congratulations and Thank You from Morris J. Hugg](#)

NSBS Continuing Professional Development

- [Next Online LRA course: January 18 to 25, 2012](#)

Library & Information Services

- [Searching Law News Online and other L&IS online databases – update](#)
- [L&IS subject research guides: enhanced web-based format and updated content](#)
- [New books at the library](#)
- [New decisions](#)
- [Proclamations update](#)

From LIANS

- [ABA TECHSHOW®](#) – Super Pass discount for Nova Scotia members
- [Save time using pre-addressed email!](#) – a new *Risk and Practice Management Tip* from the *Risk and Practice Management Program, LIANS*
- [Divorce settlement agreement scam attempt by “Claudia Goodwill”](#) – a new *Fraud Alert* from the *RPM Program, LIANS*
- [Caring for aging parents and loved ones: safety in the home](#) – a new *Wellness Tip* from *NSLAP*

In Memoriam

From the Courts

- [Nova Scotia Civil Procedure Rules available in French / la version non officielle des règles de procédure de la Nouvelle-Écosse en français](#)

From the Province

- [Changes to Nova Scotia Human Rights Commission's Dispute Resolution Process](#)
- JUSTICE
 - [2012 Crime Prevention Award Nominations](#) – deadline February 15
 - [Election Act changes proclaimed](#) (Dec. 22, 2011)
- [Error & Omission Notices](#)

Other news & notices

- [BOYNECLARKE LLP welcomes three new Partners](#)
- [Notice about Halifax Regional Municipality mapping website: ExploreHRM!](#)
- [The year in lists](#)

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

Awards & Appointments

- [New Chair of the Nova Scotia Securities Commission – Sarah Bradley](#)
- [Wendy Johnston QC receives Constance R. Glube Spirit Award](#)

Events of Interest

- [Who the Heck Owns My Health Information?](#), *Mini Law School, Schulich School of Law – January 18*
- [The Elements – three-part series examining the ethical uses of our resources: Food, Oil and Water](#), *presented by the CCEPA and the Evolution Studies Group at Dalhousie University – January 25*
- Upcoming events from CBA-NS:
 - [Annual Professional Development Conference](#) – *January 27*
- **Dalhousie Health Law and Policy Seminar Series:**
 - [Rethinking Health Care Federalism: Could the European Model Work in Canada?](#) *January 27*
- [8th Annual Legal “Who” Masquerade Ball and Silent Auction](#) – *February 4*
- [Save the date: 2012 Class Actions Conference](#), *March 2*
- [Intensive Trial Advocacy Programme](#) – *June 3-9, 2012*
- [National Criminal Law Program registration open](#), *presented by the FLSC, July 9-July 13*

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

:: NOTICES ::

SOCIETY NEWS

Four candidates nominated for Halifax District Byelection

Four lawyers have been nominated for this month's Council byelection to fill the vacancy for Halifax District:

- **Brian F. Bailey**, *Dartmouth*
- **Erin E. O'Brien Edmonds QC**, *Halifax*
- **Mark V. Rieksts**, *Halifax*
- **Ann E. Smith**, *Halifax*

The byelection will open on **Monday, January 16 at 8:00 am**, closing on **Wednesday, January 18 at 4:30 pm**.

Voting will be open to the membership in Halifax District only. The Society will distribute electronic ballots to all eligible voters by email prior to January 16.

Please check the website on **Thursday, January 12** for our special 2012 Halifax District Byelection page. It will include complete details about the electronic voting procedure and an area for all four candidates to outline their biographical information and reasons for wanting to serve on Council.

The successful candidate will be officially welcomed by Council at its meeting on January 20, 2012.

Council for 2011-2012 includes four members in Halifax District; one of these seats has been vacant since the elevation of the Hon. Justice Michael Wood to the Nova Scotia Supreme Court in September. The three other current members of Council for Halifax District are Christa M. Brothers, Aleta C. Cromwell and William L. Mahody.

New Queen's Counsel appointments

The Society congratulates the following 12 Nova Scotia lawyers on their new Queen's Counsel designations, announced December 22 by the Hon. Ross Landry, Justice Minister and Attorney General:

- R. Daren Baxter, Hammonds Plains
- C. LouAnn Chiasson, Dartmouth
- Sir Graham Day, Hantsport
- William Delaney, Halifax
- Vincent A. Gillis, Sydney
- John A. McKiggan, Halifax
- Karen Oldfield, Halifax
- John D. Plowman, Halifax
- Dwight J.W. Rudderham, Sydney
- Phillip M. Saunders, Halifax
- Lawrence John Stordy, Halifax
- Anthony M. Tam, Halifax

"These appointees have earned the respect of colleagues and many others by making strong personal contributions to their communities and the legal profession," said Mr. Landry.

Recommendations are made to cabinet by an independent advisory committee. Criteria include a minimum of 15 years as a member of the Bar of Nova Scotia, demonstrated professional integrity, good character and outstanding contributions to the practice of law.

The next deadline for applications or nominations will be in September 2012. Details and forms will be available on the Society's website in the spring, on the [Queen's Counsel process](#) page.

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

Introducing the Society's new and improved website

Please note: Your bookmarks may need to be updated. For example, if you had bookmarked the "Member Search" function, the link has now changed to <http://nsbs.org/member-search>

The Nova Scotia Barristers' Society is pleased to launch its new and improved website. With its contemporary design, clear navigation and fresh content, the site is more user friendly and provides greater transparency to the work of the Society.

"The Society's online resources are now the primary source of information about regulation of the legal profession in Nova Scotia," says Darrel Pink, Executive Director. "Improving access to that information is the goal of this initiative. With its improved functionality, the new website provides more intuitive access for members of the public, lawyers, those seeking admission and other stakeholders throughout the legal community."

Summary of new features

- horizontal navigation across the top, with convenient dropdown menus and side menus for each section;
- greater visual interest on the homepage, with banner images and callout boxes to draw attention to current highlights and important notices;
- four RSS feeds, for web users who want direct updates for [News](#), [Upcoming events](#), Professional Responsibility [Hearings](#), and [Decisions and Dispositions](#);
- an [events calendar](#) and improved event listings for professional development options and other events of significance to the legal profession;
- fillable online forms for submitting [event postings](#) and [career opportunity postings](#) for lawyers;
- a detailed [history](#) of regulation of the legal profession in Nova Scotia, including a historical timeline (1749 to present) and list of Society Presidents (1860 to present);
- content for the Distinguished Service Award and other [awards and honours](#); and
- homepage links to the Society's Twitter feed and LinkedIn profile.

Improved and expanded information

- reorganized [credentialing and admissions](#) information to make it easier for articulated clerks, transfers from other provinces, and transfers from other countries to access the forms and policies they require;
- more content for practising lawyers regarding their professional and ethical obligations, such as the Society's new [continuing professional development](#) requirement;
- improved [Council](#) and [Committees](#) sections, including more Council meeting materials and reports to Council, as well as Committee Terms of Reference, Work Plans and Progress Reports;
- greater detail about the Society's [public mandate](#) and efforts to [improve the administration of justice](#), including updated information about the [Equity Program](#);
- reorganized and expanded content relating to the complaint resolution process, for both the [public](#) and [lawyers](#);
- updated information about other legal resources and key organizations throughout the province's justice sector;
- a [Publications](#) section for easy access to all Society publications, including the *InForum* newsletter, the *Society Record* magazine, the quarterly *Nova Scotia Law News*, the NSBS Annual Report and Financial Statements, and forms index.

Resources and tools to assist in legal research

To assist in legal research, the Society has also revamped and refreshed the Library & Information Services tools and resources available online.

- **Researching an unfamiliar area of law?** Start with one of the Society's enhanced and now fully web-based [Subject research guides](#), providing an overview of relevant legislation and texts and sources for case law, precedents, CPD and other online resources.
- **Seeking digests of Nova Scotia case law?** The [Case law](#) page provides links to the Society's decisions database Law News Online, as well as CanLII for Canada-wide case law.
- **Looking to borrow a particular book, loose-leaf publication or journal?** Visit the [Library catalogues](#) page to search the Textbooks/treatises catalogue or Case reports, statutes, journals and reference material catalogue.

