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

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Career Opportunities

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:: NOTICES ::

SOCIETY NEWS

Society to hold election in April for Second Vice-President: 2012/2013

The Nova Scotia Barristers' Society will hold an election for the position of Second Vice-President for the 2012/2013 Council year, pursuant to Regulation 2.7.6.

The nominated candidates are **Gavin Giles QC** and **Tilly Pillay QC**, both of Halifax.

Mr. Giles has been member of the Nova Scotia Bar since 1986. He is a Partner at McInnes Cooper, based in Halifax. He was elected last spring to serve on the Society's Council as one of three At Large members.

Ms. Pillay has been a member of the Nova Scotia Bar since 1990. She is currently the Director of Litigation and Co-Executive Director of the Legal Services Division for the province's Department of Justice. She served as a member of Council from 2007 to 2009.

Election dates

Electronic ballots will be made available to the membership **on Monday, April 2, 2012** and voting will close on Monday, April 30, 2012.

All members of the Society who are not suspended may vote in the election for Second Vice-President.

Further details about the electronic voting procedure will be available on the Society's website shortly. The candidates will also be allocated space on the website to provide information to the membership, including biographical details and their reasons for wanting to serve on Council's Executive.

The 2012/2013 Council year begins on June 16 after the Society's Annual Meeting. Tim Daley QC of New Glasgow will serve as President, with René Gallant of Halifax as First Vice-President.

Council meeting on Friday, March 23, 2012

The next regular meeting of Council is scheduled for this Friday, March 23, 2012. The agenda and meeting documents will be available on the Council materials page of the Society's website shortly: <http://nsbs.org/council-materials>.

Changes in Category – March 5 to 19, 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:

- Jeannine Yvette Bakeeff
- Lynne José Poirier
- Terry William Taylor

In Memoriam

The Society wishes to advise members of the recent deaths of the following colleagues. We extend our condolences to their friends and families.

- Mr. Gilbert Lawson Gaudet, Halifax – March 4, 2012 [Obituary](#)
- Mr. Floyd Keith Horne QC, Dartmouth – March 5, 2012 [Obituary](#)

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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**.

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](#).

SIX 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.

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Members should have received an email from assessment@nsbs.org with detailed instructions on how to access and complete the mandatory online assessment. If you have not 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.

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.

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

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.

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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.

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.

Follow the Society on Twitter.com/NSBS

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

FROM THE COURTS

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
- **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>

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- **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.

FROM THE PROVINCE

Provincial notices

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

Interprovincial Trade Dispute Settlement opportunity for persons experienced in administrative law

The Province of Nova Scotia is seeking persons willing to serve as panelists in the event of a dispute arising under the Agreement on Internal Trade.

Panelists are expected to:

- have professional expertise and experience in Canadian administrative law or the resolution of disputes arising under Canadian administrative law;
- provide an understanding of procedural fairness issues in their roles as arbitrators
- interpret agreements; and
- be independent from Government;
- bilingualism in both official languages is an asset
- experience in alternative dispute settlement is an asset

Interested persons should enquire via email to TradeAgreements@gov.ns.ca by March 22 or call 902.424.5274.

ENVIRONMENT: New regulations will improve contaminated site management

The Province is introducing new rules to provide a clearer, faster and easier process for cleaning up contaminated sites.

On March 12, Environment Minister Sterling Belliveau released the regulations, which were developed after extensive consultation. The new rules will come into effect in July 2013.

The regulations address recommendations made by the auditor general in 2010 and meet another target in the *Environmental Goals and Sustainable Prosperity Act*.

"Nova Scotia's new contaminated site regulations were developed in a transparent manner, considering the input of many stakeholders," said George Vincent, senior regulatory affairs advisor for Imperial Oil. "The regulations reflect current best practices, are based on sound science and will be a strong enabler to ensuring health and environment goals are achieved while encouraging contaminated site redevelopment."

The regulations ensure that site professionals are qualified to do the work, allow property owners to get a release from further enforcement by the department once a site is cleaned to provincial standards, and support creating an online registry of contaminated properties.

For more information on the regulations, visit www.gov.ns.ca/nse/contaminatedsites/.

JUSTICE: Police and RCMP in Halifax first in province to adopt electronic ticketing

People pulled over for traffic infractions in Halifax might see a difference in the look of the ticket they receive.

Ten Halifax Regional Police and Halifax District RCMP police vehicles have been equipped to allow officers to create and print electronic tickets in their vehicles. It is the initial phase in a plan to roll out electronic tickets across Halifax Regional Municipality.

