

# INFORUM

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

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- ELECTORAL BOUNDARIES COMMISSION: [Commission seeks input on electoral boundaries](#) (March 1, 2012)
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### Other news & notices

- Blog post: [The Courts of Nova Scotia are the first in Canada to enter the "Twitterverse"](#)
- Reminder: [AJEFNE conducting survey to evaluate linguistic capabilities throughout NS justice system](#)

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## Awards & Appointments

- Reminder: [Lorne Clarke QC Access to Justice Award](#) – nominations close March 16, 2012
- PROTOCOL OFFICE: [Nominations sought for 2012 Order of Nova Scotia](#) – due March 16, 2012
- [Call for nominations: John Dunlop Memorial Award](#) – due March 20, 2012

## Events of Interest

- Upcoming events from CBA-NS:
  - [Online CLE: Fundamentals on Real Property for Legal Assistants](#), March 9
  - [Advocacy Conference](#), March 30
- Dalhousie Health Law and Policy Seminar Series:
  - [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
- [Take Your Seat At The Table, 2012 Word Summer: Leading Global In-House Success](#) – April 13-15
- [Intensive Trial Advocacy Programme](#) – June 3-9, 2012
- [National Criminal Law Program registration open](#) presented by the FLSC – July 9-July 13
- [Federation of Law Societies National Family Law Program](#), July 16-19

## Career Opportunities

- Visit our website for the latest [career postings](#)
  - [Law Clerk to the Nova Scotia Court of Appeal \(3 positions\)](#)

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## :: NOTICES ::

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### SOCIETY NEWS

#### **Council Highlights from February 24, 2012**

At the meeting on February 24, Council approved the Society's participation in the National Discipline Standards pilot program of the Federation of Law Societies. Other highlights: amendments to the Hearing Regulations to improve transparency in the regulatory process, with earlier public notification of charges and hearings; approval of a policy statement on the appropriate role for Council members during a Society election; approval of mobility regulations to allow Quebec notaries to apply to be Canadian Legal Advisors in Nova Scotia, which would enable them to practise here in very specific areas of law; and a Monitoring Report from the Finance & Administration department. Council also conducted a special workshop on Feb. 24 and 25 to continue its discussions on the appropriate role for the Society in administration of justice work.

For further details about matters discussed at Council's meeting on Friday, February 24, please visit the Council Highlights and Documents posted on the Council Materials page of the Society's website: <http://nsbs.org/council-materials>

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

#### **Society moving to new location at end of March 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>.

The Society's telephone and fax lines will remain the same after the move:

- tel. 422 1491
- fax 429 4869

However, the phone and fax lines will be temporarily unavailable after 4:00 pm on Friday, March 30. They are expected to be available again in the new location by 7:00 pm on March 30.

#### **Implementation of Society's new CPD requirement**

Starting on June 1 of this year, practising lawyers will be required to complete at least 12 hours of continuing professional development annually, and to report this education on their Annual Member Reports. Implementation of the new CPD requirement is now underway; Council approved a schedule for the rollout at its January 20 meeting.

The annual cycle for the new CPD requirement will run from **June 1 to May 31 each year**, in order to coincide with the Society's regular annual cycle for members regarding fee payments, Annual Member Reports and other requirements.

However, to allow some flexibility and lead-up time while introducing the new CPD requirement in its first year, the Society will give credit for CPD completed in the three months prior to the new requirement coming into effect. In other words, the first year will actually be 15 months, so appropriate **CPD completed in March, April and May 2012 will qualify for reporting in the 2012-2013 year**.

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Further updates will be available shortly. For detailed information about the new CPD requirement, visit the [NSBS CPD Requirement](#) page of the Society's website, and the [CPD Requirement Chart](#).

For links to CPD programming and providers, visit the [CPD resources](#) page and [Upcoming Events](#).

## **EIGHT WEEKS LEFT! Reminder: NSBS Mandatory Online Assessment for new Code of Professional Conduct must be completed by April 30, 2012**

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.

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 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 practising lawyers and articled clerks must complete this online assessment no later than April 30, 2012.***

Members should have received an email from [assessment@nsbs.org](mailto:assessment@nsbs.org) with detailed instructions on how to access and complete the mandatory online assessment. If you have not received this important email, please check your 'junk mail' folder in case it was diverted; if you have misplaced it, please contact the Society.

The assessment is designed to take approximately 60 minutes. It is recommended that you download a copy of the new *Code* on your computer, and have it available electronically while you complete the assessment. The online *Code* is fully searchable by word, which will assist you in navigating the new *Code* while completing the assessment.

The *Code of Professional Conduct* and an [Executive Summary](#) are available on the **Regulation** page of the Society's website: <http://nsbs.org/regulation>.

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

- The Little Black Book (August 29, 2011 edition of *InForum*);
- Reframing the rules of ethics (September 13, 2011);
- *Code of Professional Conduct*: Mark your calendars! (September 26, 2011);
- *New Code of Professional Conduct* – be aware of these changes to the ethical Rules (October 24, 2011);
- Get to know the new *Code*'s Quality of Service rule (November 21, 2011);
- Marketing legal services: There's no accounting for taste (anymore) (December 5, 2011); and
- A new *Code* for the New Year (December 19, 2011).