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

The Society's last major web upgrade was four years ago, in November 2007. Many thanks to Red Sky IT Solutions for its web development and technical expertise, and to Impact Communications for initial redesign work. A new content management system is also now in place, allowing for much greater efficiency, in-house content control and flexibility for continuing upgrades.

Additional changes and improvements will be highlighted in future editions of *InForum*. Several web pages remain under construction but will be available shortly. If you require assistance locating information on the new site, please call 422 1491.

The Society also welcomes feedback from the public and the legal profession – if you have a moment please take a look throughout the site and share your comments by phone at 422 1491 or by email at communications@nsbs.org.

Changes in Category – December 5, 2011 to January 9, 2012

This feature is now available in every edition of *InForum*, for timely updates on changes of category.

The following members have changed to the Practising Lawyer category:

Jacqueline Marie Boucher Leah Diane Rimmer Mark Jeffrey Walton

The following members have changed to Non-Practising status:

Sarah Cassandra Hebb Reginald Mark Lee Ryer J. Royden Trainor
Kenda L. Murphy Peter Joseph Gregory Sullivan

The following members have changed to Retired status:

Edward Borden Chase QC Morris Josef Haugg QC Walter Owen Newton QC

The following member has changed to Suspended status:

David Benjamin Pink

In Memoriam

The Society wishes to advise members of the recent death of the following colleague. We extend our condolences to his friends and families.

Mr. Walter "Struan" Robertson, Halifax – January 1, 2012 [Obituary](#)

Save the date: Wickwire Lecture scheduled for February 29, 2012

The 21st Annual F.B. Wickwire Memorial Lecture on Professional Responsibility will take place at Schulich School of Law on Wednesday, February 29. See the next edition of *InForum* for complete details.

Reminder: 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.

Reminder: 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 came into effect on January 1, 2012.

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

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**.

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.

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 page of the Society's website:
<http://www.nsbs.org/regulation>.

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

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

Les règles de procédure de la Nouvelle-Écosse

L'Association des juristes d'expression française de la Nouvelle-Écosse a fait des observations lorsque les règles de procédure étaient en cours de révision et a recommandé à ce qu'elles soient traduites en français. Les juges de la Cour suprême ont accepté, et ils ont demandé au Ministère de la Justice d'assumer le financement de la traduction. Le Ministère a accepté et les deux paliers du gouvernement ont contribué.

La traduction a été faite par des spécialistes de l'Université de Moncton.

Les règles de cour établies sous le *Code criminel* sont faites dans les deux langues. Mais en ce moment, la Cour n'a pas la capacité de faire les *règles de procédure*, ou de les modifier. Actuellement, le texte anglais est le seul texte efficace. La traduction est pour la commodité de ceux qui préfèrent la langue française, mais elle n'aide pas l'interprétation d'une règle.

Les formes associées aux règles de procédure civile ne sont pas disponibles en français et doivent être déposées à la cour en anglais.

La version non officielle des *règles de procédure* de la Nouvelle-Écosse en français:
http://www.courts.ns.ca/Rules/rules_in_french.htm

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

Nova Scotia's Civil Procedure Rules now available in French

The French-Speaking Jurists Association of Nova Scotia (L'Association des juristes d'expression française de la Nouvelle-Écosse – AJEFNE) made submissions when the rules of court were being revised that they be translated into French. The judges of the Supreme Court agreed, and they asked the Department of Justice to consider funding the translation. The Department agreed, and both levels of government contributed.

The translation was prepared by scholars at the University of Moncton.

Rules under the *Criminal Code* are made in both languages. The court does not have the capacity to make, or amend, the rest of the *Civil Procedure Rules* in both languages at this time. At this time, the English text is the only effective one. The translation is for the convenience of those who prefer the French language, but it does not assist interpretation of a Rule.

The Forms associated with the *Civil Procedure Rules* are not available in French and must be filed with the Court in English.

To access the unofficial version of the *Civil Procedure Rules* in French, visit this link:

http://www.courts.ns.ca/Rules/rules_in_french.htm

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

Note: Find direct links to more provincial announcements on the What's New page at the start of *InForum*.

Changes to Nova Scotia Human Rights Commission's Dispute Resolution Process

Letter to Members, Nova Scotia Barristers' Society, January 4, 2012

I am writing to share information about significant changes to human rights dispute resolution in Nova Scotia.

Following 12 months of study, planning and training, new approaches will be used to resolve complaints restoratively, and in less time. These changes are the result of consultations with past and current clients, discussions with members of the legal community, and a review of national and international best practices. We have also been privileged to access the expertise of internationally-renowned restorative justice expert Jennifer Llewellyn.

Here are the details:

Administrative Changes

- The **Intake Function** has been streamlined. During initial contact with a party, Commission staff will assess whether the issue falls under the *Human Rights Act*. If it does, a complaint form is immediately drafted with input from the complainant. This will usually be done during the first phone call or in-person contact.

In the past, information was collected during an initial conversation, and if the issue was assessed to be within our jurisdiction, an intake form was made available to be completed. Once the intake form was received, it was

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

reviewed, and a decision was made about whether to prepare a complaint, or close the file. A complaint might then be drafted. This process often took up to nine months.

- **Resolution Conferences** have been designed to allow complaints to be resolved quickly. During a Resolution Conference, all parties come together to discuss the complaint and its effects. If a settlement can't be reached, the information shared during the Resolution Conference is used to prepare an investigation report. Most complaints will be resolved through a Resolution Conference. Please note that a Resolution Conference is on-the-record.
- **Alternative resolutions** are possible. A Human Rights Officer may decide to refer a complaint to a separate mediation function, or investigate a complaint through a traditional administrative investigation. As well, a new Alternative Investigation Team has been created to help create investigation plans for complaints of a systemic nature. Senior managers of the Nova Scotia Human Rights Commission form this team.

Restorative Approaches

You may be familiar with the term *restorative justice*. Most of the principles of restorative justice can be applied to a human rights context, with minor enhancements. All the administrative changes support the Nova Scotia Human Rights Commission's move toward restorative approaches.

Features of a restorative approach include:

- Involvement of individuals impacted by a situation, not just a complainant and respondent.
- Acknowledgement of harm. Acceptance of responsibility is helpful but not crucial.
- Recognition that human beings are relational by nature, and restoring relationships is often important to any resolution.
- Active involvement in solution finding by key players.

All these changes are now in place, and new complaints will follow the processes I've outlined above. Existing files will be transitioned to either a resolution conference, or have their administrative investigations completed in the next four months.

Legal counsel will continue to be able to advise their clients, but Resolution Conferences will be more successful when parties involved in the issue are also involved in the Resolution Conference. Strict timelines for Resolution Conferences and administrative investigations are being applied. Delays, adjournments and extensions of time will be infrequently provided.

I am attaching a one-page [information sheet](#) on the changes I have described. For more information, please visit our website at www.gov.ns.ca/humanrights.

Sincerely,
Gerald Hashey
Manager, Dispute Resolution

Notice from the Nova Scotia Department of Justice: Updates to Federal Child Support Tables

Justice Canada has amended the Federal Child Support Guidelines to update the Federal Child Support Tables.

The *Child Maintenance Guidelines* regulations of the Nova Scotia *Maintenance and Custody Act* provide that the Federal Child Support Tables, as may be amended, are adopted for the purpose of the Nova Scotia Child Maintenance Guidelines. The changes come into force on Dec. 31, 2011.

An online look-up for the tables can be found at the [Justice Canada website](#).

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

Notice from the Nova Scotia Securities Commission – request for consultation

Staff of the Canadian Securities Administrators (CSA), which includes the Nova Scotia Securities Commission, are conducting a review of the minimum amount prospectus exemption and the accredited investor prospectus exemption contained in National Instrument 45-106 Prospectus and Registration Exemptions. At the conclusion of the review, CSA staff may recommend either retaining the exemptions in their current form or may propose changes.

As part of the review, we are consulting with stakeholders, including investors, issuers, dealers and legal and other advisors. The consultation note (the Note) at the following link <http://www.gov.ns.ca/nssc/CSANotices/CSA CP 45-401 10112011.pdf> provides more information on the scope of the review, including some background on the history of these exemptions and specific consultation questions for consideration.

We invite you to review the Note and provide us with your written comments. Please send your comments electronically in Word format to the addresses in the CSA Notice attached to the Note. The consultation period is open until February 29, 2012.