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The electronic ticket project is part of a larger provincial initiative to move from handwritten to electronic tickets across Nova Scotia.

"I congratulate Halifax Regional Municipality on being the first municipality in the province to take advantage of a new, streamlined electronic ticketing process," Justice Minister Ross Landry said in a March 19 announcement. "Electronic tickets are more efficient, enhance safety and reduce costs. We worked closely with HRM make this project a reality, and we look forward to helping other municipalities adopt electronic tickets."

Electronic tickets have many benefits, including:

- illegibility issues and the potential for errors associated with hand-written tickets are greatly reduced
- the direct interface from the police to the court system eliminates the need to enter data twice and will make it easier for people to arrange court dates
- the time to issue a ticket is reduced, allowing officers to move on to their next call and people to go on their way more quickly. Less time spent at the roadside will increase both officer and public safety

"Electronic tickets will enhance our productivity, allow us to more effectively address those quality-of-life issues that are of concern to our citizens and give us additional time to serve and protect our community," said Halifax Regional Police Supt. Bill Moore.

The testing is expected to last four to six weeks before a full roll out of the electronic ticketing to all HRP/RCMP patrol vehicles.

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 **Cape Breton County** Land Registration Office. To view these notices in full, refer to the Errors & Omissions page on the [Property OnLine](#) (POL) website.

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
Email: forgerjl@gov.ns.ca

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

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

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If you have any questions, please contact:

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

OTHER NOTICES

Law Reform Commission of Nova Scotia releases discussion paper on *Builders' Lien Act*

The Law Reform Commission of Nova Scotia has published a discussion paper on the *Builders' Lien Act*. The paper considers a number of proposed amendments to the *Act*, including:

- release of holdback funds to subcontractors as their work is completed;
- retention of a finishing holdback in the amount of 10% of the value of the work remaining after substantial completion;
- public notice of substantial completion of a project; and,
- Small Claims Court jurisdiction over lien actions.

The Commission makes several proposals in relation to these issues, for discussion purposes.

The Commission seeks public comment from interested persons and organizations, on or before **May 11, 2012**. The discussion paper is available through the Commission's website at www.lawreform.ns.ca. Print copies are available on request, by contacting info@lawreform.ns.ca, or 902 423 2633.

Intern placements 2012-2013: The CBA Young Lawyers International Program

We are pleased to announce that the CBA will again be placing up to 16 young lawyers (ages 30 and under) in internships with human rights organizations and legal professional organizations in 2012-2013.

This program, funded by the Canadian International Development Agency, is designed to provide work experience for young lawyers interested in careers in international human rights and international development. The program runs from August 1, 2012 to March 31, 2013, which includes a six- to seven-month overseas placement. Travel, accommodation and basic living expenses are covered. The closing date for applications this year is **April 12, 2012**. For more information on the program and the application procedure, visit our [website](#).

Stage à l'étranger pour l'année 2012-2013: Programme International des Jeunes Juristes de l'ABC

C'est avec plaisir que nous annonçons qu'en 2012-2013, l'ABC offrira encore une fois jusqu'à 16 stages à l'étranger à de jeunes avocats et avocates (âgés de 30 ans et moins) auprès d'organisations de défense des droits de la personne et d'organismes de professionnels du droit.

Le programme, subventionné par l'Agence canadienne de développement international, a été conçu pour fournir de l'expérience de travail à de jeunes juristes qui désirent faire carrière dans le domaine des droits de la personne et du développement du droit à l'échelle internationale. Le programme, qui commence le 1^{er} août 2012 et se termine le 31 mars 2013, comprend un stage à l'étranger d'une durée de six à sept mois. Le programme couvre les indemnités d'hébergement et de subsistance, ainsi que les frais de voyage jusqu'au lieu du stage. La date limite pour soumettre les candidatures est le 12 avril 2012. Pour plus amples renseignements sur le programme et les critères de candidature, veuillez visiter notre [site Web](#).

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AWARDS & APPOINTMENTS

CBA-NS 2011 Annual Awards

The Canadian Bar Association Nova Scotia Branch proudly announces the recipients of its 2011 Annual Awards:

- Inaugural Excellence in Equity and Diversity Award: Waterbury Newton Law Firm, Kentville;
- Community Service Award: Elizabeth Cusack QC, Cusack Law Office Inc., North Sydney;
- Distinguished Service Award: Helen L. Foote, Heritage House Law Office, Dartmouth;
- Zoë Odei Young Lawyers Award: Amy Sakalauskas, Department of Justice (NS), Halifax.