Any questions or concerns can be directed to [assessment@nsbs.org](mailto:assessment@nsbs.org).

## **Survey reminder: Memorandum from the Rural Practice Working Group to practising lawyers outside HRM and Industrial Cape Breton**

Over the past few years, there has been a growing concern about the accessibility and availability of legal services offered in rural Nova Scotia. The Rural Practice Working Group was authorized by Council in 2011 to work on issues of importance to members who practise in rural areas (outside HRM and Industrial Cape Breton). These issues include recruitment of articling clerks and young lawyers to rural areas, as well as working with LIANS on succession planning for our members and issues relating to access to justice in rural areas.

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In order to continue this important project, we need information from our members. We are very pleased that the Schwartz School of Business at St. Francis Xavier University has approved a student consulting project to prepare, administer and analyze a survey of members practising outside HRM and Industrial Cape Breton.

Last week, these members received an email with a link to the survey being conducted by RSEM Consulting, the team of fourth-year business students conducting the research. The focus of this project is to map the current provision of legal services in rural Nova Scotia and document the succession plans of lawyers currently working in the rural regions of the province.

The survey information and results will be anonymous and confidential. I urge you to please allow ten (10) minutes of your time to complete and submit the survey. The information gathered will be used by the Working Group in making recommendations about the future needs and directions of the profession.

Thank you, Carole Gillies QC  
Chair, Rural Practice Working Group

## **Changes in Category – February 20 to March 5, 2012**

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

*The Society welcomes the following lawyer, called to the Nova Scotia Bar since February 20:*  
Donna Marie Boutilier

*The following members have changed to the Practising Lawyer category:*  
Stephanie Adele England  
Ramanjit Kaur Khabra

*The following members have changed to Non-practising status:*  
Catherine Ann Edna Chan  
Carolyn Anne MacAulay  
Chrystal Marie MacAulay

*The Society welcomes the following new articling clerks:*  
Jessica Michelle Drohan  
Thomas Leonard MacLaren  
Sean Andrew Smith

## **NSBS in the news**

[Rural lawyers heading for cities](#), by donalee Moulton  
*Lawyers Weekly*, posted March 5, 2012, also in March 9 print edition

## **Nominations for Second Vice-President: 2012/2013 – Deadline is March 15, 2012** **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

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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**

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.

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- 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.

## **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](mailto: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](#)

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Please send all applications via email, fax or regular mail to **Emma Halpern, Equity Officer**, at [ehalpern@nsbs.org](mailto: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](mailto:ehalpern@nsbs.org) / 422-1491, or Amy Sakalauskas, Chair, CBA-SOGI Section, [sakalaam@gov.ns.ca](mailto:sakalaam@gov.ns.ca) / 424-2956.

## **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](mailto:communications@nsbs.org).

## **Follow the Society on Twitter.com/NSBS**

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

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## **FROM THE COURTS**

### **Notice from the Supreme Court of Nova Scotia: New Practice Memorandum**

Please note, the Supreme Court has issued Practice Memorandum No. 7: Resolution Conferences – Criminal Trials.

It is posted on the website: <http://www.courts.ns.ca/Rules/toc.htm#nsscPracticeMemos>

### **New: Hints & Tips from the Prothonotary – March 5, 2012**

This edition includes court dockets for March and April, and hours of operation over the Easter holiday. Also included is a note of welcome to Annette Anselm, who joins the Law Courts administration team today as Associate Prothonotary.

To view the Prothonotary's Hints & Tips, visit the "Notices to the Bar" page on the Courts of Nova Scotia website: <http://courts.ns.ca/General/bar.htm>

You can also choose to follow "Notices to the Bar" via the Courts of Nova Scotia's new Twitter service.

### **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 new Twitter service to be automatically notified whenever something new is added to this web page. For instructions, visit <http://www.courts.ns.ca/General/bar.htm>.

Several Twitter accounts have been set up to better serve the legal profession, the general public and the media, replacing the RSS Feed service that was previously available on the website.

- **Decisions of the Courts:** 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. [http://www.courts.ns.ca/decisions\\_recent/decisions\\_weekly\\_list.htm](http://www.courts.ns.ca/decisions_recent/decisions_weekly_list.htm)

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- **Notices To The Bar:** These Tweets include notices about Court schedules, the Prothonotary's "Hints And Tips", 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. <http://www.courts.ns.ca/General/bar.htm>
- **News of the Courts:** 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. <http://www.courts.ns.ca>

*Other notices to the Bar:*

**Federal Court:** Ongoing updates are posted on the [Notices to Parties and the Legal Profession](#) web page.

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## FROM THE PROVINCE

### Provincial notices

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

#### Department of Justice: Domestic Violence Court set to hear cases in spring

gov.ns.ca | February 23, 2012

The Province is appointing a coordinator to lead its latest effort to increase support for victims of domestic violence and their families. Valerie Jewkes will oversee Nova Scotia's first Domestic Violence Court when it begins hearing cases this spring. The Province has invested \$1 million to develop the specialized court, which will be launched as a pilot program in Sydney. It will cost \$800,000 annually to operate.

