

INFORUM

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

:: WHAT'S NEW ::

Society News

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- [Reminder](#): NSBS Mandatory Assessment for new *Code of Professional Conduct* must be completed by April 30, 2012
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- [In Memoriam](#) – Senator Fred Dickson QC

NSBS Continuing Professional Development

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

COLUMNS

- [Current Issues in Gender Equity](#): Heros in our own lives: Janie Justice, Gloria Steinem and Wonder Woman, by Dale Darling, Member, Gender Equity Committee (Fifth in a GEC series highlighting issues raised in the postcard campaign, "It will be our little secret ...")

Library & Information Services

- [CanLII: One million Canadian judgments \(17,305 Nova Scotian\) now freely available](#)
- [Final L&IS Legislative Supplement now available online](#)
- [New books at the library](#)
- [New decisions](#)
- [Proclamations update](#)

From LIANS

- [Selecting the right team](#) – a new Risk and Practice Management Tip from the Risk and Practice Management Program, LIANS
- [Breach of contract case from "Mr. Lobo Lau"](#) – a new Fraud Alert from the RPM Program, LIANS
- [Preparing for life and work after baby – how dads can help](#) – a new Wellness Tip from NSLAP

From the Courts

- [Archived webcast available online](#): In the Nova Scotia Supreme Court SH376190 (Feb. 16, 2012)

From the Province

- [Call for applications](#): Small Claims Court Adjudicator required in Truro area
- [Call for proposals](#): International Qualification Recognition (IQR) Funding Program
- JUSTICE:
 - [Extension granted to June 1 for independent investigation into Truro Police Service's arrest and detention of Victoria Rose Paul \(Feb. 17\)](#)
 - Crime Prevention Award nominations deadline is Friday, Feb. 24: find forms at www.gov.ns.ca/just

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- [SNSMR](#): Province encourages civic engagement through workshops and new website at www.ns-municipal-elections.ca/ (Feb. 20)
- [ELECTORAL BOUNDARIES COMMISSION](#): Review will address fair and effective representation (Feb. 10)
- [HUMAN RIGHTS COMMISSION](#): Transit strike limits disabled persons (Feb. 15)
- [Error & Omission Notices](#)

Other news & notices

- [CLawBies: The best legal blogs in Canada](#)
- ["The imaginary normal,"](#) Law21 blog post by Jordan Furlong, Feb. 16
- [Halifax law professor working with Cuban communities to improve coastal management](#)
- [Dalhousie research finds cannabis use doubles risk of a motor vehicle crash](#)
- Reminder: [AJEFNE conducting survey to evaluate linguistic capabilities throughout NS justice system](#)

Awards & Appointments

- [Nova Scotia welcomes new Lieutenant Governor](#): Brig.-Gen. John James Grant (Feb. 16)
- [Dwayne Provo to serve as province's African Nova Scotian Regional Education Officer](#) (Feb. 14)
- [Lawrence Hayes QC receives honorary Doctor of Civil Laws degree at SMU winter convocation](#)
- [Swedish connections](#): George Cooper QC named Commander of the Royal Order of the Polar Star; Cheryl Hodder QC new Swedish Consul
- [Reminder: Lorne Clarke QC Access to Justice Award](#) – nominations close March 16

Events of Interest

- Upcoming events from CBA-NS:
 - [Online CLE: LLPs, February 24](#)
 - [Online CLE: Fundamentals on Real Property for Legal Assistants, March 9](#)
 - [Advocacy Conference, March 30](#)
- [The Maritime Provinces Conference for Women](#), February 28
- [21st Annual F.B. Wickwire Memorial Lecture in Professional Responsibility and Legal Ethics](#) – February 29
- [Actions with Class: Atlantic Class Action Symposium at Schulich School of Law](#) – March 2
- [Research on Charitable Fundraising in Atlantic Canada](#), March 2
- Dalhousie Health Law and Policy Seminar Series:
 - [Medical Science in the Courtroom: Lessons from the Inquiry into Pediatric Forensic Pathology](#) – March 2
 - [Being Relational: Relational Theory and Health Law & Policy](#), March 23
- Workshops: Nova Scotia Human Rights Commission's Race Relations, Equity and Inclusion Division
 - [One-day workshop: Human Rights in the Workplace](#) – March 7
 - [Five-day workshop: Creating Cultural and Organizational Change](#) – May 14-18
- [11th Annual Carmichael Lecture, Home\(town\) Security](#), March 8
- [Let's Talk: The Law and Your Life \(Legal Information Fair\)](#) – March 21
- [Intensive Trial Advocacy Programme](#) – June 3-9, 2012
- [National Criminal Law Program registration open](#) presented by the FLSC – July 9-July 13

Career Opportunities

- Visit our website for the latest [career postings](#)

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:: NOTICES ::

SOCIETY NEWS

Council meeting February 24 – agenda available online

The Nova Scotia Barristers' Society will hold a Council meeting this Friday, February 24. The agenda is available for viewing on the **Council materials** webpage: <http://nsbs.org/council-materials>.

Some highlights:

- National Discipline Standards: request from the Federation of Law Societies for NSBS to participate in its proposed pilot program;
- The role of Council and Committee members during the Society's election process;
- Proposed amendments to the Hearing Regulations, to ensure more timely public notification of charges against a lawyer and of hearing schedules;
- Monitoring Report from the Finance & Administration department;
- Administration of Justice: Council workshop on Feb. 24 & 25 to continue discussions on the appropriate role for the Society in administration of justice work.

The next meeting of Council is scheduled for Friday, March 23, 2012.

Nominations for Second Vice-President: 2012/2013

Memorandum from Marjorie Hickey QC, Chair, Governance and Nominating Committee

The Governance and Nominating Committee wishes to advise that it has nominated **Tilly Pillay QC** of Halifax for Second Vice-President of the Society for the 2012/2013 Council year.

Ms. Pillay completed her undergraduate education at Dalhousie University, earned two Master of Arts degrees from Cambridge University and the University of Toronto, and then completed her LLB at Dalhousie Law School in 1989. After articling in Nova Scotia and Ontario, she was admitted to the Nova Scotia Bar in 1990 and worked for five years as a staff lawyer with Nova Scotia Legal Aid.

In 1995 she joined the Nova Scotia Department of Justice and held varying positions as a solicitor and as a litigator. In 2002 she was appointed a Director of the Legal Services Division, where in addition to carrying case files, she had management responsibilities for lawyers and staff. She completed extensive management and leadership training, and earned a Certificate in Leadership Development through Saint Mary's University. Currently, Ms. Pillay holds the positions of Director of Litigation and Co-Executive Director of the Legal Services Division.

Ms. Pillay has been involved in a number of community organizations, where she was a past member of the Board of Directors of Bryony House, a volunteer with the Metropolitan Immigrant Settlement Association, and a member of the Board of Directors for LISNS. In addition to being a member of the Canadian Bar Association for most of her practising years, Ms. Pillay has been actively involved in the work of the Nova Scotia Barristers' Society, where she was a member of Council from 2007 to 2009, a member of the former Discipline Committee, the Supreme Court (Family Division) Liaison Committee, the Hearing Committee and, currently, the Complaints Investigation and the Family Court Liaison Committees. As a member of the Hearing Committee, Ms. Pillay sat on several panels where complaints were adjudicated.

Ms. Pillay has authored various papers for presentation at CLE conferences and has published a Handbook for Lawyers relating to the Maintenance Enforcement Program, which now forms part of the Bar Admission materials. Outside her many legal interests, she is an active mother for two busy boys, and enjoys reading, exercise and travel.

Additional nominations for Second Vice-President

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

The closing date for nominations is **March 15, 2012**. The [Nomination Form](#) is available on the website.

The applicable regulations state:

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

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

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

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

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

Section 8(1) of the *Legal Profession Act* requires that at least one Society officer reside outside Halifax. With Tim Daley QC, the incoming President, living in New Glasgow, a nominee may reside in any area of the province.

Election dates

If an election is to be held, ballots will be made available to the membership **on or before the 1st of April, 2012**. The 2012/2013 Council year begins in June. Tim Daley QC of New Glasgow will serve as President, with Rene Gallant of Halifax as First Vice-President.