Error & Omission notices

A number of new *Land Registration Act* and *Registry Act* Error & Omission notices have recently been posted online. To view these notices in full, refer to the Errors & Omissions page on the [Property OnLine](#) (POL) website.

OTHER NOTICES

BOYNECLARKE LLP welcomes three new Partners

(January 3, 2012 – Halifax) BOYNECLARKE LLP, one of Atlantic Canada's largest law firms, is pleased to announce that former Associates, **George P. Ash**, **Robert L. Miedema**, and **Joshua J. Santimaw** became Partners of the firm on January 1, 2012.

George practises wills and trusts, estate administration, and real estate. George is a member of the Halifax Estate Planning Council, Chair of the Advisory Council for the Indigenous Blacks & Mi'kmaq Initiative (Dalhousie Schulich School Law), and is a member of several community organizations and boards, including the Business is Jammin' program (BIJ) and the African Nova Scotian Music Association.

Rob practices tax and corporate law on behalf of individuals, companies of all sizes, trusts and non-profit organizations, within and outside of Canada. He lectures frequently on various topics and he is part-time faculty with the Schulich School Law at Dalhousie University. Rob has completed Parts I, II and III of the Canadian Institute of Chartered Accountants' In-Depth Tax Course. He is a director of the East Coast Environmental Law Association, and a member of the Canadian Tax Foundation.

A member of our Business Litigation Team, Josh focuses his practice on business and civil litigation. Josh is a member of the New York State Bar. He is also on the Board of Directors of the Point Pleasant Child Care Centre and Make-A-Wish Atlantic Provinces. In September 2011, he was appointed as the Vice-Chair of the Canadian Bar Association - N.S. Litigation Section. In his spare time Josh enjoys sailing, sports and reading.

We invite you to visit our website, www.boyneclarke.ca, for more information.

Notice about Halifax Regional Municipality mapping website: ExploreHRM!

Have you ever wondered what day your organics are collected? The correct civic address for a residence or building? Who is your municipal councillor? Where is the hockey rink for your child's upcoming game? Where is the walking trail nearest your home? Which bylaw area encompasses your property? The answers to these questions, and many more, can now be found by visiting HRM's mapping website, ExploreHRM. The public now has access to over 40 layers of corporate data, available 24/7 from the comfort of their computer.

ExploreHRM is intended to provide the citizens of HRM with an accessible, up-to-date resource of municipal information. The GISS section met with representatives from Council, Planning & Development, Civic Addressing, Visitor Services, Call Centre and Community Visioning to ensure the mapping site content and tools are customer focused.

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

- Start exploring at www.halifax.ca/giss/index.html
- For technical support inquiries, please contact the ICT Service Desk at 490-4444
- For more information about ICT, visit us online: <http://insidehrm/BusinessUnits/ict/>

The year in lists

Check out some interesting reading in the special end-of-year edition of the *ABA Journal Weekly* newsletter, featuring popular lists from the past year.

- [30 lawyers pick 30 books every lawyer should read](#)
- [The 5th annual ABA Journal Blawg 100](#)
- [The 25 greatest legal movies](#)
- [The 25 greatest legal TV shows](#)
- [Top 10 lawyers in comics](#)
- [The new normal: 10 ways for lawyers to find their 'Inner Steve Jobs'](#)
and more ... see <http://www.abajournal.com/magazine/>

Law Reform Commission asks for comment on judgment enforcement

The Law Reform Commission of Nova Scotia has issued a Discussion Paper on the enforcement of civil judgments. The paper proposes the adoption of comprehensive judgment enforcement legislation, based on the Uniform Law Conference of Canada's *Uniform Civil Enforcement of Money Judgments Act*, with certain amendments. The proposals would modernize, clarify and improve the judgment enforcement system, within the parameters of familiar and established principles.

The *Uniform Act* includes extensive provisions for:

- pre-judgment preservation orders;
- binding of the judgment debtor's present and future property;
- seizure and disposition of a number of specific types of property;
- exemptions for certain of the debtor's property and income;
- examination of the debtor through various means;
- resolving priorities and the distribution of recovered amounts.

An annotated copy of the *Uniform Act* is included as an Appendix to the Discussion Paper.

Beyond the *Uniform Act*, the Discussion Paper also considers the possibility of adopting automatic remedies – e.g., suspension of provincial licences, etc. – but does not propose their adoption. The paper proposes the development of educational materials and support, particularly for self-represented judgment creditors. Finally, the paper examines the possibility of privatizing the Sheriff's responsibilities for judgment enforcement, in whole or in part.

The Commission's proposed reforms aim to create a more effective and accessible enforcement regime, maintaining focus on fairness and proportionality, within realistic resource limits.

The Commission seeks public comment from interested persons and organizations, on or before **January 31, 2012**. The discussion paper is available through the Commission's website at www.lawreform.ns.ca. Print copies are available on request by email to info@lawreform.ns.ca, or phone (902) 423-2633.

AWARDS & APPOINTMENTS

New Chair of the Nova Scotia Securities Commission – Sarah Bradley

Finance Minister Graham Steele, on December 20, announced the appointment of Sarah Bradley as chair of the Nova Scotia Securities Commission.

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

"Ms. Bradley's experience in the practice of law, as well as her prior work with the commission, makes her a good choice for this position," said Mr. Steele. "Ms. Bradley is well respected and will continue to provide leadership to the Nova Scotia Securities Commission."

A member of the Nova Scotia Bar since 2006, Ms. Bradley is a graduate of the University of Toronto, Queen's University and Harvard Law School. She was also called to the bar in Ontario in 2003 and New York in 2007, and has practised with Fasken Martineau DuMoulin in Toronto and McInnes Cooper in Halifax.

An assistant professor at Dalhousie's Schulich School of Law since 2007, Ms. Bradley's teaching and research has focused on securities regulation, commercial law, fiduciary obligations in the business context and economic analysis of the law.

Ms. Bradley has served as vice-chair of the Nova Scotia Securities Commission since October 2010 and also serves as vice-president of YWCA Halifax.

Mr. Steele also recognized the work of outgoing chair Les O'Brien QC. Mr. O'Brien has a total of 19 years of service with the Nova Scotia Securities Commission, most recently as chair since 2003.

"I'd like to thank Les for his service with the securities commission," said Mr. Steele. "He's highly respected across the country, and we've been fortunate to have had a person of his ability and experience as chair."

The Nova Scotia Securities Commission is an independent, quasi-judicial tribunal formed under the Securities Act to administer and enforce securities law in Nova Scotia. Its mandate is to protect investors from unfair, unethical or improper practices and activities within capital markets, and to the extent not inconsistent with investor protection, to foster capital formation.

Wendy Johnston QC receives Constance R. Glube Spirit Award

Congratulations to Wendy Johnston QC, the winner of the most recent Constance R. Glube CBA Spirit Award. This award recognizes "those who demonstrate CBA spirit through outstanding effort and contribution to women in law." A Partner in the Halifax office of McInnes Cooper, Wendy was singled out for this award in the fall of 2011 through her dedication to leadership, mentoring and support for women in the profession. She is a past Chair of the CBA's Nova Scotia Insurance Subsection, and this year acted as the Co-Chair of the CBA-CLC held in Halifax. She has been the recipient of the firm's "each one, teach one" award and is leader of the firm's insurance industry group.

Canadian Bar Association – Nova Scotia: Call for nominations

The Canadian Bar Association–Nova Scotia is seeking nominations for the following awards, all of which will be presented at the Annual Professional Development Conference luncheon or at the President's Reception:

- Excellence in Equity and Diversity Award (*New!*)
- Distinguished Service Award
- Community Service Award
- Zöe Odei Young Lawyers' Award

Excellence in Equity and Diversity – *The Equity Committee of the Canadian Bar Association - Nova Scotia Branch established this Award to recognize a legal workplace striving to advance equity and diversity in the legal profession and/or the general community.*

The importance of equity and diversity in the legal community has been much discussed in recent years. The Equity Committee wants to highlight legal workplaces that put thoughts into action by developing initiatives that champion equity and diversity.