"Thousands of Nova Scotians are living with violence and we need to do things differently to stop the cycle of abuse and make life better for victims and their families," Ross Landry, Minister of Justice, said in the February 23 [announcement](#). "That's why we're investing in a specialized court that will help keep victims and their families safe and intervene with offenders to change their behaviour."

Ms. Jewkes joined the Department of Justice in 1996 in the Family Court division and, most recently was acting court administrator at the Supreme Court, Family Division. As the new coordinator of the Domestic Violence Court, she will act as the liaison between the judiciary, justice partners such as the Public Prosecution Service, Legal Aid and private bar, community-based service providers and Nova Scotians affected by domestic violence, including victims, their families and offenders.

The departments of Justice, Community Services and Health and Wellness, the Nova Scotia Advisory Council on the Status of Women, Office of Aboriginal Affairs, the Public Prosecution Service and Nova Scotia Legal Aid have been working since last year to launch the court.

Teams of justice and community experts in Sydney are also helping to determine how the court will operate. This group includes the Second Chance Society, Cape Breton Transition House, Elizabeth Fry Society, Everywoman's Place, Family Services of Eastern Nova Scotia, Island Community Justice Society, Mi'kmaw Family Services, Mi'kmaw Legal Support Network, Cape Breton Regional Police Service and the RCMP.

"We are all looking forward to the implementation of the domestic violence court," said Mark Sherlock, executive director of Second Chance Society. "It has been an exciting year working on the development of the pilot project and we hope this court will improve the services available to our communities."

The Domestic Violence Court is a key part of the province's domestic violence action plan. To learn more about the plan, visit [www.nsdomesticviolence.ca](http://www.nsdomesticviolence.ca).

#### 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:

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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  
Email: [forgerjl@gov.ns.ca](mailto:forgerjl@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](http://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](mailto: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](mailto: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

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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](http://gov.ns.ca/just/Court_Services/default.asp)

If you have any questions, please contact:

Heather Boyle, Executive Secretary to the Minister

Department of Justice, 5151 Terminal Rd., 4<sup>th</sup> Floor, Halifax, NS B3J 2L6

Phone: 424-4020 | Fax: 424-0510

email: [boyleha@gov.ns.ca](mailto:boyleha@gov.ns.ca)

## Error & Omission notices

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

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## OTHER NOTICES

### Blog post: The Courts of Nova Scotia are the first in Canada to enter the "Twitterverse"

by David Bilinsky, posted February 29, 2012 in *Slaw.ca*

See <http://www.slaw.ca/2012/02/29/twitter-in-the-court-twitter-in-the-court/>

### 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.

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 [dg@ajefne.ns.ca](mailto:dg@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.

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## AWARDS & APPOINTMENTS

### Call for nominations: John Dunlop Memorial Award

The Nova Scotia Criminal Justice Association (NSCJA) is seeking nominations for its John Dunlop Memorial Award.

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John Dunlop was a respected member of Nova Scotia's justice system, who passed away in 1977 at the age of 42. This award commemorates his professionalism, community involvement and interest in youth development.

The deadline for nominations is **Tuesday, March 20, 2012**. The nomination form and award criteria are available on the NSCJA website at <http://www.nscja.ca/Dunlop.htm>.

If you know of a worthy member of the province's justice system who meets the criteria, we hope you will consider nominating him or her. Please feel free to forward the Award information to your networks.

## **PROTOCOL OFFICE: Nominations sought for 2012 Order of Nova Scotia**

Nova Scotians make significant contributions to their communities every day, and the Province wants help to recognize outstanding citizens with the Order of Nova Scotia. The Province is seeking nominations and re-nominations, for the order **until Friday, March 16**.

"The Order of Nova Scotia is the highest honour that this province can give," Premier Darrell Dexter said in an February 22 [announcement](#). "Nova Scotians need to help find those deserving people who work tirelessly to give back to their communities and thank them for making Nova Scotia a better place for the families who live here. I strongly encourage people to nominate someone for the Order of Nova Scotia, or to re-nominate someone, as re-nominations have been very successful."

Nova Scotians can be nominated for a variety of reasons. In 2011, the first African Nova Scotian MLA Wayne Adams, business leader Sir Graham Day, political cartoonist Bruce MacKinnon, Mi'kmaq rights advocate Joseph Marshall and author Budge Wilson were all invested into the Order of Nova Scotia.

Nomination forms are available at all Access Nova Scotia centres, Province House, offices of Members of the Legislative Assembly, Nova Scotia members of Parliament and the Senate, and municipal offices. People who wish to re-nominate need only fill out a new nomination form and submit a photocopy of the previous nomination package.

For more information, contact the Protocol Office at 902 424 2467, email [orderofns@gov.ns.ca](mailto:orderofns@gov.ns.ca) or visit the website at [www.gov.ns.ca/iga/order.asp](http://www.gov.ns.ca/iga/order.asp).