Additional information for candidates

For the information of prospective candidates for Second Vice-President, the Governance and Nominating Committee has set the following guidelines:

- Any candidate who is nominated for Second Vice-President will be able to have material posted on an Election Site on February 22 or within 72 hours of receipt of those materials by the Society, if receipt is after that date.
- The space for candidates will be available on the election page on the Society's website that will ensure:
 - a consistent format for tombstone information about the candidate (name, firm, nature of practice, etc.);
 - the candidate will be able to provide text of an election message or essay;
 - the candidate will be free to provide links to other sources of information, but only the election text/essay will be posted on the Society's site; and
 - candidates may publish only one photo on the election site.
- On receipt of a nomination, the Executive Director will provide:
 - information regarding posting of material on the Society's website;
 - a voters' list including the name, firm, address, email address and phone number of practising lawyers;
 - clarification that information regarding non-practising members is not available in this format; and
 - a requirement for written confirmation that the candidate will use the information solely for the purpose of the election and agrees to destroy the database at the conclusion of the election.
- No information about who has voted will be available after the commencement of the election.

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Notice to the Profession: Amendments to Subregulation 4.2.8 – Duty to Report

Council has passed amendments to Subregulation 4.2.8 to require lawyers to report criminal or quasi-criminal charges to the Society.

The Professional Responsibility Policies and Procedures Committee reviewed the applicable provisions in all other Canadian provinces and noted that Nova Scotia was the only jurisdiction that did not require its members to report criminal or quasi-criminal charges to the Society. While the Society often learns of charges through self-reporting or the media, it is possible that lawyers could face serious charges that may impact their practices, issues of public protection and/or the reputation of the legal profession without the Society having any notice.

It is possible that a report of charges could become the subject of an investigation pursuant to Subregulation 9.2.1.

Please note that if a lawyer is convicted of a criminal offence, the Complaints Investigation Committee may hold a hearing pursuant to Section 38 of the *Legal Profession Act*, which requires the lawyer to establish why the Complaints Investigation Committee should not begin an investigation into the matter. As in every case where a lawyer is found guilty or convicted of a criminal or other offence, the Complaints Investigation Committee considers all relevant factors and circumstances and determines whether any further action is warranted in the public interest.

If you have any questions regarding this amendment, please contact Elaine Cumming, Professional Responsibility Counsel, at 422-1491 or ecumming@nsbs.org.

Call for applications: Pride Mentorship Program seeks mentees

The Pride Mentorship Program is a mentorship program for lesbian, gay, bisexual and transgendered lawyers and law students. It matches mentors and mentees by geography, practice area, size of practice and specific interest.

Launched in the spring of 2010, this program is presented by the Equity Office of the Nova Scotia Barristers' Society, in collaboration with the CBA-Sexual Orientation Gender Identity (SOGI) section. Its purpose is to provide a community of support for students and new lawyers entering the profession. LGBT lawyers face specific challenges and barriers, and this program provides a forum for discussion, strategy and support designed to improve the practice experience for this community of lawyers.

The Program is currently seeking applications from mentees; however applications for both mentors and mentees are accepted at any time.

[Pride Mentorship Program Enrolment Form](#)

Please send all applications via email, fax or regular mail to **Emma Halpern, Equity Officer**, at ehalpern@nsbs.org (F) 429-4869. The Society's mailing address is available on the website's [Contact us](#) page.

In the enrolment form, please clearly specify your goals for the mentorship initiative, and any particular qualities you may be seeking in a mentor or mentee.

If you have any questions about the program or the enrolment process, please contact Emma at ehalpern@nsbs.org / 422-1491, or Amy Sakalauskas, Chair, CBA-SOGI Section, sakalaam@gov.ns.ca / 424-2956.

Changes in Category – February 6 to 20, 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:

David Raymond Thomas
Jamie Andrew Vacon

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Society moving to new location in April 2012

The Nova Scotia Barristers' Society is moving this spring to a new location on the 8th floor of Cogswell Tower. Effective April 1, 2012, the new address will be as follows:

**Nova Scotia Barristers' Society
Cogswell Tower
800–2000 Barrington Street
Halifax, NS B3J 3K1**

Prior to April 1, please continue to use the Society's current Granville Street address, available on the website's **Contact us** page: <http://nsbs.org/contact-us>.

Notice to Profession: Time is running out – NSBS Mandatory Assessment for new Code of Professional Conduct

If you haven't completed the mandatory online assessment regarding the new NSBS *Code of Professional Conduct*, this is a gentle reminder! For those of you who have completed it already, well done.

The new *Code of Professional Conduct* came into effect on January 1, 2012. While there are only a few substantive changes to the rules of conduct, the *Code* has a new format and it is important that all lawyers and articled clerks become familiar with it and the changes approved by Council.

The Society launched a mandatory online assessment on its website on November 7, 2011. All practising lawyers **and clerks must complete this assessment no later than April 30, 2012.**

An Executive Summary highlighting the changes to the rules of ethics in the new *Code* is also available at <http://nsbs.org/regulation>. Instructions for completing the assessment were emailed to members and clerks in early November.

To complete the assessment, **you must use the assessment link in the original message** sent to you. If you have lost this message, contact the Society to have it retransmitted.

(Please note, the link to the Code in the original email is now outdated since the launch of the Society's new website; the Code is accessible anytime on the Regulation page at <http://nsbs.org/regulation>.)

The assessment will guide you through the new *Code* and its changes, and takes about 30 minutes to complete. So don't delay. It is your professional duty to be fully familiar with the current rules of ethics, and the sooner you get on board the better.

Feel free to contact the Society for assistance or instructions.
Dan Campbell, President

Call for Nominations: 2012 Distinguished Service Award

The Nova Scotia Barristers' Society invites nominations for its 2012 Distinguished Service Award. Established in 1999, the award recognizes a member who has made significant contributions to the community, the legal profession and the Society.

The recipient for 2011 was Robert (Robbie) G. MacKeigan QC. Other past recipients include R. Lorne MacDougall QC, Ronald Downie QC, Harry Wrathall QC, Roberta Clarke QC, Catherine Walker QC, Robert L. Barnes QC, Bruce MacIntosh QC, Daniel Campbell QC, the late Innis M. Christie QC, and Anne Malick QC.

Nominations may be submitted by members of the Society and the public **until April 16, 2012**. The nomination form is available online at <http://nsbs.org/distinguished-service-award>.

For more details, contact Marla Cranston, Communications Officer, at 422 1491 or communications@nsbs.org.

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F.B. Wickwire Memorial Lecture – Access to Justice: Reality, Rhetoric and Recommitment

The Schulich School of Law and the Nova Scotia Barristers' Society cordially invite you to attend the 21st annual F.B. Wickwire Memorial Lecture in Professional Responsibility and Legal Ethics

PANEL DISCUSSION:

Access to Justice: Reality, Rhetoric and Recommitment

- The Hon. Mr. Justice Thomas Cromwell, Supreme Court of Canada
- Professor Trevor Farrow, Osgoode Hall Law School, York University
- Ms. Emma Halpern, Equity Officer, Nova Scotia Barristers' Society

MODERATOR:

Mr. Dan Campbell QC, President, Nova Scotia Barristers' Society

**Wednesday, February 29, 2012 at 4:30pm
Room 105, Weldon Law Building**

Frederick B. (Ted) Wickwire was educated in Halifax and received his Bachelor of Commerce degree in 1959 and his Bachelor of Laws degree in 1962 from Dalhousie University, and practised in the field of corporate and commercial law with a special interest in property rights. He was appointed Queen's Counsel in 1978. His service to Dalhousie University involved thirteen years as a member of the Board of Governors.

He was senior partner in the firm of MacInnes Wilson Flinn Wickwire. In 1977, he was appointed the first Chairman of the Nova Scotia Legal Aid Commission. Mr. Wickwire worked tirelessly to ensure that Nova Scotia barristers maintained a level of uncompromised professionalism. To this end he served as chairman of the Nova Scotia Barristers' Society's Legal Ethics Committee, and oversaw the creation of a new handbook on ethics and professional conduct for Nova Scotia lawyers. His service to the legal profession culminated in his election as President of the Barristers' Society in June 1990, a position he held at the time of his death on March 22, 1991.

For his work with both the Nova Scotia Barristers' Society and the development of Legal Aid in Nova Scotia, he won the Weldon Award for Unselfish Public Service from the Dalhousie Law School Alumni Association posthumously in October 1991.

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>.

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.