Distinguished Service Award – *Established in 1996, the CBA-Nova Scotia Distinguished Service Award is to honour, recognize and celebrate distinguished or exceptional service a member has made to the goals of the Canadian Bar Association following a review of the individual's contribution to the Nova Scotia Branch.*

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

Community Service Award – Established in 2001, the CBA-Nova Scotia Community Service Award is to honour, recognize and celebrate the valuable contribution a member has made to various community and/or charitable causes at the local, provincial or federal level. This is a community service award - service to the profession is not part of the criteria.

Zoe Odei Young Lawyers' Award – The Zöe Odei Young Lawyers Award was established by the CBA in 2003 in memory of the late Zöe Odei of Halifax, an active CBA member who exemplified the distinguished and exceptional service contemplated by this Award. This Award is to honour and recognize a young lawyer's distinguished or exceptional service to the Canadian Bar Association and the community or charitable causes.

For eligibility, criteria and presentation information, see http://www.cba.org/NS/About_Us/Awards.aspx

Note: Deadlines for all nominations have been extended to January 13, 2012

For additional information or to submit a nomination, please contact:

Canadian Bar Association - Nova Scotia

5991 Spring Garden Road, Suite 1050

Halifax, Nova Scotia, Canada B3H 1Y6

Tel: (902) 422-1905 | Fax: (902) 423-0475 | Email: cbainfo@cbans.ca

VOLUNTEER & PRO BONO OPPORTUNITIES

Artists' Legal Information Services (ALIS)

Artists' Legal Information Society (ALIS) is a non-profit legal support volunteer organization based in Halifax.

Our mission is to make a stronger, more vibrant arts community in Nova Scotia by helping to resolve legal issues for artists living here. 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 info@nsalis.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

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

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](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

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.

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.

CAREER OPPORTUNITIES: nsbs.org/careers

To post career opportunities relating to the legal profession, use the Society's new [online form](#).

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

:: 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

[Register online](#)

OUTSIDE CONFERENCES & SEMINARS

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

Who the Heck Owns My Health Information?

Mini Law School presented by the Schulich School of Law

Wednesday, January 18, 2012 - 7:00-8:30 pm

Speaker: Professor Elaine Gibson

Room 105, Weldon Law Building
6061 University Ave.
Halifax, NS B3H 4H9

The Elements – three-part series examining the ethical uses of our resources: Food, Oil and Water

Presented by the Canadian Centre for Ethics in Public Affairs (CCEPA) and the Evolution Studies Group at Dalhousie University.

Wednesday, January 25, 2012 - 7:00pm

The ScotiaBank Theatre Auditorium, McCain Building, Dalhousie University

PART 1: Food

Ethical Issues in Agriculture:

Organic, Locavore and Genetic Modification

Keynote:

- Dr. R. Paul Thompson, Professor and Director of Graduate Studies, Institute for the History and Philosophy of Science and Technology, Dept. of Ecology and Evolutionary Biology, University of Toronto

Respondents:

- Dr. Rylan Higgins, Department of Anthropology, Saint Mary's University
- Dr. Bohdan L. Luhovyy, Applied Human Nutrition Department, Mount Saint Vincent University

Free Admission. This event will be live streamed and can be viewed here: www.ccepa.ca

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

Reception to follow.

This event is supported by:

- Atlantic School of Theology
- Department of Philosophy, Saint Mary's University
- International Development Studies, Dalhousie University
- Mount Saint Vincent University
- Situating Science Knowledge Cluster

Upcoming events from CBA-NS

Annual Professional Development Conference

January 27, 2011, Halifax NS

Our Annual Professional Development Conference offers the very highest standard in professional development at a preferred price for our members and our 2012 Conference is no exception, continuing the tradition of providing practical and informative sessions. This year's event will also feature presentation of our *2011 Distinguished Service, Community Service* and *Zoe Odeji Young Lawyers Awards*, and on-site displays from our valued sponsors. The members of the Organizing Committee have worked hard to provide you with an excellent program and we extend many thanks to them.

This year, Nova Scotia Premier Darrell Dexter will join us as our special lunch speaker! We look forward to you joining us and your colleagues on January 27th to help us celebrate the very best in professional development programming.

[Register online](#)

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, January 27

Rethinking Health Care Federalism: Could the European Model Work in Canada?

Katherine Fierlbeck, Department of Political Science, Dalhousie University

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

No registration required! No fee. For more information, call 902.494.6881 or see the [seminar series](#) flyer online.

SAVE THE DATE: 2012 Class Actions Conference

Schulich School of Law

Friday, March 2nd, 2012

Topics will include:

- National & Regional Class Action Round-Up
- Case Evaluation and Acceptance
- The Elephant in the Room: A Real and Substantial Connection
- Certifying the Class
- Crown Liability
- Environmental Class Actions
- A View from the Bench: Judicial Panel: Case Management and Certification Motions

The conference will feature a faculty of presenters from the bench and bar from across Canada. Presenter and topic detail to follow.

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

8th Annual Legal "Who" Masquerade Ball and Silent Auction

Saturday, February 4th, 8pm
The Halifax Club, 1682 Hollis Street

Tickets: \$40.00 general at the door or \$35.00 in advance, \$20.00 students/articling clerks

Call Reena at 423-8105 to make a credit card payment or email reena.davis@dal.ca to reserve your tickets now and make arrangements for payment.

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.aptla.ca.

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>

National Criminal Law Program registration open

Presented by the Federation of Law Societies of Canada, the NCLP is Canada's premier CLE and networking conference for the criminal bar.

Monday, July 9 to Friday, July 13, 2012
Victoria, British Columbia

Join over 650 Crowns, defence counsel and judges for Evidence, Ethics, and the Administration of Justice, taking place from July 9 – 13, 2012 in spectacular Victoria, British Columbia.

This year's highlights include:

- The Most Important Evidence Case of the McLachlin Court: The Faculty Speaks
- The Registrants Vote

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

- Point/Counterpoint: The Use of Prior Criminal Records: Are People With Criminal Records Less Likely to be Truthful Witnesses
- Ask Me anything About Ethics: A Roundtable Discussion of Difficult Ethical Problems, small group workshops, and choice of break-out groups
- Monday and Tuesday receptions and organized activities on Thursday provide opportunities to socialize, forge new friendships and reconnect with colleagues from across the country.

[Brochures and further information](#)

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

:: LIBRARY & INFORMATION SERVICES ::

Searching *Law News Online* and other L&IS online databases – update

With the launch of the redesigned NSBS website, Library & Information Services (L&IS) is pleased to better integrate our online resources – [Law News Online](#), [Secondary Sources](#), the [library catalogues](#) and [quantum tables](#) – within the Society's website, preserving users' access to overall site navigation.

Unfortunately, this integration has resulted in an unexpected error. Most of the index buttons on online resource search screens do not work. While we work on this problem, non-functioning index buttons have been removed from our search screens.

In *Law News Online*, we have also temporarily removed two search fields requiring the use of the index buttons: N.S. statutes and rules considered and Federal statutes and rules considered. Please contact Library & Information Services to have staff run statutes or rules considered searches for you directly within the database application.

We are working on this problem and hope to have these online resources working optimally again soon. We regret any inconvenience and encourage members to contact L&IS for assistance.

L&IS subject research guides: enhanced web-based format and updated content

With the launch of the redesigned NSBS website, Library & Information Services has transformed our [subject research guides](#) into fully web-based resources with updated content. Currently nine research guides are available:

- American Law
- Criminal Law
- Elder Law
- Family Law
- Labour & Employment Law
- Professional Responsibility
- Real Property Law
- Risk & Practice Management
- Wills, Estates, & Trusts Law

Each guide outlines relevant legislation, case law collections, encyclopedias, texts, forms and precedents, continuing professional development resources, journals and websites in its subject area.

Online resources are fully linked; call numbers or other location information are provided for resources available in print in the Halifax barristers' library.

Time-saving brief descriptions and scope information are provided for most resources, allowing users to quickly identify relevant, valuable sources when performing research for a matter.

Options available under the Share button allow users to quickly bookmark a guide, email the link to colleagues, or otherwise manage resource guide links in various social media tools.

We welcome comments and feedback on the subject research guides. Please contact Susan Jones, Information Services Librarian, at sjones@nsbs.org, 425 2665, or 1 866 219 1202.