## **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
- 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**.

For complete details and a copy of the nomination form, please visit the [Lorne Clarke, QC Access to Justice Award](#) spotlight page on the LISNS website at [www.legalinfo.org](http://www.legalinfo.org).

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## 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](mailto:info@nsalis.com). For more information please visit [www.nsalis.com](http://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](mailto: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](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/](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.

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### CAREER OPPORTUNITIES: [nsbs.org/careers](http://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 ::

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### **NSBS ADMISSIONS & PROFESSIONAL DEVELOPMENT**

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

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#### **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:

- June 20 to 27, 2012

[Register online](#)

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### **OUTSIDE CONFERENCES & SEMINARS**

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

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#### **11th Annual Carmichael Lecture**

Eco-Entrepreneur Majora Carter will present her talk, "Home(town) Security," at the 11th Annual Carmichael Lecture taking place on **Thursday, March 8**, at the **Canadian Museum of Immigration at Pier 21, 1055 Marginal Road, 6:00-8:00 pm**. The lecture is presented by Downtown Halifax Business Commission (DHBC), in partnership with the Dalhousie University School of Planning's conference, "SHIFT 2012." The lecture is free and open to the public on a first-come, first served basis.

"Great cities need public engagement," said Paul MacKinnon, Executive Director of DHBC. "This year's Dalhousie University conference and Carmichael Lecture is about harnessing the great ideas that our citizens have, and moving them from grassroots to the upper echelons of decision-making. With the upcoming economic opportunities and challenges, HRM's Regional Plan and civic election in the fall, it is more important than ever for Haligonians to get engaged."

The future of green is local – and entrepreneurial. Eco-Entrepreneur Majora Carter will share stories about people addressing big problems with local solutions. Call it "hometown security." While in town, Ms. Carter will tour the area and meet with key leaders to discuss how Halifax could become more engaged.

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#### **Upcoming events from CBA-NS**

##### **Online CLE: 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...](#)

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## **Dalhousie Health Law and Policy Seminar Series**

Weldon Law Bldg, Room 104, 6061 University Ave, Hfx, NS – 12:10 - 1:30 pm

NEXT SEMINAR:

**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.

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## **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](mailto: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](http://www.legalinfo.org).

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## **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**.

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

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## **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](http://www.kidsnotcons.com)  
Register soon. Spaces are filling up fast.

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### **Workshop: Building capacity to work with high conflict families**

**Thursday, March 29, 2012 (All day)**

**Halifax Marriott Harbourfront, Halifax**

[Details...](#)

Space is limited! RSVP today with Valerie MacDonald at (902) 563-3553 or [macdonvl@gov.ns.ca](mailto:macdonvl@gov.ns.ca) by March 19, 2012. Registration will be open from 7am to 9 am on March 29, 2012. Lunch will be provided.

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### **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>

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### **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

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- 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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### **Federation of Law Societies National Family Law Program July 16-19, 2012 | Marriott Harbourfront, Halifax, Nova Scotia**

The National Family Law Program was first offered in 1978 and takes place in a different location in Canada every second summer. Opening reception is July 15, 2012

To receive information as it becomes available about the 2012 Program to be held in Halifax, Nova Scotia, please click [here](#). Information will also be posted on this website. To learn more about the National Family Law Program held in Victoria, British Columbia in July 2010, please click [here](#).

Inquiries about the National Family Law Program:

Federation of Law Societies of Canada  
National Family Law Program  
Attention: Heather Walker, Program Coordinator  
P.O. Box 244,  
R.R. #1 Woodville, Ontario  
Canada K0M 2T0

Tel: (705) 374-4083  
Tel: (705) 879-3082 (messages)  
Fax: (705) 374-4131  
[nationalfamilylawprogram@sympatico.ca](mailto:nationalfamilylawprogram@sympatico.ca)

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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](http://www.apvla.ca).

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## :: LIBRARY & INFORMATION SERVICES ::

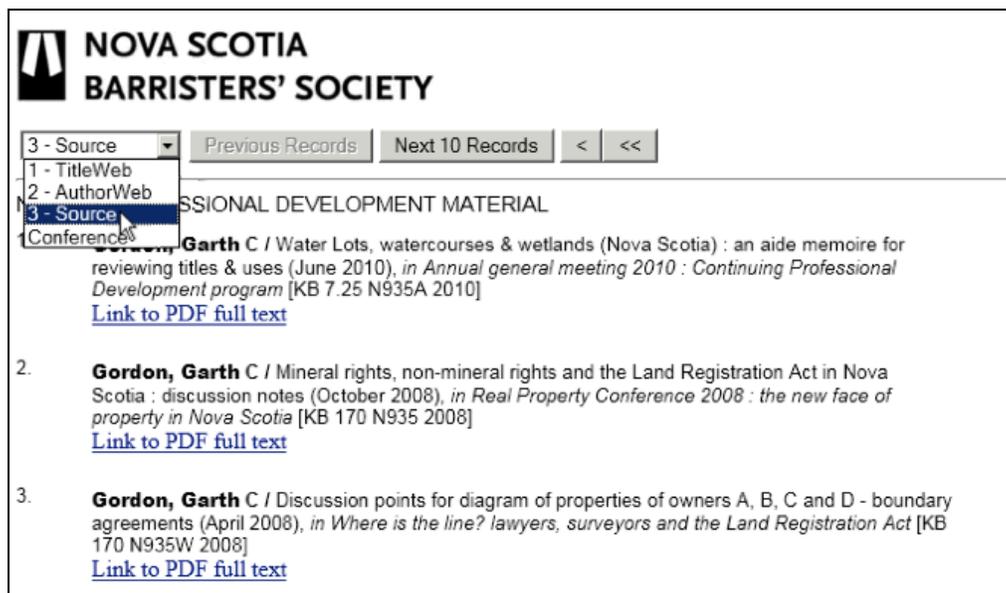
### Secondary Sources search results: most recent articles first, new sorting options