Senator Frederick James Dickson QC, Truro – February 9, 2012 [Obituary](#)

See these articles:

- [Senator celebrated as man who worked tireless for province](#), Chronicle Herald
- [Prime Minister attends Fred Dickson funeral in Truro](#), Truro Daily News
- [N.S. Senator Fred Dickson dies at 74](#), CTV.ca (Canadian Press)
- [Senator Fred Dickson dies](#), CBC.ca

FROM THE COURTS

Archived webcast available online

In the Nova Scotia Supreme Court SH376190

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The North End Community Health Association, The MicMac Native Friendship Society, The Richard Preston Centre for Excellence Society vs. Halifax Regional Municipality, Jono Developments Ltd.

The webcast of these proceedings from Thursday, February 16 remain available for viewing on the Courts of Nova Scotia website, under the NEWS heading: <http://www.courts.ns.ca/>

Twitter on the Courts of Nova Scotia website

To better serve the media, the general public and the legal profession, the Courts of Nova Scotia are now “tweeting” news and information, decisions of the Courts, and notices to the Bar.

Several Twitter accounts have been set up on the Courts of Nova Scotia website (www.courts.ns.ca). Each is specific to the needs of prospective subscribers. Twitter replaces the RSS Feed service that was available on the website.

“**Decisions of the Courts**” at: http://www.courts.ns.ca/decisions_recent/decisions_weekly_list.htm

Receive Tweets when the Courts post new decisions on the website. The Tweet will link you directly to the decision itself. Choose to receive Tweets about decisions released by one or all of the Courts.

“**Notices To The Bar**” at: <http://www.courts.ns.ca/General/bar.htm>

Follow notices important to the legal profession as they are posted on the website. These Notices Tweets include notices about Court schedules, the Law Courts Prothonotary’s “Hints And Tips” newsletter, amendments to the *Civil Procedure Rules*, and changes to the online dockets of the Court of Appeal, Supreme Court in Kentville/Windsor, and the Bankruptcy Court.

“**News of the Courts**” at: <http://www.courts.ns.ca>

Follow news about the Courts as it is posted on the website. These News Tweets will be in addition to News Releases regularly emailed directly to the media.

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*.

Call for applications: Small Claims Court Adjudicator required in Truro area

The Department of Justice wishes to receive applications from practising members, with a minimum of three years at the Bar (in good standing with the Nova Scotia Barristers’ Society), in the Truro area who are interested in an appointment as a Small Claims Court Adjudicator. Applications must be returned to Joanna Forgeron by 4:30 pm on March 30, 2012.

An information sheet and application form are available by contacting:

Joanna Forgeron
Department of Justice
Court Services Division
P.O. Box 7
Halifax, Nova Scotia B3J 2L6
Tel: (902) 424 4025; Fax (902) 424 7596

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Email: forgerij@gov.ns.ca

Please note: This notice is also posted on the Society's **Career Opportunities** webpage at <http://nsbs.org/careers>.

Call for proposals: International Qualification Recognition (IQR) Funding Program

The Department of Labour and Advanced Education is pleased to announce that the 2012-2013 call for proposals for the International Qualification Recognition (IQR) Funding Program is now open, with a deadline of **March 6th, 2012**.

The IQR Funding Guidelines and an itemized budget template (available in both French and English) will assist in completing your submission. These documents can be found on the Nova Scotia School of Adult Learning website: <http://gonssal.ca/LaMPSS/application-AEPfunds.shtml>.

The goal of the IQR Funding Program is to build IQR and recognition of prior learning (RPL) capacity in Nova Scotia by assisting regulatory bodies, immigrant serving agencies, multi-stakeholder groups and other stakeholders to develop tools, programs and services that facilitate the assessment and recognition of international qualifications, and integration of skilled immigrants into the Nova Scotia labour force in their chosen field.

Le but du Programme de financement de la reconnaissance des qualifications obtenues à l'étranger (RQOE) est de renforcer les capacités de RQOE et de reconnaissance des acquis en Nouvelle-Écosse, en aidant les organismes de réglementation, les agences offrant des services aux immigrants, les groupes représentant de multiples parties intéressées et les autres parties intéressées à élaborer des outils, des programmes et des services facilitant l'évaluation et la reconnaissance des qualifications obtenues à l'étranger et l'intégration des immigrants qualifiés dans la population active néo-écossaise dans le secteur de leur choix.

Applications are available online through the Labour Market Program Support System (LaMPSS) at www.gov.ns.ca/lamps.

All applicants must be registered users of LaMPSS in order to apply for funding. If your organization is not registered, please call 424-1075 (1-877-404-7074 toll free) or email LaMPSS@gov.ns.ca to receive assistance.

Pour l'assistance en français veuillez contacter:

Maggie Hope-Simpson
Coordonnatrice de la formation des adultes pour la communauté acadienne
Ministère du Travail et de l'Éducation postsecondaire
Division de l'éducation aux adultes
Tél. : 902-722-1146 Téléc. : 902-424-1171
Sans frais : 1-877-466-7725
Courriel : hopesime@gov.ns.ca

Request for applications for provincial judicial vacancies

Under the Guidelines, applications for a dual appointment as a Provincial Court and Family Court judge are accepted by the Provincial Judicial Appointment Committee at any time and remain on file for a period of three years from the date of the application.

As these Guidelines came into effect in April of 2009, there are applications about to expire and those candidates affected are encouraged to reapply. Presently it is anticipated that the Provincial Judicial Appointment Committee will be reviewing applications again the first of April, 2012. Although applications can be accepted at any time, new applications and those being resubmitted must be received by April 2, 2012 in order to be reviewed by the Committee at this time.

To obtain a copy of the Guidelines and Application Form and for further information on how to submit an application, please visit the Department of Justice, Court Services Division website at http://gov.ns.ca/just/Court_Services/default.asp

If you have any questions, please contact:

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Heather Boyle, Executive Secretary to the Minister
Department of Justice, 5151 Terminal Rd., 4th Floor, Halifax, NS B3J 2L6
Phone: 424-4020 | Fax: 424-0510
email: boyleha@gov.ns.ca

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. Please note the new notices from the Colchester, Digby and Halifax County Land Registration Offices. To view these notices in full, refer to the Errors & Omissions page on the [Property OnLine](#) (POL) website.

OTHER NOTICES

CLawBies: The best legal blogs in Canada

The 2011 CLawBies, the Canadian Law Blog awards, were announced last month on www.clawbies.ca. The Clawbies were started in 2006 by Stem Legal to highlight blogs published by the Canadian legal industry.

Stem also maintains an open directory of Canadian law blogs at www.lawblogs.ca, which can be browsed by practice area, province, industry area or latest additions.

Slaw uses this directory in its Canadian Law Blogs search engine, which does custom searches of Canadian blogs at www.slaw.ca/canadian-law-blogs-search-engine/.

The imaginary normal

BLOG/ Law21 by Jordan Furlong, posted Feb. 16, 2012

The joke goes like this: “The optimist says the glass is half-full. The pessimist says it’s half-empty. The engineer says it’s twice the required capacity.”

So what does the lawyer say when looking at the glass? In many cases, it’s: “Why hasn’t anyone refilled my drink yet?”

I speak to more lawyers and legal professionals every day who really get it — who understand how much is changing and who are preparing to adjust and respond. I can’t tell you how encouraging that is to me.

But I’m still taken aback by the number of lawyers and legal professionals who cannot or will not recognize what’s happening — who look at the market and see only what they want to see, interpreting a storm of the century as merely a passing squall.

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For many such lawyers, I've come to conclude, the underlying cause of that delusion is a sense of entitlement. They're entitled to respect for their position, steady work from clients, protection from unqualified competition, privilege at the top of the pyramid, stability in an unstable world.

And why should they think different? It's all they've ever known and it's rewarded them handsomely, so of course they believe it's the natural order of things. They believe it's normal, and they're waiting impatiently for it to return.

Here's what I want them to understand: It's not normal. It never was.

The legal market hasn't really been a "market," in classical terms, at all. It's been artificially constrained for decades by asymmetric knowledge, inadequate technology, limited competition, undifferentiated providers, seller-driven pricing, and most damaging of all, the absence of disinterested regulators. Accordingly, buyers have long suffered from weak bargaining positions and low self-confidence. Why, when you stop and think about it, would we ever have supposed that was normal?

The legal profession has been living inside a bubble for decades. And like all bubbles, those on the inside thrived disproportionate to the overall benefits they were delivering, while resentment and frustration continually grew on the outside. And we had no clue, because we figured that was how it was meant to be.