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

New books at the library

BANKRUPTCY

THE 2012 ANNOTATED BANKRUPTCY AND INSOLVENCY ACT / Houlden, Lloyd W; Morawetz, Geoffrey B; Sarra, Janis P -- Toronto: Carswell Thomson Reuters, 2011. **[KB 113 H838 2012]**

DISMISSAL OF EMPLOYEES

YOU'RE FIRED! JUST CAUSE FOR DISMISSAL IN CANADA / Rudner, Stuart E -- Toronto: Carswell Thomson Reuters, 2011. **[KB 60 R913 2011 v.1]**

DIVORCE

THE 2012 ANNOTATED DIVORCE ACT / MacDonald, James C; Wilton, Ann -- Toronto: Carswell Thomson Reuters, 2011. **[KB 138 M135 2011]**

EVIDENCE

THE OATLEY-MCLEISH GUIDE TO DEMONSTRATIVE ADVOCACY / McLeish, John A; Oatley, Roger G; Law Society of Upper Canada -- Markham, Ont. LexisNexis Canada, 2011. **[KB 192 M1630 2011]**
CD-ROM containing video animations and interactive images from The Oatley-McLeish guide to demonstrative advocacy available at front desk.

LEGAL ETHICS

LEGAL ETHICS / Orkin, Mark M -- 2d ed. -- Aurora, Ont. Canada Law Book, 2011. **[KB 265 O693 2011]**

MAINTENANCE

SPOUSAL SUPPORT IN CANADA / Wilton, Ann; Semple, Noel -- Toronto: Carswell Thomson Reuters, 2011. **[KB 136 W755 2011]**

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

:: NEW DECISIONS ::

BANKRUPTCY – Discharge – income tax reassessments, allegations of improprieties *Fretz (Re)*, B. No. 34356, Cregan, Registrar in Bankruptcy, December 21, 2011. [2011 NSSC 467](#); **S639/23**

BANKRUPTCY – Stay of proceedings – lifted *nunc pro tunc* with conditions *Coyle (Re)*, B. No. 31647, Cregan, Registrar in Bankruptcy, December 21, 2011. [2011 NSSC 469](#); **S639/24**

BARRISTERS AND SOLICITORS – Negligence – standard of care *Meister v. Coyle*, C.A. No. 335866, Oland, J.A., December 20, 2011. [2011 NSCA 119](#); **S636/29**

COMPANY LAW – Oppression remedy – valuation, appointment of valuer and offset *Giffin v. Soontiens et al.*, Hfx. No. 292594, Moir, J., January 3, 2012. [2012 NSSC 2](#); **S641/4**

CREDITOR AND DEBTOR – Set off monies – lawyer client privilege *Scanwood Canada Ltd. (Re)*, Hfx. No. 342377, Hood, J., December 20, 2011. [2011 NSSC 468](#); **S639/26**

CREDITOR AND DEBTOR – Unjust enrichment – agency *Encom Alternative Energy Solutions Ltd. v. Enermax Homes Construction Ltd. et al.*, Claim No. 352563, Slone, Adjudicator, October 11, 2011. [2011 NSSM 62](#); **SmCI19/18**

CRIMINAL LAW – Appeals – reasonableness of verdict, admission of videotaped evidence, cross-examination and sentence *R. v. Veinot*, C.A.C. No. 348354, MacDonald, M. C.J., December 29, 2011. [2011 NSCA 120](#); **S640/2**

CRIMINAL LAW – Breathalyzer – as soon as practicable *R. v. Cater et al.*, No. 1997518 – 1997550, Derrick, J.P.C., December 20, 2011. [2011 NSPC 99](#); **M25**

CRIMINAL LAW – Evidence – admissibility, unreasonable search *R. v. Miller*, No. 2132864 ; 2132865, Tufts, J.P.C., December 22, 2011. [2011 NSPC 97](#); **M25**

CRIMINAL LAW – Failure to provide necessities of life – guilty *R. v. Maloney et al.*, CR. Am. No. 346625, MacAdam, J., December 22, 2011. [2011 NSSC 477](#); **S639/28**

CRIMINAL LAW – Procedure – confidentiality order justified in sexual assault, potential harm arising from disclosure *C. (A.B.) v. Nova Scotia (Attorney General)*, Hfx. No. 262658, MacAdam, J., December 23, 2011. [2011 NSSC 476](#); **S641/11**

CRIMINAL LAW – Procedure – GAROFOLI application *R. v. Cater*, No. 1997518 – 1997550 ; 2035773 – 2035784, Derrick, J.P.C., November 21, 2011. [2011 NSPC 100](#); **M25**

CRIMINAL LAW – Search warrants – valid warrant and search *R. v. L. (J.) and B. (F.)*, No. 2286297 ; 2286298, Campbell, J.P.C., December 7, 2011. [2011 NSPC 91](#); **M25**

CRIMINAL LAW – Sentence – appeal for trafficking in cocaine, deportation order *R. v. Jamieson*, C.A.C. No. 352641, Saunders, J.A., December 22, 2011. [2011 NSCA 122](#); **S636/31**

CRIMINAL LAW – Sentencing – multiple firearm offences *R. v. Chan*, CR. No. 334922, Wright, J., January 5, 2012 ; December 16, 2011 (orally). [2011 NSSC 471](#); **S641/9**

CRIMINAL LAW – Sentencing – sexual assault and sexual interference *R. v. H. (J.A.)*, C.R.H. No. 329525, McDougall, J., January 5, 2012 ; November 18, 2011 (orally). [2011 NSSC 434](#); **S641/8**

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

CRIMINAL LAW – Sexual assault – limitation defence allowed *C. (A.B.) v. Nova Scotia (Attorney General)*, Hfx. No. 262658, MacAdam, J., December 23, 2011. [2011 NSSC 475](#); **S641/10**

CRIMINAL LAW – Sexual assault – sexual interference, guilty *R. v. H. (J.A.)*, C.R.H. No. 329525, McDougall, J., January 5, 2012 ; October 3, 2011 (orally). [2011 NSSC 433](#); **S641/7**

DAMAGES – Fire insurance – replacement cost versus cost to repair *Morash v. Purdy*, C.A. No. 339400, Farrar, J.A., December 22, 2011. [2011 NSCA 123](#); **S640/1**

FAMILY LAW – Custody and access – sole custody, discretionary access, retroactive child support *Christmas v. McDonald*, No. 65457, Forgeron, J., December 22, 2011. [2011 NSSC 480](#); **S639/25**

INSURANCE – Disability insurance – not disabled within the terms of the policy *Keddy v. Blue Cross Life Insurance Co. of Canada*, Hfx. No. 323543, Wood, J., January 3, 2012. [2012 NSSC 1](#); **S641/12**

LANDLORD AND TENANT – Residential tenancies – notice to quit *MacCulloch v. Wells*, Claim No. 358024, Slone, Adjudicator, November 16, 2011. [2011 NSSM 59](#); **SmCI19/15**

LANDLORD AND TENANT – Residential tenancies – repair of driveway *Killam Properties Ltd. v. Patriquin*, Claim No. 340137, Parker, Adjudicator, January 3, 2012. [2012 NSSM 1](#); **SmCI19/22**

LANDLORD AND TENANT – Residential tenancies – termination of tenancy *Murphy v. Julien et al.*, Claim No. 370671, Slone, Adjudicator, December 22, 2011. [2011 NSSM 60](#); **SmCI19/16**

MAINTENANCE – Child support – provisional retroactive variation orders, death of payor, no provision for child *Bisbee v. Bisbee*, No. 1201-060118, Legere-Sers, J., December 28, 2011. [2011 NSSC 470](#); **S641/2**

MAINTENANCE – Spousal and child support – termination date for spousal support and extraordinary expenses *Eisnor v. Eisnor*, No. 43398, Forgeron, J., December 23, 2011. [2011 NSSC 482](#); **S639/31**

MORTGAGES – Foreclosure – misrepresentation of security *Bank of Montreal v. Partington et al.*, Hfx. No. 327073, Moir, J., January 5, 2012. [2012 NSSC 7](#); **S641/14**

MUNICIPAL LAW – Community safety orders – appeal dismissed *Dixon et al. v. Nova Scotia (Director of Public Safety)*, C.A. No. 343192, Bryson, J.A., January 5, 2012. [2012 NSCA 2](#); **S640/4**

PRACTICE – Change in venue – denied *Nelson v. Queripel*, Ken. No. 189394, Moir, J., December 22, 2011. [2011 NSSC 478](#); **S639/29**