Secondary Sources provides access to Continuing Professional Development (2002 to date) and Continuing Legal Education Society of Nova Scotia (1979 to 2002) conference and seminar material, articles published in the *Nova Scotia Law News* and the *Society Record*, and unpublished articles submitted to the Society.

Find this resource in the Library services portion of the Society's website, under [NSBS seminars & articles](#).

In a new enhancement, when you run a search in *Secondary Sources*, by default, your results will display most recent article first, listed by title.

Use the dropdown box at the top left of the results screen to select your sorting option: title, author, or type of publication. (See screen shot below.)



**NOVA SCOTIA BARRISTERS' SOCIETY**

3 - Source Previous Records Next 10 Records < <<

1 - TitleWeb  
2 - AuthorWeb  
3 - Source  
Conferences

PROFESSIONAL DEVELOPMENT MATERIAL

1. **Garth C /** Water Lots, watercourses & wetlands (Nova Scotia) : an aide memoire for reviewing titles & uses (June 2010), in *Annual general meeting 2010 : Continuing Professional Development program* [KB 7.25 N935A 2010]  
[Link to PDF full text](#)

2. **Gordon, Garth C /** Mineral rights, non-mineral rights and the Land Registration Act in Nova Scotia : discussion notes (October 2008), in *Real Property Conference 2008 : the new face of property in Nova Scotia* [KB 170 N935 2008]  
[Link to PDF full text](#)

3. **Gordon, Garth C /** Discussion points for diagram of properties of owners A, B, C and D - boundary agreements (April 2008), in *Where is the line? lawyers, surveyors and the Land Registration Act* [KB 170 N935W 2008]  
[Link to PDF full text](#)

### Library & Information Services – hours of service

As of March 1, 2012, Library & Information Services hours of service are 8:30 am to 12:30 pm and 1:30 pm to 4:30 pm. The Halifax Barristers' Library will not be staffed over the lunch hour.

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## :: NEW DECISIONS ::

**BUILDING CONTRACTS – Breach of contract – standard of good workmanship, damages** *Pinnacle Homes Construction Ltd. v. Halifax County Condominium Corp. No. 278*, Hfx. No. 338920, Robertson, J., February 29, 2012. [2012 NSSC 85](#); **S644/10**

**CIVIL RIGHTS – Unreasonable search and seizure – admissibility of evidence** *R. v. Howell*, C.R.H. No. 325847, Robertson, J., April 24, 2011. [2011 NSSC 284](#); **S644/5**

**CREDITOR AND DEBTOR – Monies owing – services** *Verge v. Sparks*, Claim No. 371843, Slone, Adjudicator, February 20, 2012. [2012 NSSM 6](#); **SmCI20/2**

**CRIMINAL LAW – Breathalyzer – failure to prove service of notice of intention to produce certificate of qualified technician** *R. v. MacInnis*, C.R.P. No. 358340, Scaravelli, J., February 20, 2012. [2012 NSSC 58](#); **S643/26**

**CRIMINAL LAW – Dangerous driving – appeal, speed and condition of tires** *R. v. Delorey*, C.A.C. No. 352181, Hamilton, J.A., February 23, 2012. [2012 NSCA 21](#); **S640/23**

**CRIMINAL LAW – Sentencing – parole ineligibility** *R. v. Hartling*, C.R.P. No. 319949, LeBlanc, J., February 22, 2012. [2011 NSSC 506](#); **S644/1**

**CRIMINAL LAW – Sentencing – trafficking in crack cocaine** *R. v. Carvery*, C.R.H. No. 343275, Robertson, J., February 16, 2012; January 18, 2012 (orally). [2012 NSSC 49](#); **S643/25**

**CRIMINAL LAW – Sexual assault of a minor – guilty** *R. v. M. (D.J.)*, C.R.H. No. 344337, Cacchione, J., February 28, 2012; February 24, 2012 (orally). [2012 NSSC 84](#); **S644/9**

**CRIMINAL LAW – Trafficking in crack cocaine – constructive possession** *R. v. Carvery*, C.R.H. No. 343275, Robertson, J., January 18, 2012; September 15, 2011 (orally). [2011 NSSC 500](#); **S643/24**