But now that's changing. Consumers are gaining more knowledge and more choice, giving them more power. The bubble is leaking. The traditional mechanics of healthy markets, by which sellers truly compete with each other to gain the business of well-informed buyers on the buyers' terms, are reasserting themselves. A legal marketplace that has always been tilted in lawyers' favour is rebalancing itself.

This isn't a market going crazy. It's a market going normal. And it's not going back.

(Republished with permission from the author. See his [original blog post](#) at www.law21.ca)

Halifax law professor working with Cuban communities to improve coastal management

The coastal zone faces the threat of human intervention, natural hazards and climate change. Professor Aldo Chircop at Schulich School of Law (with Ronald Pelot and Lucia Fanning) is working with three Cuban universities on educating local communities and their governments in coastal management through capacity building for training and infrastructure. The \$689,000 project is funded in part by the Canadian International Development Agency (CIDA).

Find out more in this [Dalnews article](#), "Capacity building in Cuba: Protecting the land and sea through Integrated Coastal Zone Management"

Dalhousie research finds cannabis use doubles risk of a motor vehicle crash

Drivers who consume cannabis within three hours of driving are nearly twice as likely to cause a motor vehicle crash (MVC) as those who are not under the influence of drugs or alcohol, according to new research from Dalhousie University.

Dr. Mark Asbridge, associate professor in Dalhousie Medical School's departments of Community Health & Epidemiology and Emergency Medicine, completed a systematic review and meta-analysis of nine studies to determine if cannabis use increases the risk of a MVC.

The [findings](#) were published on Feb. 10, 2012 in the British Medical Journal (www.bmj.com). Learn more in this [Dalnews article](#), "The dangers of taking the 'high' road: Increased collision risk, skill impairment."

AJEFNE conducting survey to evaluate linguistic capabilities throughout NS justice system

L'Association des juristes d'expression française de la Nouvelle-Écosse has prepared a survey to evaluate the linguistic capabilities of those who work in the judicial system throughout Nova Scotia such as lawyers, police officers, clerks, sheriffs and others. The results of this study will enable us to evaluate French-language services offered in the judicial system of the province of Nova Scotia and better target our future interventions to meet the needs of our citizens.

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This survey will only take a few minutes to complete. To access the survey, please click the link below:
<https://docs.google.com/spreadsheets/viewform?formkey=dHpldmNzWW5yZG9fZ2VtU1ZTQ21idWc6MQ>.

If you have problem accessing the survey, please call us at (902) 433-2085 or email us at dq@ajefne.ns.ca and we will send you a paper copy. We would like to thank you in advance for your help and collaboration. Please note that your responses will be kept confidential.

L'AJEFNE fait une recherche visant à évaluer la capacité linguistique des intervenants du système judiciaire dans les différentes régions de la Nouvelle-Écosse. Le but de cette recherche est de connaître la situation du français et de mieux cibler nos interventions afin de répondre aux besoins des citoyens.

Pour ce faire, nous avons réalisé un sondage qui ne prend que quelques minutes à compléter. Vous pouvez accéder à ce sondage en cliquant sur le lien suivant:

<https://docs.google.com/spreadsheets/viewform?formkey=dHpldmNzWW5yZG9fZ2VtU1ZTQ21idWc6MQ>

Si vous avez de la difficulté à y accéder, veuillez s'il vous plaît communiquer avec nous et nous vous ferons parvenir une copie papier par la poste. Nous vous remercions à l'avance de votre aide et de votre précieuse collaboration. Veuillez noter que vos réponses sont confidentielles.

AWARDS & APPOINTMENTS

Swedish connections: George Cooper QC named Commander of the Royal Order of the Polar Star; Cheryl Hodder QC new Swedish Consul

King Carl XVI Gustaf of Sweden has appointed George Cooper QC to be Commander of the Royal Order of the Polar Star, which was first created by King Fredrik I in 1748. It is only conferred on members of the Swedish Royal Family and foreign nationals in recognition of personal services to Sweden or for the promotion of Swedish interests.

"It has been my honour to serve the interests of Sweden in Atlantic Canada, and I am delighted to accept this appointment," said Mr. Cooper, Counsel at McInnes Cooper and Chair of the Board.

His Excellency Teppo Taurianen, Swedish Ambassador to Canada, announced the appointment during a special reception. Mr. Cooper recently retired as the Honorary Consul of Sweden, a role he fulfilled since 1999. The reception was designed to celebrate George's 12 years of service, and to welcome his successor, Cheryl Hodder QC.

In 1998, George was first awarded the Gold Medal, Royal Order of the Polar Star, and promoted to Officer – First Class of the Royal Order in 2006. George is a former MP for Halifax and served as Parliamentary Secretary to the Minister of Justice. He is a member of the Order of Canada, Rhodes Scholar and holds various honorary degrees from Dalhousie University, University of King's College and the University of Alberta.

For more details, see www.mcinnescooper.com and the Feb. 16 article in Allnovascotia.com (*available to subscribers*).

Call for nominations: Lorne Clarke Q.C. Access to Justice Award

Presented by the Legal Information Society of Nova Scotia, this Award is named in honour of Lorne O. Clarke QC, former Chief Justice of the Nova Scotia Court of Appeal, past member of the LISNS Board of Directors and a long time supporter of access to justice and public legal education.

The Access to Justice Award was created to recognize exceptional contributions in promoting access to justice and legal information in Nova Scotia by an individual or organization in the following areas:

- Promoting of human rights and equality
- Championing a particular legal issue or the elimination of a particular injustice or discrimination
- Promoting access to courts or legal services
- Being instrumental in law reform or changes to the law
- Developing innovation in legal education

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- Providing exemplary professional service to Nova Scotians within the legal or justice field.

The 2012 Award will be judged on the contribution and efforts of the nominees for the calendar year of 2011. Completed nomination forms must be received by LISNS **no later than March 16, 2012**.

Find the nomination form and complete details at this link: <http://legalinfo.org/highlights/lisns-spotlight.html>

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

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.

CAREER OPPORTUNITIES: nsbs.org/careers

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

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:: 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:

- April 18 to 25, 2012

[Register online](#)

OUTSIDE CONFERENCES & SEMINARS

Please visit the [events](#) page on our website for the most up-to-date listings.

Upcoming events from CBA-NS

Online CLE:

- **LLPs**
Friday, February 24, 2011, 12:00 - 1:30 pm
Speaker: David Reid, Cox & Palmer and Robert Arkin
[More...](#)
- **Fundamentals on Real Property for Legal Assistants**
Friday, March 9, 2012, 12:00 - 1:30 pm
Speaker: Stephen Campbell, Wickwire Holm
[More...](#)

Advocacy Conference

Guild Hall, Atlantica Hotel
1980 Robie Street, Halifax
March 30, 2012

[More...](#)

Research on Charitable Fundraising in Atlantic Canada

Friday, March 2, 2012 - 12:00 to 13:00

Admissions and Professional Development Classroom, Nova Scotia Barristers' Society
Suite 1101 – 1645 Granville Street, Halifax

The Atlantic Charities Learning Exchange www.atlanticcharities.ca, a project of the Community Sector Council, invites you to a FREE registered charities information session:

Presenter David Oyler will share results of the research he completed in conjunction with Community Sector Council NL on charities who fundraise in the four Atlantic Provinces. He will explain the pitfalls that charities may encounter when reporting to CRA and the common errors that occur, as well as tips on how to avoid them. This session will be of interest to professionals and volunteers who assist or work with charitable organizations, Fund Development personnel, as well as anyone with an interest in charities and fundraising.

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Pre-registration is required. To register, please contact:

Geoff Hoffe, Assistant Project Coordinator

geoffhoffe@cscnl.ca | Toll Free: 1-866-753-9860

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 March 2

Medical Science in the Courtroom: Lessons from the Inquiry into Pediatric Forensic Pathology

The Honourable Justice Stephen Goudge, Court of Appeal for Ontario

COMING UP:

March 23, 2012

Being Relational: Relational Theory and Health Law & Policy

Jennifer Llewellyn and Jocelyn Downie, Schulich School of Law, 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.