PRACTICE – Class action proceedings – cause of action alleging breach of Charter *Morrison (Estate of) v. Nova Scotia (Attorney General)*, Hfx. No. 230887, MacAdam, J., December 22, 2011. [2011 NSSC 479](#); **S639/30**

PRACTICE – Costs – jurisdiction of Small Claims Court to her taxation *McInnes Cooper v. Advanced Glazing Technologies Ltd.*, S.C.C.H. No. 347147, Parker, Adjudicator, January 3, 2012. [2012 NSSM 2](#); **SmCI19/23**

PRACTICE – Costs – proceeding not complex, offer to settle, 1972 Rules applied *Meister v. Coyle*, Hfx. No. 177464, Smith, A.C.J., August 10, 2010. [2010 NSSC 320](#); **S641/6**

PRACTICE – Costs – solicitor and client costs *Ackermann v. Kings Mutual Insurance Co.*, Tru. No. 230417, LeBlanc, J., January 3, 2012. [2012 NSSC 3](#); **S641/5**

PRACTICE – Expert's report – physician's narrative *Shaw v. J.D. Irving Ltd.*, Pic. No. 274457, Scaravelli, J., December 29, 2011. [2011 NSSC 487](#); **S641/1**

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

PRACTICE – Pierringer agreement – disclosure of settlement amounts *Ameron International Corp. et al. v. Sable Offshore Energy Inc. et al.*, C.A. No. 347078, Farrar, J.A., December 22, 2011. [2011 NSCA 121](#); **S636/30**

PRACTICE – Pleadings – striking out where no cause of action *Symington v. Halifax (Regional Municipality) et al.*, Hfx. No. 214598, Robertson, J., December 22, 2011. [2011 NSSC 474](#); **S639/27**

PRACTICE – Relief – from implied undertaking, denied *Nassar v. Capital District Health Authority et al.*, Hfx. No. 216958, Wright, J., December 20, 2011 ; October 5, 2011 (orally). [2011 NSSC 464](#); **S639/22**

PRACTICE – Small Claims Court – jurisdiction where existing action in Supreme Court *Tibert et al. v. Carter et al.*, S.C.C.H. No. 357711, Parker, Adjudicator, December 14, 2011. [2011 NSSM 66](#); **SmCI19/24**

PRACTICE – Summary judgment – pleadings *Robertson v. McCormick*, Hfx. No. 313736, McDougall, J., January 5, 2012. [2012 NSSC 4](#); **S641/13**

REAL PROPERTY – Trespass – no damages, cutting trees out of necessity *Compton v. Hurley et al.*, Claim No. 333425, Slone, Adjudicator, October 5, 2011. [2011 NSSM 61](#); **SmCI19/17**

SALE OF LAND – Agreement of purchase and sale – condition unfulfilled *MacInnis v. Arab*, Claim No. 353530, Slone, Adjudicator, October 5, 2011. [2011 NSSM 64](#); **SmCI19/20**

SALE OF LAND – Negligent misrepresentation – septic system *Oderkirk et al. v. Crittenden*, Claim No. 354169, Slone, Adjudicator, October 12, 2011. [2011 NSSM 65](#); **SmCI19/21**

TORTS – Repair services – repairs not approved *Burnside Truck Centre v. O'Quinn*, Claim No. 353280, Slone, Adjudicator, November 16, 2011. [2011 NSSM 63](#); **SmCI19/19**

TRADE REGULATION – Validity of legislation – Dairy Industry Act regulations *Taylor et al. v. Dairy Farmers of Nova Scotia et al.*, C.A. No. 342854, Fichaud, J.A., January 4, 2012. [2012 NSCA 1](#); **S640/3**

WILLS AND ESTATES – Procedure – costs *Jollimore Estate v. Nova Scotia (Public Archives)*, Hfx. No. 335260, Coughlan, J., January 3, 2012. [2012 NSSC 8](#); **S641/15**

WILLS AND ESTATES – Separation agreements – interpretation, effect of separation agreement *Hayward v. Hayward*, C.A. No. 334009, Oland, J.A., December 20, 2011. [2011 NSCA 118](#); **S636/28**

WILLS AND ESTATES – Wills – valid will, testamentary intentions, competency *Thompson v. McKenney Estate*, Yar. No. 330966, Coady, J., December 29, 2011. [2011 NSSC 488](#); **S641/3**

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.

December 22, 2011

[Reference re Securities Act](#)

Neutral citation: [2011 SCC 66](#) (CanLII)

File No.: 33718.

2011: April 13, 14; 2011: December 22.

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

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

Reference by Governor in Council

Constitutional law — Division of powers — Trade and commerce — Securities — Whether proposed legislation valid under general branch of federal power to regulate trade and commerce — Constitution Act, 1867, s. 91(2).

Pursuant to s. 53 of the *Supreme Court Act*, the Governor in Council has sought an advisory opinion from the Court as to whether the proposed *Securities Act* set out in Order in Council P.C. 2010-667 falls within the legislative authority of the Parliament of Canada.

The preamble of the proposed Act states that its purpose is to create a single Canadian securities regulator. More broadly, s. 9 states that the purposes of the Act are to provide investor protection, to foster fair, efficient and competitive capital markets and to contribute to the integrity and stability of Canada's financial system. The Act includes registration requirements for securities dealers, prospectus filing requirements, disclosure requirements, specific duties for market participants, a framework for the regulation of derivatives, civil remedies and regulatory and criminal offences pertaining to securities. The Act does not unilaterally impose a unified system, but permits provinces and territories to opt in, with the hope of creating an effective unified national securities regulation system.

Canada, joined by Ontario and several interveners, argues that the Act, viewed in its entirety, falls within the general branch of Parliament's power to regulate trade and commerce under s. 91(2) of the *Constitution Act, 1867*. Alberta, Quebec, Manitoba, New Brunswick and other interveners argue that the scheme falls under the provincial power over property and civil rights under s. 92(13) of the *Constitution Act, 1867* and trenches on provincial legislative jurisdiction over matters of a merely local or private nature (s. 92(16)), namely the regulation of contracts, property and professions.

Held: The *Securities Act* as presently drafted is not valid under the general branch of the federal power to regulate trade and commerce under s. 91(2) of the *Constitution Act, 1867*.

December 21, 2011

[L.M.P. v. L.S.](#)

Neutral citation: [2011 SCC 64](#) (CanLII)

File No.: 33749.

2011: April 20; 2011: December 21.

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

On appeal from the Court of Appeal for Quebec

Family law — Support — Spousal support — Variation — Material change in circumstances — Court order incorporating terms of separation agreement — Husband applying to reduce and terminate spousal support order on basis of change in his financial circumstances and wife's failure to become self-sufficient since the date of order — What is proper approach to application for variation of spousal support order under s. 17(4.1) of the Divorce Act where support terms of agreement have been incorporated into an order? — Whether approach differs from initial applications for spousal support under s. 15.2 — Divorce Act, R.S.C. 1985, c. 3 (2nd Supp.), ss. 15.2 and 17.

Shortly after the parties married in 1988, the wife was diagnosed with multiple sclerosis and has not worked since then. During the marriage, the husband pursued his career while the wife looked after the household and children. After the parties separated in 2002, they entered into a comprehensive agreement that was incorporated into a court order in 2003. Under its terms, the wife was to receive spousal support in the amount of \$3,688 per month, indexed. The order did not specify a termination date for spousal support. In 2007, the husband brought a variation application under s. 17 of the *Divorce Act* seeking a reduction and, ultimately, a cancellation of spousal support on the grounds that there was a change in his financial circumstances and that the wife should seek employment. The trial judge rejected the husband's claim that his financial circumstances had changed, but concluded that the wife was able to work outside the home. As a result, an order was made reducing, then terminating her spousal support as of August, 2010. The trial judge made no finding about

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

whether there had been a material change of circumstances. The Court of Appeal rejected the wife's appeal, concluding that her failure to become self-sufficient over time gave rise to a material change in circumstances.

Held: The appeal should be allowed and the original 2003 order should be restored.

December 21, 2011

R.P. v. R.C.

Neutral citation: 2011 SCC 65 (CanLII)

File No.: 33698.

2011: April 20; 2011: December 21.