**DAMAGES – Appeals – statutory interpretation, reasonableness, mitigation** *Fares v. Air Canada*, Hfx. No. 353956, Robertson, J., February 29, 2012. [2012 NSSC 71](#); **S644/6**

**DAMAGES – Renovations – substandard work, leaky bathroom tiles** *Dalton v. Quick-Start Construction et al.*, Claim No. 371739, Slone, Adjudicator, February 20, 2012. [2012 NSSM 5](#); **SmCI20/1**

**EVIDENCE – Privilege – settlement agreement** *National Bank Financial Ltd. v. Potter et al.*, Hfx. No. 174293; 206439; 208293; 246337; 216059, Warner, J., February 17, 2012. [2012 NSSC 76](#); **S643/28**

**FAMILY LAW – Access – by transgendered individual to former partner's child denied, best interest of child** *M. (J.D.) v. M. (L.)*, F.N.G.M.C.A. No. 76451, Wilson, J.F.C., February 21, 2012. [2012 NSFC 2](#); **FC38**

**FAMILY LAW – Appeals – settlement agreement** *Baker v. Baker*, C.A. No. 347495, Fichaud, J.A., March 2, 2012. [2012 NSCA 24](#); **S640/26**

**FAMILY LAW – Custody, access and child support – allegations of sexual abuse** *M. (L.) v. M. (T.)*, S.F.S.N.M.C.A. No. 071905, Wilson, J., February 22, 2012; December 22, 2011 (orally). [2011 NSSC 507](#); **S644/3**

**FAMILY LAW – Custody, access and child support – interpersonal conflict between parents** *F. (J.) v. H. (K.)*, F.L.B.M.C.A. No. 069716, Dyer, J.F.C., November 3, 2011. [2011 NSFC 25](#); **FC38**

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**FAMILY LAW – Custody, access and child support – retrospective and prospective maintenance, extraordinary expenses, dependent child** *Conrad v. Skerry*, S.F.H.M.C.A. No. 071399, Jollimore, J., February 27, 2012. [2012 NSSC 77](#); **S644/4**

**FAMILY LAW – Divorce – child support and arrears, extraordinary expenses, imputation of income** *Kelly v. Anthis*, No. 48664, Haley, J., January 19, 2012. [2011 NSSC 496](#); **S643/31**

**INJUNCTIONS – Procedure – ex partes or inter partes** *Raymond v. Brauer*, C.A. No. 375964, Fichaud, J.A., February 24, 2012. [2012 NSCA 22](#); **S640/24**

**INSURANCE – Statutory interpretation – Health Services and Insurance Act** *Keizer v. Slauenwhite*, C.A. No. 343612, Hamilton, J.A., February 23, 2012. [2012 NSCA 20](#); **S640/22**

**LANDLORD AND TENANT – Residential tenancies – appeal, purchase deposit, rental increase, damage to property** *Chater v. Nickerson*, S.C.C.H. No. 368640, Parker, Adjudicator, February 27, 2012. [2012 NSSM 4](#); **SmC119/31**

**MAINTENANCE – Child support – retroactive variation and arrears, prospective obligations** *G. (J.D.) v. B. (J.A.)*, S.F.H.M.C.A. No. 014656, Jollimore, J., February 22, 2012. [2012 NSSC 20](#); **S643/29**

**MAINTENANCE – Spousal support – material changes in circumstances** *Cochran v. McBean-Cochran*, No. 1201-55649, Legere-Sers, J., February 28, 2012. [2012 NSSC 79](#); **S644/8**

**MORTGAGES – Foreclosure – effect of agreement** *Co-operative Trust Co. v. Morin*, Ken. No. 297802, Haliburton, J., February 21, 2012. [2012 NSSC 78](#); **S644/2**

**PRACTICE – Adjournment – sufficient time to prepare for trial** *Jeffrie v. Hendrickson et al.*, Hfx. No. 346079, Wood, J., February 16, 2012. [2012 NSSC 75](#); **S644/7**

**PRACTICE – Appeals – extension of time to file appeal** *Travis v. Peters*, S.C.C.H. No. 375283, Parker, Adjudicator, November 4, 2011. [2011 NSSM 67](#); **SmC119/30**

**PRACTICE – Intervenor – application for leave to intervene** *Nova Scotia (Minister of Community Services) v. G. (T.) and C. (R.)*, C.A. No. 375447, Oland, J.A., February 17, 2012. [2012 NSCA 19](#); **S640/21**

**PRACTICE – Judgments and orders – stay of execution** *West et al. v. Compass Commercial Realty*, Claim No. 356528, Barnett, Adjudicator, February 7, 2012. [2012 NSSM 3](#); **SmC119/29**

**PRACTICE – Stay of decision – pending judicial review** *North End Community Health Assoc. v. Halifax (Regional Municipality)*, Hfx. No. 376190, Wood, J., March 2, 2012. [2012 NSSC 92](#); **S644/11**

**REAL PROPERTY – Easements – right of way, driveway** *Thompson et al. v. Bauld et al.*, Hfx. No. 349594, Coady, J., February 15, 2012. [2012 NSSC 72](#); **S643/30**

**TORTS – Negligent misrepresentation – entitlement to pensionable service** *Savoury v. Nova Scotia (Attorney General)*, Hfx. No. 260885, McDougall, J., February 17, 2012. [2012 NSSC 70](#); **S643/27**

**WORKERS' COMPENSATION – New evidence – occupational disease** *Enterprise Cape Breton Corp. v. Southwell et al.*, C.A. No. 338845, Farrar, J.A., March 1, 2012. [2012 NSCA 23](#); **S640/25**

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## **SUPREME COURT of CANADA – recent decisions**

*Library & Information Services - Keeping you informed*

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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 28, 2012

*Richard v. Time Inc.*

Neutral citation: 2012 SCC 8 (CanLII)

File No.: 33554.