Let's Talk: The Law and Your Life (Legal Information Fair)

The Legal Information Society of Nova Scotia (LISNS) invites you to take part in its annual legal information fair

Wednesday, March 21, 2012 (All day)

World Trade & Convention Centre, 1800 Argyle St, Halifax, NS

Keynote speaker: Professor Wayne MacKay - Chair of the Cyberbullying Task Force Advisory Group

Following last year's highly successful Divorce Fair, the Legal Information Fair offers all Nova Scotians access to information and answers to questions on a wide range of topics including:

- Separation & Divorce
- Employment & Business
- Wills & Estates
- Housing, Landlords and Tenants
- Criminal Law
- Immigration
- Debtor / Creditor
- Aging & Seniors
- Youth and the justice system

Through a trade show format, lawyers, businesses, government and other organizations will be on hand to present information sessions and to provide general information by meeting face to face with attendees. This is an excellent opportunity to talk with prospective new clients and to build networks with professionals in other fields, related to your area of expertise.

Anyone who provides legal information or related resources as part of their services is encouraged to take part.

For more information on booking a booth for your organization, please contact: Gwen Atkinson, Manager, Community Outreach development@legalinfo.org or call 454-2198. For general information on the event and for a discount on admission to the event, visit our website: www.legalinfo.org.

The Maritime Provinces Conference for Women

February 28

Quality Inn & Suites, 980 Parkland Drive

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A brand new conference filled with breakthrough success strategies and insights for women of all ages, presented by SkillPath Seminars. Work on assertiveness skills, communication techniques, positive self-esteem, conflict management and more. Register online at www.skillpath.ca or by calling 1 800 873 7545

21st Annual F.B. Wickwire Memorial Lecture in Professional Responsibility and Legal Ethics *presented by the Schulich School of Law and the Nova Scotia Barristers' Society*

Wednesday, February 29, 2012 at 4:30pm
Room 105, Weldon Law Building

Panel Discussion – ***Access to Justice: Reality, Rhetoric and Recommitment***

The Hon. Mr. Justice Thomas Cromwell, Supreme Court of Canada

- Professor Trevor Farrow, Osgoode Hall Law School, York University
- Ms. Emma Halpern, Equity Officer, Nova Scotia Barristers' Society

Moderator: Mr. Dan Campbell QC, President, Nova Scotia Barristers' Society

Actions with Class: Atlantic Class Action Symposium at Schulich School of Law **Friday, March 2nd, 2012** **Schulich School of Law, Dalhousie University, Halifax**

Our program includes:

- National & Regional Class Action Round-Up: Lawyers from across Canada present a look at filings and outcomes in class actions across the nation.
- Case Evaluation and Acceptance: Making the Right Decision at the start of the file
- The Elephant in the Room: The Real and Substantial Connection
- Certifying the Class: Motions and the Evidentiary Threshold in Certification
- The Evolution of Class Actions
- Crown Liability: Class Actions against the Crown, and the attitude of the Federal and Provincial Crowns.
- Mediation in Class Actions
- Environmental Class Actions: The future in light of the Inco decision
- A View from the Bench: Judicial Panel: Case Management and Certification Motions

We have assembled an excellent faculty from the Bench and Bar from across Canada; including Justice Maurice Cullity (Retired), Justice Leo Barry, Justice Gerald Moir, and Justice George Strathy.

Complete conference information and registration is set out on our website: <http://www.atl-classaction.ca>
Space is limited. Please register as soon as possible.

Two workshops presented by the Nova Scotia Human Rights Commission's Race Relations, Equity and Inclusion Division

One-day workshop: Human Rights in the Workplace

March 7, 2012, 9:00 am – 4:00 pm

Nova Scotia Health Research Foundation, 1660 Hollis Street, 9th Floor, Suite 905, Halifax

Please let us know if you are interested in attending by **February 29, 2012**. There are 20 spaces available for this workshop.

Five-day workshop: Creating Cultural and Organizational Change

May 14-18, 2012, 9:00 am – 4:00 pm daily

Halifax (venue to be confirmed)

Please let us know if you are interested in attending by **May 1, 2012**.

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If you are interested in attending either of these two workshops, please contact Melissa Brayley at 902-424-4683 or brayleym@gov.ns.ca. Both workshops are by registration only.

2012 Kids Not Cons Summit: Preventing Tomorrow's Criminals: From Knowledge to Practice

Hosted by the Child Development Institute and Astwood Strategy Corporation

March 21-23, 2012

Hilton Doubletree Toronto Airport Hotel

This conference will bring together world renowned scientists and practitioners in the prevention and treatment of childhood aggression and anti-social behaviour. They will share their experiences, research and knowledge of best practices for working with these at-risk young children.

Delegates will gain insight on how to translate the most current knowledge into practice.

Whether you are a researcher, social worker, child and youth worker, educator, policymaker, police officer, crime prevention strategist, mental health specialist or other front-line professional, this conference will add tremendous value to your work!

For full program and registration information on this essential conference, please see www.kidsnotcons.com
Register soon. Spaces are filling up fast.

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
- 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](#)

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Upcoming Events from the Atlantic Provinces Trial Lawyers Association

APTLA ONLINE LEGAL EDUCATION

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

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

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

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:: LIBRARY & INFORMATION SERVICES ::

CanLII: One million Canadian judgments (17,305 Nova Scotian) now freely available

On Friday, February 17, CanLII loaded its one millionth judgment, a decision of the Supreme Court of Canada. It has taken 12 years for CanLII to reach the one million mark, a total that includes judgments from more than 200 legal sources.

According to Colin Lachance, President and CEO of CanLII, "reaching the million mark has involved adding both new and historical judgments to the database." Mr. Lachance adds, "CanLII now grows by more than 120,000 judgments a year, approximately 20 per cent of which are older cases that add depth to our collection."

The collection of Nova Scotia decisions on CanLII dates back further than most provinces. This is due to the work of the Society's Library & Information Services (L&IS) staff. The Society's collection of print decisions digested in *Nova Scotia Law News* dates back to the early 1970s.

In 2008, L&IS undertook a de-identification project to anonymize Nova Scotia family and young offender decisions that for various reasons could not be posted online.

Over the course of the project, approximately 1,100 anonymized decisions were added to CanLII. Previously, these decisions were only available in hard copy at the Nova Scotia Barristers' Society Library in Halifax.

This work was done in conjunction with another project in which L&IS staff converted nearly 4,500 Court of Appeal and Supreme Court decisions dating back to 1990 from print to electronic format. From 2001 to 2009, all Nova Scotia court decisions available on the service were sent to CanLII by Library & Information Services (L&IS).

CanLII's one million decisions include 17,305 Nova Scotia decisions, with roughly one-third of those decisions freely available on CanLII thanks to the L&IS conversion and de-identification projects, and much of the remainder available due to the work of L&IS staff over eight years.

Earlier unreported decisions not on CanLII are indexed and maintained in print in the Halifax Barristers' Library.

Final L&IS Legislative Supplement now available online

Library & Information Services prepares brief notes on the legislation passed at the most recent sitting of the Nova Scotia Legislature. The [Legislative Supplement](#) for the fall sitting of the 3rd Session of the 61st General Assembly is now available online. Summaries are included only for that legislation likely to be of interest to the Society's membership. For complete information, please consult the [statutes](#) available online through the Office of the Legislative Counsel's website.

Since 1977, the Legislative Supplement has been prepared as part of the *Nova Scotia Law News*. As part of the changes affecting Library & Information Services, this summary will no longer be prepared.

Please note: This is the final Legislative Supplement published by Library & Information Services.