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

On appeal from the Court of Appeal for Quebec

Family law — Support — Spousal support — Variation — Material change in circumstances — Husband applying to terminate spousal support order on basis of his retirement and the market downturn — Husband not adducing evidence of his financial circumstances at time of original support order or of status of investments at the time of variation — Order gradually reducing then terminating support for 80-year-old wife — Whether husband had established that there had been a material change in circumstances since the original support order — Divorce Act, R.S.C. 1985, c. 3 (2nd Supp.), s. 17(4.1) — Rules of Practice of the Superior Court of Québec in family matters, R.R.Q. 1981, c. C-25, r. 9, rule 39.

The parties were married in 1958, separated in 1974 and divorced in 1984. At the time of separation, the wife remained in the matrimonial home with their two children and she now resides there alone. The husband was ordered to pay spousal and child support in the combined amount of \$1,950 per month. In 1991, after the children no longer resided with the wife, the husband was ordered to pay \$2,000 per month (indexed) in spousal support. At the time, because he did not contest his capacity to pay support, he did not file a sworn statement setting out his financial circumstances. In 2006, he retired and sold the house where he and his second wife lived, realizing the sum of \$2 million. In 2008, he applied to terminate spousal support based on the facts that he no longer had employment income, that the market downturn had a negative impact on his assets, and that he had a son in university. At the time of the hearing in 2009, the husband was 71 and his former wife was 80. The trial judge held that because of the economic downturn and the husband's retirement, there had been a material change in circumstances justifying a variation of the amount of spousal support to \$1,500 per month, unindexed. Both parties appealed. The Court of Appeal upheld the variation and found that the trial judge did not need to know what the husband's financial circumstances were when the original order was made. It ordered that support be gradually reduced and that payments terminate in September, 2010. The wife appealed to this Court.

Held: The appeal should be allowed and the 1991 Order should be restored.

December 15, 2011

Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)

Neutral citation: 2011 SCC 62 (CanLII)

File No.: 33659.

2011: October 14; 2011: December 15.

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

On appeal from the Court of Appeal for Newfoundland and Labrador

Administrative law — Role and adequacy of reasons — Procedural fairness — Whether reasons satisfy Dunsmuir requirements for "justification, transparency and intelligibility".

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

The union disputed an arbitrator's award which involved the calculation of vacation benefits. The issue the arbitrator had to decide was whether time as a casual employee could be credited towards annual leave entitlement if that employee became permanent. In his decision, the arbitrator concluded that it was not to be included in calculating the length of vacation entitlements. On judicial review, the arbitrator's reasons were found to be insufficient and therefore unreasonable and the decision was set aside. The majority of the Court of Appeal agreed with the arbitrator.

Held: The appeal should be dismissed.

December 14, 2011

[Alberta \(Information and Privacy Commissioner\) v. Alberta Teachers' Association](#)

Neutral citation: [2011 SCC 61](#) (CanLII)

File No.: 33620.

2011: February 16; 2011: December 14.

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

On appeal from the Court of Appeal for Alberta

Administrative Law — Judicial Review — Implied Decision — Decision of adjudicator quashed on judicial review on basis of the Information and Privacy Commissioner's failure to comply with statutory time limits — Issue of time limits not raised with the Commissioner or adjudicator — Adjudicator consequently not specifically addressing issue and not issuing reasons in this regard — Whether a matter that was not raised at tribunal may be judicially reviewed — Whether reasons given by tribunal in other decisions may assist in determination of reasonableness of implied decision — Personal Information Protection Act, S.A. 2003, c. P-6.5, s. 50(5).

Administrative Law — Standard of Review — Whether a tribunal's decision relating to the interpretation of its home statute or statutes closely connected to its functions is reviewable on standard of correctness or reasonableness — Whether category of true questions of jurisdiction or vires should be maintained when tribunal is interpreting its home statute or statutes closely connected to its functions.

The Information and Privacy Commissioner received complaints that the ATA disclosed private information in contravention of the *Alberta Personal Information Protection Act*. At the time, s. 50(5) of *PIPA* provided that an inquiry must be completed within 90 days of the complaint being received unless the Commissioner notified the parties that he was extending the time period and he provided an anticipated date for completing the inquiry. The Commissioner took 22 months from the initial complaint before extending the estimated date on which the inquiry would be concluded. Seven months later, an adjudicator delegated by the Commissioner issued an order, finding that the ATA had contravened the Act. The ATA applied for judicial review of the adjudicator's order. In argument, it claimed for the first time that the Commissioner had lost jurisdiction due to his failure to extend the period for completion of the inquiry within 90 days of the complaint being received. The chambers judge quashed the adjudicator's decision on that basis. A majority of the Court of Appeal upheld the chambers judge's decision.

Held: The appeal should be allowed.

December 8, 2011

[Quebec \(Attorney General\) v. Canada \(Human Resources and Social Development\)](#)

Neutral citation: [2011 SCC 60](#) (CanLII)

File No.: 33511.

2011: February 15; 2011: December 8.

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

On appeal from the Court of Appeal for Quebec

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

Constitutional law — Federal paramountcy — Employment insurance — Recovery mechanism — Provincial statute providing that income replacement benefits received by injured worker exempt from seizure — Federal statute authorizing Employment Insurance Commission to issue requirement to pay in order to recover overpayments — Whether provincial provision constitutionally inoperative in relation to garnishment provided for in federal statute — Employment Insurance Act, S.C. 1996, c. 23, s. 126(4) — Act respecting industrial accidents and occupational diseases, R.S.Q., c. A-3.001, s. 144.

Crown law — Prerogatives — Immunity — Whether Employment Insurance Commission, as agent of Crown, protected by common law immunity, with result that s. 144 of Act respecting industrial accidents and occupational diseases inapplicable to federal Crown — Whether it is appropriate to consider doctrine of paramountcy before determining whether Crown immunity applies — Interpretation Act, R.S.C. 1985, c. I-21, s. 17.

Following an industrial accident, B received income replacement benefits from the Quebec Commission de la santé et de la sécurité du travail ("CSST"). From November 2006 to August 2007, the CSST complied with a requirement to pay that the Canada Employment Insurance Commission ("Commission") had issued under s. 126(4) of the *Employment Insurance Act* ("EIA") in order to recover employment insurance benefits B had received from the Commission but to which he was not entitled. B challenged the lawfulness of the remittance of the income replacement benefits on the ground that they were unseizable by virtue of s. 144 of the *Act respecting industrial accidents and occupational diseases* ("AIAOD"). The Superior Court found that the CSST had acted improperly, and ordered it to reimburse B. The Court of Appeal allowed the appeal and, finding that there was a conflict between the provincial and federal statutory provisions, declared s. 144 AIAOD to be inoperative in relation to requirements to pay issued under s. 126(4) EIA.

Held: The appeal should be dismissed.

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

:: NOVA SCOTIA BILLS ::

There are no new bills at this time.

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

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

:: PROCLAMATIONS UPDATE ::

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

Liquor Control Act, SNS 2011, c 21.

NS Gaz Pt 2, [12/30/11](#)

NS Reg 316/2011

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

The Office of the Legislative Counsel maintains a Proclamations of Statutes database, providing the effective dates of proclamations for statutes from 1990 to date. The database is updated with information received weekly from the Executive Council Office. To access the database, go to the Office of the Legislative Counsel's [website](#), then select Proclamations from the list of links on the left side of the page. The information provided by the database is for convenience only. For purposes of interpreting and applying the law, please consult official sources.

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

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

:: LIANS TIPS ::

ABA TECHSHOW® – Super Pass discount for Nova Scotia members

Learn and network with legal technology experts from March 29-31, 2012 at the Hilton Chicago, bringing you the latest legal technology news and emerging technologies. Legal professionals are increasingly engaging their audience with social media, managing documents more efficiently in the “cloud”, and operating a law firm virtually. [ABA TECHSHOW®](#) is dedicated to helping you understand what technology will best suit your needs.

Attend the Conference on a full SuperPass – with 10 Nova Scotia registrations, each member will **pay only \$497.50 per person!** Simply notify Stacey with your intent to attend, and she will coordinate payment with one cheque or credit card number for the registration fee.

For additional information, contact Stacey Gerrard, LIANS Counsel, 902 423 1300, x 345 or sgerrard@lians.ca.