2011: January 18; 2012: February 28.

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

On appeal from the Court of Appeal for Quebec

*Consumer protection — Prohibited business practices — False or misleading representations — Court of Appeal finding that merchant's representations would not mislead consumer "with average level of intelligence, scepticism and curiosity" — Test for determining whether general impression given by representation constitutes prohibited practice — Consumer Protection Act, R.S.Q., c. P-40.1, ss. 218, 219, 228 and 238(c).*

*Consumer protection — Prohibited business practices — Recourses — Conditions for exercising recourses — Conditions that apply where consumer seeks, under s. 272 of Consumer Protection Act, to have court sanction violations of Title II of that Act — Consumer Protection Act, R.S.Q., c. P-40.1, ss. 2, 253 and 272.*

*Consumer protection — Prohibited business practices — Recourses — Consumer seeking compensatory and punitive damages under s. 272 of Consumer Protection Act — Conditions for awarding damages and criteria for determining their quantum — Consumer Protection Act, R.S.Q., c. P-40.1, s. 272; Civil Code of Québec, S.Q. 1991, c. 64, art. 1621.*

In his mail, R received an "Official Sweepstakes Notification" (the "Document") in the form of a letter supposedly signed by the manager responsible for the sweepstakes. Along the edge of the letter were boxes printed in colour, some of which, because they referred to *Time* magazine, could lead the recipient to infer that it was from T and TCM. In the Document, which was written in English only, several exclamatory sentences in bold uppercase letters, whose purpose was to catch the reader's attention by suggesting that he or she had won a cash prize of US\$833,337, were combined with conditional clauses in smaller print, some of which began with the words "If you have and return the Grand Prize winning entry in time". In addition, the back side of the letter informed R that he would qualify for a \$100,000 bonus prize if he validated his entry within five days. The mailing also contained a reply coupon and a return envelope on which the official rules of the sweepstakes appeared in small print. The reply coupon also offered R the possibility of subscribing to *Time* magazine. As well, the rules stated that a winning number had been pre-selected by computer and that the holder of that number could receive the grand prize only if the reply coupon was returned by the deadline. If the holder of the pre-selected winning number did not return the reply coupon, the rules explained, the grand prize winner would be selected by random drawing among all eligible entries, that is, everyone who had returned the reply coupon, and each participant's odds of winning would then be 1:120 million. Convinced that he was about to receive the promised amount, R immediately returned the reply coupon that was in the envelope. In doing so, he also subscribed to *Time* magazine. R began regularly receiving issues of the magazine a short time later, but the cheque he was expecting was a long time coming. He contacted T and TCM, which informed him that he would not be receiving a cheque, because the Document had not contained the winning entry for the draw and was merely an invitation to participate in a sweepstakes. They also informed him that the manager who had signed the letter did not exist; the name was merely a "pen name".

R filed a motion to institute proceedings in which he asked the Quebec Superior Court to declare him to be the winner of the cash prize mentioned in the Document and to order T and TCM to pay compensatory and punitive damages corresponding to the value of the grand prize. The Superior Court allowed the action in part. It held that the Document contravened Title II of the C.P.A. on prohibited business practices and that the civil sanctions provided for in s. 272 C.P.A. were accordingly available. The judge set the value of the moral injuries suffered by R at \$1,000 and fixed the quantum of punitive damages that were also awarded to him at \$100,000.

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The Court of Appeal allowed the appeal of T and TCM and concluded that they had not violated the C.P.A. First, T and TCM had not violated s. 228 C.P.A. by failing to indicate clearly in the Document that R might not be the grand prize winner. Moreover, using the name of a fictitious person as the signer of the Document did not contravene s. 238(c) C.P.A., since it did not have the potential to mislead consumers about the merchant's identity. Finally, there were no false or misleading representations in the Document, as it would not mislead a consumer "with an average level of intelligence, scepticism and curiosity". The Court of Appeal set aside the award of compensatory and punitive damages.

*Held:* The appeal should be allowed in part.

## **:: NOVA SCOTIA BILLS ::**

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The Fourth Session of the 61st General Assembly will open at 2:00 pm on Thursday, March 29, with the Lieutenant-Governor of Nova Scotia reading the Speech from the Throne.

The Third Session will be prorogued earlier in the day at 11:00 am.

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

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## :: PROCLAMATIONS UPDATE ::

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

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

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

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

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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](mailto:sgerrard@lians.ca).