New books at the library

BIBLIOGRAPHY

FINDING ENGLISH LAW : KEY TITLES FOR NON-UK LAWYERS AND RESEARCHERS / Eaton, John -- London: Wildy, Simmonds and Hill, 2011. [K 21.1 E14 2011]

PERSONAL INJURIES

DAMAGES FOR PERSONAL INJURY AND DEATH IN CANADA 2010-2011 / Goldsmith, Immanuel; Duncan, Anthony -- Toronto: Carswell Thomson Reuters, 2011. [KB 183.D3 G624D 2011]

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:: NEW DECISIONS ::

ADMINISTRATIVE LAW - Boards and tribunals - appeal from Nova Scotia Utility and Review Board dismissed *Wilson v. Nova Scotia (Attorney General)*, C.A. No. 353659, MacDonald, M. C.J., February 7, 2012. [2012 NSCA 14](#); **S640/17**

ADMINISTRATIVE LAW - Judicial review - Minister of Service Nova Scotia and Municipal Relations *Elderkin et al. v. Nova Scotia (Minister of Service and Municipal Relations)*, Hfx. No. 347647, Pickup, J., February 9, 2012. [2012 NSSC 61](#); **S643/11**

CIVIL RIGHTS - Judicial review - breach of procedural fairness *Islam v. Nova Scotia (Human Rights Commission) et al.*, Hfx. No. 325019, McDougall, J., February 13, 2012. [2012 NSSC 67](#); **S643/14**

COMPANY LAW - Shareholder agreement - valuation date in the event of retirement, resignation or termination of employment *Giffin v. Soontiens et al.*, Hfx. No. 292594, Moir, J., February 13, 2012. [2012 NSSC 65](#); **S643/12**

CONTRACTS - Equipment lease - validity when goods not delivered by third party *Hefler Forest Products Ltd. v. MCAP Leasing Inc.*, Hfx. No. 351937, Murphy, J., February 15, 2012; October 5, 2011 (orally). [2011 NSSC 505](#); **S643/19**

CRIMINAL LAW - Assault and obstruction - of a police officer *R. v. T. (D.) et al.*, No. 2310137 - 2310148, Gabriel, J.P.C., February 14, 2012; February 1, 2012 (orally). [2012 NSPC 9](#); **M26**

CRIMINAL LAW - Habeas corpus - involuntary administration segregation *Bradley v. Canada (Correctional Service Canada)*, Amh. No. 357720, Bourgeois, J., February 6, 2012; December 15, 2011 (orally). [2011 NSSC 503](#); **S643/8**

CRIMINAL LAW - Internet luring - guilty *R. v. Cooke*, Syd. No. 346661, Edwards, J., February 15, 2012. [2012 NSSC 69](#); **S643/22**

CRIMINAL LAW - Robbery - evidence of threat, reasonable doubt *R. v. Sabattis*, No. 2331971 - 2331973, Chisholm, J.P.C., February 10, 2012. [2012 NSPC 11](#); **M26**

CRIMINAL LAW - Robbery - not guilty *R. v. Langille-Buell*, No. 2335764, Atwood, J.P.C., December 16, 2011. [2011 NSPC 109](#); **M26**

CRIMINAL LAW - Sentencing - assault causing bodily harm, joint recommendation for conditional sentence *R. v. Briand*, No. 2392417, Whalen, J.P.C., January 20, 2012. [2012 NSPC 10](#); **M26**

CRIMINAL LAW - Sentencing - possession for the purposes of trafficking in cocaine, conditional sentence *R. v. Scott*, No. 2271033; 2271034, Tufts, J.P.C., February 1, 2012. [2012 NSPC 6](#); **M26**

CRIMINAL LAW - Sentencing - possession for the purposes of trafficking in hydromorphone, conditional sentence *R. v. Robinson*, No. 222092; 222093, Whalen, J.P.C., January 12, 2012. [2012 NSPC 12](#); **M26**

CRIMINAL LAW - Sentencing - uttering threats, assault, possession of property obtained by crime, conditional sentence *R. v. Tanner*, No. 1474441; 1474444; 2335728; 2360093; 2360095; 2404114; 2404116, Whalen, J.P.C., January 17, 2012. [2012 NSPC 13](#); **M26**

CRIMINAL LAW - Statement excluded - directed verdict of acquittal *R. v. Simpson*, C.R.A.M. No. 353901, Moir, J., February 8, 2012. [2012 NSSC 66](#); **S643/13**

CRIMINAL LAW - Summary conviction appeal - breathalyzer *R. v. MacGregor*, C.A.C. No. 346024; C.A.C. No.

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347194, Bryson, J.A., February 15, 2012. [2012 NSCA 18](#); **S640/20**

CRIMINAL LAW - Young offenders - admissibility of statement *R. v. M. (A.J.)*, No. 2336343; 2336344; 2336345; 2336346, Campbell, J.P.C., February 14, 2012. [2012 NSPC 8](#); **M26**

DAMAGES - Assessment - recovery of overhead costs *Nova Scotia (Attorney General) v. Jacques Home Town Dry Cleaners*, Hfx. No. 343066, Robertson, J., February 16, 2012. [2012 NSSC 42](#); **S643/21**

EASEMENTS - Right of way - access to beach, silent on the issue of vehicle use *Viehbeck v. Pook et al.*, Hfx. No. 329805, Wood, J., February 3, 2012. [2012 NSSC 48](#); **S643/1**

FAMILY LAW - Appeals - application to adduce fresh evidence rejected, appeal dismissed *Snow v. Parsons*, C.A. No. 348448, Oland, J.A., February 7, 2012; February 6, 2012 (orally). [2012 NSCA 16](#); **S640/18**

FAMILY LAW - Application for stay pending appeal - dismissed, child support *St-Jules v. St-Jules*, C.A. No. 348221, Fichaud, J.A., February 13, 2012. [2012 NSCA 17](#); **S640/19**

FAMILY LAW - Child in need of protection - adoption directive *G. (T.) v. Nova Scotia (Minister of Community Services) et al.*, S.F.H.C.I.V. No. 076405, Williams, J., December 5, 2011. [2011 NSSC 497](#); **S642/31**

FAMILY LAW - Child in need of protective services - permanent care with no access *Nova Scotia (Minister of Community Services) v. M. (G.) et al.*, F.S.B.C.F.S.A. No. 073328, Comeau, J.F.C., January 23, 2012. [2012 NSFC 1](#); **FC38**

FAMILY LAW - Costs - divorce *MacPhee v. MacPhee*, No. 1201-063942, Beaton, J., January 30, 2012. [2012 NSSC 43](#); **S643/9**

FAMILY LAW - Custody - shared parenting, child support *Lubin v. Lubin*, No. 1201-064422; S.F.H.D. No. 069303, MacDonald, B. J., January 19, 2012. [2012 NSSC 31](#); **S643/4**

FAMILY LAW - Divorce - child support, impact of separation agreement on parenting plan *Cooke v. Cooke*, No. 1206-006173, Forgeron, J., February 16, 2012; February 1, 2012 (orally). [2012 NSSC 73](#); **S643/23**

FAMILY LAW - Divorce - status of Cohabitation Agreement *Stailing v. Stailing*, No. 1201-064876, Gass, J., No. 1201-064876. [2011 NSSC 501](#); **S643/3**

FAMILY LAW - Procedures - disclosure issues *G. (T.) v. Nova Scotia (Minister of Community Services) et al.*, S.F.H.C.I.V. No. 076405, Williams, J., August 26, 2011. [2011 NSSC 356](#); **S642/30**

MAINTENANCE - Child support - arrears, variation, conciliation record *Gordon v. Mevold*, No. 1201-49933; S.F.H.D. No. 024564, Jollimore, J., January 12, 2012; January 10, 2012 (orally). [2012 NSSC 17](#); **S643/15**

PRACTICE - Appeals - Small Claims Court *TD Financing Services Inc. v. McInnis et al.*, Pic. No. 346041, LeBlanc, J., February 6, 2012. [2012 NSSC 52](#); **S643/5**

PRACTICE - Application - to amend defence *Halifax (Regional Municipality Pension Committee) v. State Street Global Advisors Ltd.*, Hfx. No. 309063, Duncan, J., February 10, 2012. [2012 NSSC 64](#); **S643/18**

PRACTICE - Commercial agreement - forum selection clause, forum non conveniens *Instrument Concepts-Sensor Software Inc. v. Geokinetics Acquisition Co.*, Hfx. No. 353140, Pickup, J., February 9, 2012. [2012 NSSC 62](#); **S643/10**

PRACTICE - Costs - appeal dismissed *Wadden v. National Bank Financial Ltd.*, C.A. No. 355940, Hamilton, J.A., January 31, 2012. [2012 NSCA 15](#); **S640/16**

PRACTICE - Costs - effect of offer settle *Hayward v. Young*, Hfx. No. 244134, Robertson, J., February 3, 2012. [2012](#)

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[NSSC 56](#); **S643/2**

PRACTICE - Costs - party and party and solicitor and client costs *Northern Pulp Nova Scotia Corp. v. D.R. Breton Ltd.*, Pic. No. 340973, Murray, J., January 26, 2012. [2012 NSSC 46](#); **S643/16**

PRACTICE - Default judgment - application to set aside *Bank of Nova Scotia v. Howes*, Hfx. No. 351842, Edwards, J., February 8, 2012. [2012 NSSC 60](#); **S643/17**

PRACTICE - Disclosure - limited production of further documents *Saturley v. CIBC World Markets Inc.*, Hfx. No. 305635, Wood, J., February 7, 2012; February 6, 2012 (orally). [2012 NSSC 57](#); **S643/7**

PRACTICE - Pleadings - amendment, wrongly named plaintiff *Secunda Marine Services Ltd. v. Caterpillar Inc.*, Hfx. No. 178147, Rosinski, J., February 3, 2012. [2012 NSSC 53](#); **S642/29**

PRACTICE - Summary judgment - allowed with costs *Thai Royal Frozen Food Co. Ltd. v. Ocean Superior International Ltd. et al.*, Hfx. No. 313785, Haliburton, J., February 8, 2012. [2012 NSSC 59](#); **S643/20**

PRACTICE - Summary judgment - granted *Kennedy v. Hewlett Packard (CANADA) Co.*, Syd. No. 354720, Murray, J., December 7, 2011. [2011 NSSC 502](#); **S642/28**

WILLS AND ESTATES - Proof in solemn form - testamentary capacity *Fawson Estate (Re)*, Hfx. No. 343070, Hood, J., February 6, 2012. [2012 NSSC 55](#); **S643/6**

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.