RISK AND PRACTICE MANAGEMENT TIP: Save time using pre-addressed email!

If there are people to whom you often send email, you can easily create desktop shortcuts that will start MS Outlook and automatically address messages to your frequent email recipients with one click. Here's how:

- 1) Right-click on a blank area of the Windows desktop (the screen you get when you first start your computer) and select "New" from the pop-up menu;
- 2) Select "Shortcut" from the fly-out menu;
- 3) In the box underneath the line: "Type the location of the item:" type mailto: followed by an email address, without spaces. (mailto:sgerrard@lians.ca);
- 4) Click "Next" and type a name for the shortcut – such as Stacey Gerrard email;
- 5) Click "Finish" and your new shortcut will appear on your desktop.

Now click on that shortcut and an email dialogue box will open with a pre-addressed email message. Couldn't be easier!

*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: Divorce settlement agreement scam attempt by “Claudia Goodwill”

A Nova Scotia law firm recently avoided a fraudulent debit of \$140,000 to its Trust Account by “Claudia Goodwill”. Similar emails requesting representation for a divorce settlement agreement have been circulating in Ontario and the United States. The message has been similar to this:

*From: Claudia Goodwill. [\[mailto:claudiagwill@gmail.com\]](mailto:claudiagwill@gmail.com)
Subject: Re: Possible Representation.*

Dear Counsel,

I am seeking legal representation from your law firm regarding a breach of divorce settlement agreement I had with my ex husband who now reside in your jurisdiction. We had an out of court agreement for him to pay me \$578,000.00 plus legal fees. He has only paid me \$78,000 ever since this agreement was reached. He has agreed already to pay me the balance yet he kept turning me around with numerous excuses. So it is my belief that a Law firm like yours is needed to help me collect my due settlement from my ex-husband or litigate this matter if need be.

I need proper legal advice and assistance to know the best way to handle this issue. If this is your area of practice, please contact me to provide you with further Information.

*Regards,
Claudia Goodwill.*

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

Be vigilant with every request for services that you receive. Fraudulent requests for services can be made by email, paper mail and courier as well as by individuals who arrive in person to retain you and to use your trust account to receive and disburse funds. Be cautious with all cheques received, especially if they exceed the agreed-upon amount.

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

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

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

For tips to avoid being victimized, read an [updated list](#) of 'Red Flags', and visit the [Fraud](#) section on [lians.ca](#). 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 – Caring for aging parents and loved ones: safety in the home

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

Depending on your situation, there are a number of ideas and low-cost solutions that will help to keep your loved one as safe as possible at home. The normal changes of aging, such as reduced eyesight and hearing or limited mobility, can affect strength and balance. In addition, medical conditions and medications taken for those conditions can also increase risk.

Falls are the main cause of accidents in people over the age of 65. Even a fall that does not cause an injury can limit confidence, and the ability to be out and about and living independently. By fall-proofing the home, not only are you increasing overall safety, but you are reducing the risk of injuries that may result in a loss of quality of life and independence.

Some critical fall-prevention tips to review with your loved one:

- reduce clutter
- scatter rugs should be removed or have a non-skid backing, and all shoes should have non-skid soles
- check walking surfaces to avoid broken sidewalks, snow, or ice
- watch pets that tend to get underfoot and might cause a fall
- use handrails on all steps
- keep extension cords out of the way.
- make sure stairways and hallways have bright lights
- review medications regularly
- have grab bars put in bathrooms, showers, and toilets
- don't climb on stools or stepladders

Safety and driving

Driving can play a big role in the lives of older adults – it means freedom and independence. Overall, older adults are relatively safe and conscientious drivers. However, factors such as declining vision, reduced physical strength, slowed reflexes and even certain commonly taken medicines impair the ability to drive safely.

If you have a concern about your elder's driving habits, go for a drive with him or her and watch for early warning signs such as failure to yield right of way, drifting into other lanes, making a left turn without looking, difficulty backing up or turning, and slow response times. While it is important to treat the senior driver with respect and not jump to conclusions, it is important to help the elderly driver retire from the road when the time comes.

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

Some approaches that may help the senior to give up the keys:

- **Be understanding:** The conversation could get emotional and will require empathy and understanding on your part.
- **Involve others:** You may want to seek out assistance from someone in authority, such as a family doctor or occupational therapist, to help deliver the message.
- **Encourage a re-test:** If there is any doubt about the senior's driving ability, have them take a re-test.
- **Talk about safety considerations:** Remind the driver that they not only put themselves at risk, but that the safety of others is also at risk. It may be that they have already had an accident or some close calls.
- **Withdraw gradually:** Suggest the driver start by reducing night and highway driving.
- **Offer rides and visits:** Volunteer to come by on a regular basis to help with chores.
- **Suggest alternatives:** Help the senior see that living without a car won't make them permanently homebound. Let them know what other transportation options are available for them. Find out about home delivery for groceries. They may even want to investigate internet shopping.

Mobility matters

Remember, it's essential to be honest with the person you are caring for. If you think they may need a mobility aid such as a cane or walker, it may take a little persuasion, but is worth pursuing because it will make all the difference in keeping them safe, social and independent.

In the highly specialized area of mobility equipment such as wheelchairs and scooters, families are often faced with an array of options, and find themselves having to choose – usually without sufficient knowledge. Be sure to purchase the equipment from an expert who will ensure the equipment satisfies the needs of your family member and that it will allow them to obtain maximum mobility and safety.

Here are some tips when choosing mobility equipment:

- know what the product is expected to do
- realize that one size doesn't fit all
- beware of false economy – price isn't always the deciding factor
- buy a reputable brand with a warranty
- buy or rent from a qualified home health care dealer
- ask about delivery timelines
- Consider the need for customization or modification as needs change
- listen to the experts who will prescribe or recommend the best-suited piece of equipment
- determine if the equipment is appropriate for use at home, outdoors, and in the community
- find out if the equipment is easy to maintain and durable

*For more information and support on safety for aging parents, along with resources and counselling to improve your health and wellness, 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.*

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

:: 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.

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.

INFORUM

The Nova Scotia Barristers' Society semi-monthly e-newsletter

Letters: Congratulations and Thank You

By the time this letter is published I will be fully retired, after nearly 42 years of practice. As I read the last issue of the *Society Record* (the one with Trinda Ernst QC and Ron MacDonald QC on the cover) I was doubly prompted to put some thoughts on paper and share them with the membership of our profession.

Firstly, I offer sincere and heartfelt congratulations. Not just to Ron and Trinda and Dan, our current President. Or the editor for an excellent publication, which I enjoyed reading from cover to cover. No, my congratulations extend to our profession as a whole. As I turned the pages and read about our ongoing effort in terms of competence, about the importance of mentoring, the value of *pro bono* work and community volunteering, our 200-year history, and the new *Code of Professional Conduct*, I felt pride and gratitude to have been a member of the legal profession. The emphasis on mentoring is not new, by the way. I distinctly remember the advice of the late Lloyd Caldwell, Q.C., as part of my admission process: "Don't ever be afraid to ask another lawyer, any lawyer, for advice – on anything."

When I realized that I knew Ron and Trinda personally, when I saw a classmate honoured (Robbie MacKeigan) as well as the son of another classmate (Daniel Pink), a friend as a new Justice of the Supreme Court (Carole Beaton) and so on, that is when it struck me that our profession is not just an organization. It is also a family, in the broadest sense of that word.

We have every right to be proud of our profession and what we do and accomplish. We are indeed a helping profession, be that at a bedside in a nursing home to take instructions for a Will or in the Supreme Court arguing a *Charter* right. We must never worry about the few proverbial "bad apples" or the many nasty and totally unfair "lawyer jokes". I have always been proud to be a lawyer. My three years on the Federal Judicial Appointments Advisory Committee deepened my awareness of the extremely high quality of so many of our members in terms of brain power, hard work, excellent character, integrity and commitment to the community.

My second prompting: To use this means to say "thank you" to our Society, its various leaders over the years and its staff, as well to my colleagues and friends in the practice of law and on the Bench. When I first came to Canada, I worked as a farm labourer at \$80.00 a month. My retirement is a good time to publicly express my gratitude to this country and the legal profession for making it possible for me to become and be a lawyer.

Sincerely,
Morris J. Haugg