### **RISK AND PRACTICE MANAGEMENT TIP: Practice management as a marketing tool**

Good practice management is also good business. Claims and complaints are more likely to arise if you “dabble” in an area of law in which you are not competent. From a marketing perspective, that also makes sense. How do you build your practice while maintaining good practice management skills?

- Do your homework! Focus your practice on a specific area of law, one that you are interested in and which is under-served in your area.
- Decide who your ideal client is. If your answer is “anyone”, then consider narrowing your focus.
- Other than advertising through the traditional media sources, consider using non-traditional means such as such social media websites, writing articles, and joining business and community groups.
- Once a client has retained you, make their experience as positive as possible. Keep a well-maintained office in a good location; train your staff to be friendly; return phone calls and greet clients with enthusiasm – never underestimate the impact of good customer service.
- Remember to document your relationship – use retainer agreements and document your advice.
- Be prepared to withdraw from the file, especially if your client starts to blame you; the fees you lose won't be nearly as valuable as the claim or complaint you avoid.

Good marketing, like good practice management, begins with good planning.

*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](mailto:sgerrard@lians.ca) or call 423-1300 ext. 345.*

### **FRAUD ALERT: Personalized inheritance scam attempt from “Judith Sinclair” and “John Hourican”**

A twist on the common trust account, inheritance or financial institution email scams involve members receiving ‘requests’ that have their own names incorporated into the subject or message itself. The inheritance scams refer to a deceased

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individual who shares the last name of the member being targeted. [Click here to see an example.](#) This is an effective new tactic that catches the attention and time of the member while they determine the legitimacy of the communication.

Although the specific details may change (names, countries, monetary figures), the first sign of most scams are that they sound too good to be true. Keep in mind:

- Legitimate estates do not solicit trustees or heirs by email and do not promise a percentage of the inheritance to carry out the transaction.
- In cases where you've "won a prize", legitimate winners never have to pay a fee in order to collect their prize.
- Financial institutions will never email you requesting that you provide your private financial information to resolve a problem with your account.
- Legitimate clients will not issue a cheque for an amount higher than the agreed price and expect you to reimburse the balance.

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 more information on dealing with guilt, along with resources, 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](mailto:cnield@lians.ca) or 902 423 1300, x346.*

## **NSLAP WELLNESS TIP: How to deal with guilt**

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

Guilt can be good and normal. It often shows a healthy sense of responsibility. Guilt is not always bad. On one level, it shows a healthy sense of responsibility.

However, there are some people who feel guilty more often than not. Often these people spend much of their time doing things they don't really want to do, just so as not to feel guilty.

### **Why do we feel guilty?**

At its simplest level, we feel guilt when we have done something that violates one of our ethical values. Let us say, for example, that one of your ethical values is to tell the truth. Your boss asks if you have finished a particular task and you tell him yes, when in fact it's going to take you another week to get the job done. You feel guilty because you have violated one of your ethical values, namely telling the truth.

### **There are different reasons why we feel guilty**

From childhood on, we have learned and integrated beliefs about what is right and what is wrong. Our families – parents, grandparents, siblings – along with school, friends, and other life experiences, all contribute to this process. Because of this complex history, we may not be aware exactly how we come to believe a particular act is right or wrong.

### **An exercise to deal with a feeling of guilt**

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When you feel guilty, you can clarify the situation and make it more manageable using the following exercise by answering these four questions:

1. **What makes me feel guilty?**

Describe the situation that brought on the guilty feeling, using the phrase *"I feel guilty because ..."*

Situation: My mother is in the hospital and I feel guilty because I didn't visit her every day this week.

2. **What value do I feel I have violated?**

Begin your sentence by *"It is important for me to ..."*

Value: It is important for me to care for and support my mother when she is ill.

3. **What am I asking myself to do to fulfill this value?**

Answer using the phrase *"I should ..."*

Action: I tell myself I should visit my mother every day while she is in the hospital.

4. **What is it I really need to do to fulfill this value?**

By the time you get to the third question, the unrealistic nature of the demand you are making of yourself becomes clear. Your analysis of the situation could go something like this:

*While my mother's illness causes me concern, I am not her only support in this situation. She is in the hospital and getting good professional care. Other family members and friends can also visit. Seeing her every day will put an unnecessary burden on my private and professional life. I will talk to my mother and arrange to visit her a few times a week and phone her on other days.*

This process makes it possible to identify the value that is important to you and what you actually need to do to fulfil it. In this case, the solution allows you not only to deal with your guilt, but also to show your care and concern. Moreover, your mother will be aware of your love and support.

### **Persist**

Using this exercise should help you deal with guilt in a more positive and constructive way. If you have tried these suggestions and feel in need of more assistance, you might want to seek professional help.

*For more information and support, along with resources and counselling to improve your health and wellness, visit the NSLAP website at [www.nslap.ca](http://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 ::

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### **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](mailto:sdenney@nsbs.org).

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## :: CURRENT ISSUES IN GENDER EQUITY ::

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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](mailto:equity@nsbs.org).*