February 17, 2012

[S.L. v. Commission scolaire des Chênes](#)

Neutral citation: [2012 SCC 7](#) (CanLII)

File No.: 33678.

2011: May 18; 2012: February 17.

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

On appeal from the Court of Appeal for Quebec

Constitutional law — Charter of Rights — Freedom of religion — Schools — Mandatory ethics and religious culture program — Burden of proof at stage of demonstrating infringement of right to freedom of religion — Objective proof of interference with practice or belief — Parents sincerely believing in obligation to pass on precepts of Catholic religion to children — Whether ethics and religious culture program objectively interfering with parents' ability to pass on faith to children — Whether parents demonstrating that program infringed their freedom of conscience and religion protected by s. 2(a) of the Canadian Charter of Rights and Freedoms — Whether refusal of school board to exempt children from ethics and religious culture course infringed their constitutional right.

Civil rights — Freedom of religion — Schools — Mandatory ethics and religious culture program — Whether parents demonstrating that program infringed their freedom of conscience and religion protected by s. 3 of the Charter of human rights and freedoms, R.S.Q., c. C-12.

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Administrative law — Judicial review — School authorities — Parents requesting that school board exempt their children from ethics and religious culture course to avoid causing them serious harm — Requests for exemption denied — Whether decision of school board made at dictate of third party — Education Act, R.S.Q., c. I-13.3, s. 222.

In 2008, the Ethics and Religious Culture (“ERC”) Program became mandatory in Quebec schools, replacing Catholic and Protestant programs of religious and moral instruction. L and J requested that the school board exempt their children from the ERC course putting forward the existence of serious harm to the children within the meaning of s. 222 of the *Education Act*. The director of educational resources for young students denied the exemptions. L and J requested that the school board’s council of commissioners reconsider that decision, and the council of commissioners upheld this decision. L and J then turned to the Superior Court seeking both a declaration that the ERC Program infringed their and their children’s right to freedom of conscience and religion, and judicial review of the decisions denying their requests for exemption from the ERC course. They claimed that these decisions had been made at the dictate of the Ministère de l’Éducation, du Loisir et du Sport (“Ministère”). The Superior Court dismissed the motion for declaratory judgment and the motion for judicial review. Upon motions being brought by the school board and the Attorney General of Quebec to dismiss the appeal, the Court of Appeal refused to hear L and J’s appeal as of right and also dismissed their motion for leave to appeal.

Held: The appeal should be dismissed.

February 14, 2012

[R. v. T.L.M.](#)

Neutral citation: [2012 SCC 6](#) (CanLII)

File No.: 34288

2011: April 8; 2012: February 14.

Coram: Deschamps, Fish, Abella, Rothstein, Cromwell, Moldaver and Karakatsanis JJ.

BETWEEN:

Her Majesty the Queen

Appellant

- and -

T.L.M.

Respondent

JUDGMENT

The appeal from the judgment of the Supreme Court of Newfoundland and Labrador - Court of Appeal, Number 10/26, 2011 NLCA 24, dated April 8, 2011, was heard this day and the following judgment was rendered orally:

Deschamps J. – We agree with Hoegg J.A., dissenting at the Court of Appeal, that the trial judge committed no reviewable error. Therefore, the appeal is allowed.

Having heard the parties, we also agree with the dissenting judge that Count No. 1 should be stayed and that the convictions on the other Counts should be restored.

February 10, 2012

[R. v. D.A.I.](#)

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Neutral citation: [2012 SCC 5](#) (CanLII)
File No.: 33657.
2011: May 17; 2012: February 10.

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 — Evidence — Testimonial competence — Adults with mental disabilities — Whether adult witnesses with mental disabilities must demonstrate understanding of nature of obligation to tell truth in order to be deemed competent to testify — Whether finding of testimonial competence without demonstration of understanding of obligation to tell truth breaches accused's right to fair trial — Canada Evidence Act, R.S.C. 1985, c. C-5, s. 16.

The Crown alleges that the complainant, a 23-year-old woman with the mental age of a three- to six-year-old, was repeatedly sexually assaulted by her mother's partner during the four years that he lived in the home. It sought to call the complainant to testify about the alleged assaults. After a *voir dire* to determine the complainant's capacity to testify, the trial judge found that she had failed to show that she understood the duty to speak the truth. In a separate *voir dire*, the trial judge also excluded out-of-court statements made by the complainant to the police and her teacher on the grounds that the statements were unreliable and would compromise the accused's right to a fair trial. While the remainder of the evidence raised some serious suspicions about the accused's conduct, the case collapsed and the accused was acquitted. The Ontario Court of Appeal affirmed this result.

Held (Binnie, LeBel and Fish JJ. dissenting): The appeal should be allowed, the acquittal set aside and a new trial ordered.

February 9, 2012

Reference re Broadcasting Act

Neutral citation: [2012 SCC 4](#) (CanLII)
File No.: 33884.
2012: January 16; 2012: February 9.

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

On appeal from the Federal Court of Appeal

Communications law — Broadcasting — Internet — Internet service providers providing end-users with access to broadcasting over the Internet — Whether internet service providers are broadcasters when they provide end-users with access to broadcasting through the Internet — Broadcasting Act, S.C. 1991, c. 11, ss. 2, 3.

The Canadian Radio-Television and Telecommunications Commission referred to the Federal Court of Appeal the question of whether retail Internet Service Providers ("ISPs") carry on, in whole or in part, "broadcasting undertakings" subject to the *Broadcasting Act* when, in their role as ISPs, they provide access through the Internet to "broadcasting" requested by end-users. The court held that they do not.

Held: The appeal should be dismissed.

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:: NOVA SCOTIA BILLS ::

There are no new bills at this time.

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

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:: PROCLAMATIONS UPDATE ::

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

Trade Union Act, SNS 2011, c 71.

NS Gaz Pt 2, [02/10/12](#)

NS Reg 33/2012

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

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

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

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:: LIANS TIPS ::

LIANS moving to new location in April 2012

Please note, LIANS will be moving this spring to a new location on the 8th floor of Cogswell Tower. Effective April 1, 2012, the new address will be as follows:

Lawyers' Insurance Association of Nova Scotia
Cogswell Tower
801–2000 Barrington Street
Halifax, NS B3J 3K1

Prior to April 1, please continue to use the current Hollis Street address, available on the website's contact page:

<http://www.lians.ca/contact>.

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: Selecting the Right Team

An integral part of office management includes assessing and selecting the right people for your team. Some things you may want to consider:

- Document procedures for evaluating the suitability of applicants for various positions in your office;
- Obtain and create clear, measurable criteria against which applicants can be evaluated;
- Use a variety of assessment techniques such as CVs, interviews, tests and references to ensure you get all the relevant information;
- Keep clear and accurate records so you can explain why you've chosen, or not chosen, a particular candidate.

Asking the right questions will also help you get the relevant information to ensure you are selecting the right candidate for your team. For sample interview questions, visit the LIANS website:

http://www.lians.ca/rpm/resources/staff_interview_questions/

*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: Breach of contract case from "Mr. Lobo Lau"

A new client representation request involving a breach of contract has been circulating this week. The wording is as follows:

*From: Mr. Lobo Lau mrlolobau@yahoo.com.hk
Subject: Review My Case*

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Good Day Attorney,

I will like you to review a (Breach Of `Contract Matter) in your county that I will like your firm to handle for me. It is important we hear from you as soon as possible so we can decide on what to do. If you have any questions or concern do not hesitate to contact me.