WATERFRONT DEVELOPMENT CORP: New board members appointed

Lydia Bugden and Mike Roberts have been appointed to the Waterfront Development Corporation board of directors, the Province announced on March 14.

Ms. Bugden is a partner at Stewart McKelvey. She was recognized by the Progress Club with a Women of Excellence Award and a Top 40 Under 40 award from L'Expert. She is on the board of the YMCA, chair of Phoenix Youth Programs and is past chair of the Junior Achievement Nova Scotia Business Hall of Fame board of governors. Mr. Roberts, Vice-President of Corporate Development at Irving Shipbuilding, is a chartered accountant and the Past Vice-President, Human Resources at Aliant.

The four-year terms are effective immediately. A full list of board members can be found at www.my-waterfront.ca/about/board-of-directors.

"These new board members have made significant contributions to the business community and bring valuable experience in accounting, community development and law," said acting Economic and Rural Development and Tourism Minister John MacDonell. "Waterfront Development has multiple development projects underway which are economic drivers for our province, and will help to grow our economy."

As a provincial crown corporation that manages provincially owned land along the waterfronts of Bedford, Dartmouth, Halifax and Lunenburg, Waterfront Development reinvests all revenue generated back into developing public spaces to create great waterfront experiences. More than \$30 million has been reinvested to develop the Halifax Waterfront over the last 15 years.

Call for nominations: John Dunlop Memorial Award

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

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.

VOLUNTEER & PRO BONO OPPORTUNITIES

The AIDS Coalition of Nova Scotia seeks new board members

If you're interested in becoming a member of a dynamic Board of Directors, read on to learn how you can get involved ...

Our mission

We exist to empower persons living with and affected by HIV/AIDS and those at risk through health promotion and mutual support, and to reduce the spread of HIV in Nova Scotia.

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Why the AIDS Coalition of Nova Scotia?

- To create organizational change and have a positive impact on the lives of those living with and most vulnerable by HIV/AIDS in Nova Scotia.
- To provide input into the decisions that affect the community and create change.
- To experience personal growth. To expand your knowledge and enhance your skills.
- To be a part of an innovative team.

Our Board of Directors

Our board has been composed to reflect the value of the involvement of people living with HIV/AIDS. In response to this value, our By-Laws require that we strive to achieve 51% of board membership to be People Living with HIV/AIDS (PHAs). Our mandate dictates Board participation from across the province.

The Board is divided up into regions: Central, Northern, Western, Eastern and Members at Large. The Board operates under the Carver Policy Board model. The organization is managed through a partnership formed between the Board Chair, the Executive Director and the Executive Committee and the Board as a whole. Our committees function as the backbone of both policy and organizational change. Each of our Committees consists of a Chairperson, staff representative, Board Members and other community members.

The Board of Directors meets quarterly; one to one and a half day meetings taking place on weekends in Halifax. Board members are elected for a two-year term and are expected to participate in at least one standing committee. Committees generally meet once per month or bi-monthly. Meetings held at the office and/or through telephone conference. Regular attendance and participation at meetings is essential in the continuity of the work. Expenses are covered for Board Members for travel, accommodations, meals and childcare associated with your participation in Board meetings and activities. For more details, see <http://acns.ns.ca/about-us/board-of-directors/>.

Who are we looking for?

We're looking for individuals who possess any of the following skills and assets:

- Knowledge of and the commitment to keep current with developments regarding HIV/AIDS
- Commitment to community development
- Political astuteness
- Reliability
- Good people skills, communication skills, work well as part of a team
- Patience
- Non-judgmental, respectful, compassionate
- Courage and humour
- Other more specific skills not presently on our Board are: lawyer, physician and an accountant
- Most importantly, a passion and commitment to be involved in HIV/AIDS work.

Contact us

Maria Mac Intosh, Executive Director

Email: ed@acns.ns.ca

800-566-2437, or 902-425-4882, ext.227

Albert McNutt, Board Chair

Email: nacssuper@eastlink.ca

866-940-2437 or 902-895-0931

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

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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](http://lians.ca/rpm/mentorship_program/) section on the LIANS website, under the Risk and Practice Management heading at http://lians.ca/rpm/mentorship_program/. Documents available on the website include the **Mentorship Program Application Form**, a **Model Mentoring Activity Plan** for participants and a **Mentoring Guidelines** booklet.

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:

- June 20 to 27, 2012

[Register online](#)

OUTSIDE CONFERENCES & SEMINARS

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

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.

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.

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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.