Yours Truly,

Mr. Lobo Lau

Latitude Ltd-Hong Kong

7/F., Southeast Industrial

Building, 611-619 Castle

Peak Road, Tsuen Wan, Hong Kong

852 2410 2907

<mrlolobolau@yahoo.com.hk>

This breach of contract scam attempt follows the same 'process' we're all familiar with by now: a series of emails requesting representation in a business transaction, accompanied by seemingly legitimate-looking identity or supporting documents. Very soon after, a fraudulent cheque is received and bank deposit instructions are sent to the lawyer.

Refamiliarize yourself with **Client ID Regulation 4.5.11**. It requires that in a non-face-to-face transaction involving a client who is not present in Canada, identity verification must be carried out by an agent on behalf of the lawyer. Often in these scams, potential clients will not be willing to have you retain the verification agent or comply overall with the Client ID Regulations. It is best to advise the client that the transaction will not be completed until they comply with the regulation. Find Regulation 4.5.11, sample verification agreements and more under the NSBS [Client ID Regulations](#).

Keep in mind these potential red flags when you are contacted:

- Client is offshore, unknown to the firm and often in a rush to complete the transaction.
- Client readily agrees to pay a seemingly high rate of fees from the funds that you are to secure for them.
- The debtor will often send a payment cheque promptly, with little to no persuasion. This is suspicious considering the client's dire need to retain you initially.

Use Google to verify phone numbers, addresses and email contacts. If you do decide to proceed with the transaction, when the cheque is received, be sure to go to the bank website to verify the branch transit number, address and phone number on the cheque. Hold onto the funds until the bank confirms that the funds are legitimate and that it's safe to withdraw from the deposit.

Be cautious with all cheques received, especially if they exceed the agreed-upon amount. Where possible, use the [Large Value Transfer System \(LVTS\)](#), an electronic funds transfer system that allows large payments to be exchanged securely and immediately.

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

For tips to avoid being victimized, 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: Preparing for life and work after baby – how dads can help

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

Many men don't feel prepared for the challenge and change of becoming a new dad. Because babies come into the world without instructions, here are some quick tips for new dads:

- **Trust your instincts.** A little experience will quickly turn you into the world's leading expert on your own baby.
- **Learn from the best.** Ask the hospital nursery personnel to show you how to change, swaddle and bathe your newborn.
- **Be patient and positive with your spouse.** Support and communication are crucial.

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- **Stand your ground.** Do not allow anyone to distance you from your child.
- **Learn as a family.** This means the three of you. Accept necessary help from relatives, but do not allow them to interfere.
- **Take your child with you when you go out.** Babies are portable.
- **Step back,** think, and count to a high number when you become frustrated.
- **Make eye contact with your newborn.** Babies talk with their eyes.
- **Relax and enjoy the journey.** Make it a daily habit to play with your new baby and let him fall asleep on your chest.
- **Treasure each moment.** Remember that trying times pass.

The most important preparation takes place in a new father's mind. When your little one arrives, you want to be ready. Absorb all the information you can by learning from other dads. Or enrol in a workshop for new dads on the basics of caring for the newborn and bonding with your child.

Your baby will naturally help bring out the best in you. Dads understand this only when they get the first chance to hold their newborn and they begin to feel the love that has motivated men for centuries to protect and provide for their children.

Making the most of fatherhood

- **Consider shifting roles and taking on new responsibilities.** Before the birth of their first child, it is important for new dads to assume new household responsibilities and duties. Whether it is washing the dishes, vacuuming or cooking dinner, it is important for new dads to help out in any way possible.
- **Learn from watching.** Many new dads decline to take part in several activities associated with parenthood because they are unsure of what they are doing. As with a new sport or any type of new activity, it is important to observe the activity and then try it.
- **Be sensitive to mom's emotions.** After nine months of pregnancy, and then giving birth to a child, many recent mothers experience a range of emotions. Extreme highs and lows occur randomly and frequently after childbirth. Consequently, it is important for new dads to be sensitive to these emotions, to be supportive, and to listen to the new mom's concerns. Beyond the changes in mom's emotions, new dads may find that their own feelings and emotions have become unpredictable.
- **A time of change.** Mood shifts and erratic feelings are rather common both for new dads and moms after childbirth. However, this should not continue for an extended period after childbirth. If either parent continues to experience abnormal feelings and cannot regain emotional stability, she or he should speak with a professional.
- **Staying connected.** A good relationship requires time and intimacy – things that are often difficult for new parents. Researchers have identified the transition to parenthood as one of life's most challenging milestones that can either bring couples closer together or push them apart. Prepare by analyzing the changes that your lifestyle may go through and have realistic discussions about the division of chores. Think ahead about potential stress points. After the baby has arrived, make spending quality time alone together a priority and you'll find a way to make it happen.

*For more information and support on becoming a dad, 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.*

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:: CLASSIFIEDS ::

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.

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:: CURRENT ISSUES IN GENDER EQUITY ::

The Gender Equity Committee (GEC) launched a postcard campaign titled "It will be Our Little Secret," designed to raise awareness about gender harassment and discrimination in the legal profession. Over the past two years, we have received almost 50 postcards detailing the personal experiences of lawyers in this province. For more information on this postcard campaign, please see the [detailed article](#) in the February 2011 edition of the *Society Record*. In an effort to spark discussion and examination of these important issues, the GEC is providing *InForum* articles on a range of topics, inspired directly by the experiences highlighted in the postcards.

Heros in our own lives: Janie Justice, Gloria Steinem and Wonder Woman

By Dale Darling, Member, Gender Equity Committee

"I thought at least the NSBS (GEC, etc.) understood. Then I got the *Society Record*. 'Janie Justice,' LLB(arbie). Teeny waist, balloon breasts. Female lawyers as a cartoon joke ...what's wrong with a REAL woman on the cover?"

- *Thoughts from a submitted postcard*

It would be fair to say there was some negative response to Janie, both in postcards and from women in the profession I have spoken to. I heard feedback that the image was an objectification that did not serve to promote equality for women lawyers.

I didn't have that reaction to Janie, and it got me to thinking, why not? I think it was because what I saw was a female, lawyer, superhero.

Female superheroes in popular culture make for an interesting study. At the dawn of the comic era, there were few – you were more likely to find girlfriends with weak ankles like Lois Lane, or add-ons like Batgirl or Supergirl.

The exception, and first real female superhero, was Wonder Woman. Created in the early 1940s, the character was an Amazon princess, and a strong and independent woman – at least initially. Not surprisingly, by the '60s, Wonder Woman had been stripped of her superpowers and thought mostly about marriage. She was in the Justice League – as the secretary

Enter – and I'm not kidding about this – Gloria Steinem. Steinem was a fan of the original Wonder Woman creation. In fact, Wonder Woman is on the cover of the premier issue of *Ms. Magazine* in July of 1972, under the caption, "Wonder Woman for President". Steinem saw her as a symbol for a strong independent feminist.

When I look at Janie, I see a superhero. I see a lawyer. I see a feminist. When I look at my fellow female members of the Nova Scotia Bar, I see superheroes, strong and brave women who uphold the rule of law (*ex parte* applications, urgent filings, immediate opinions, late nights and early mornings in the office), while "balancing" all the other stuff too, relationships, children, aging parents, volunteer and professional activities. Women who are not afraid to speak their minds, like the writer of the postcard above.

I'm betting we won't all agree on this, but I say, embrace your inner superhero! You may not love the tights, but you gotta love the attitude. To quote Queen Hippolyte (Wonder Woman's mom):

"Go in peace, my daughter. And remember that, in a world of ordinary mortals, you are a Wonder Woman."

In case you missed the previous articles:

- ["Killer Instinct" v. Compassion](#), by Catherine A. Cogswell, GEC Member, January 23, 2012
- ["Mom, LLB,"](#) by Amy Sakalauskas, GEC Member, December 19, 2011

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- "[Closing the pay equity gender gap: a task made for lawyers](#)," by Kathleen Lumsden, GEC Member, November 21, 2011
- "[Come on, honey, just laugh it off](#)," by Candee McCarthy, Co-Chair, Gender Equity Committee, October 24, 2011

If you are interested in receiving more information about the postcard campaign or having postcards sent to you or your workplace, please contact the Equity Officer, Emma Halpern, at equity@nsbs.org.