The Fourth Annual Women & Wellness Event
presented by the Canadian Mental Health Association Nova Scotia Division
March 22, 2012, 6pm - 9:30pm

Westin Nova Scotian Hotel with International speaker Jessie Close

Come join the Canadian Mental Health Association Nova Scotia Division for the fourth annual Women & Wellness event. Where women come together to share stories and raise awareness. Check out additional information in the [CMHS-NS News & Events section!](#)

Dalhousie Health Law and Policy Seminar Series
Weldon Law Bldg, Room 104, 6061 University Ave, Hfx, NS – 12:10 - 1:30 pm

LAST 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.

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 by March 19, 2012. Registration will be open from 7am to 9 am on March 29, 2012. Lunch will be provided.

Conflict workshop next week in Halifax. For detailed information on all of 2012 spring workshops, please visit:
[ACHIEVE Public Workshops](#)

Conflict Resolution Skills
Halifax, March 26

Conflict has many sources, including disagreements, stress, personality differences and differences of opinions. While the results of conflict impact us individually, it also often has negative effects on the performance of groups. Many conflicts would not spiral out of control if people used conflict resolution techniques that are easy to learn and utilize. This workshop will teach participants to understand the dynamics of conflict and equip them with the skills needed to respond confidently when faced with situations of conflict.

Workshop fee: \$180 + HST

Dealing with Difficult People
Halifax, March 27

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This workshop will analyze what is happening in exchanges with difficult people and demonstrate how people can adapt their strategies to bring about more productive conversations with those they find difficult. The effect of intervention styles will be explored, in particular, how different styles interact with each other. Participants will also learn how to change their interactions with difficult people in order to influence their behaviour, resulting in more positive outcomes.

Workshop fee: \$180 + HST

Other workshops coming to Halifax:

- **Personalities at Work - Communication Made Easy through MBTI**
Halifax, May 9
- **Assertive Communication**
Halifax, May 10
- **Mediation - An Informal Process for Conflict Resolution**
Halifax, June 27-28

On-site training - Call or email to receive a fee structure.

UPCOMING EVENTS FROM CBA-NS

Advocacy Conference

March 30, 2012

Guild Hall, Atlantica Hotel
1980 Robie Street, Halifax

[More...](#)

Law Day Award Nomination

The Canadian Bar Association–Nova Scotia is seeking nominations for the Law Day Award, which will be presented on **Saturday, April 21, 2012 at Law Day at Pier 21**. The Law Day Award is to honour, recognize and celebrate the contribution of organizations who:

- Foster greater public understanding of the Canadian justice system and the role of the Charter of Rights and Freedoms within that system;
- Encourage and promote access to justice;
- Inform and educate the public about the courts, law enforcement agencies, the justice system and the legal profession;
- Act as advocates on behalf of citizens in the Canadian justice system.

For eligibility, criteria, and presentation information, go to http://www.cba.org/NS/About_Us/Law_Day.aspx

Note: Deadline for nominations is March 25, 2012. For additional information or to submit a nomination, please contact: cbainfo@cbans.ca

Upcoming CBA-NS Online CLE:

- **Family Law in Nova Scotia Family Provincial Court**
Friday, April 27, 2012 (*This CLE has been changed from a two-part series to a one 2 hour session*)
12:00 - 1:30 pm (Atlantic time)
Speaker: Judge Jean Dewolfe, Truro Justice Centre & Lynn Connors, Waterbury Newton
Deadline to register is Wednesday, April 25, 2012. Register today!
- **Criminal Law - Trial Sexual Offense Cases**
Friday, May 18, 2012
12:00 - 1:30 pm (Atlantic time)
Speaker: Frank P. Hoskins, Provincial Court of Nova Scotia
Deadline to register is Wednesday, May 16, 2012. Register today!

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Fees: \$90.00 plus HST for CBA Members and \$140.00 plus HST for Non-members.

Group rate available at \$400.00 plus HST for one firm with 5-10 CBA registrants in a boardroom setting.

Bring the experts to your office. All you need for this live interactive educational opportunity is a phone, computer and 90 minutes. Please contact Riea Elder with any questions at (902) 425-8170 or by email at riea.elder@cbans.ca

The Elements – A three-part series examining the ethical uses of our resources: Food, Oil and Water
Presented by the Canadian Centre for Ethics in Public Affairs (CCEPA)

April 3, 2012 – 7 pm
ScotiaBank Theatre Auditorium, Saint Mary's University

Part 2: Water
Carbon and the Oceans: When Oil and Water Mix

Keynote: Alanna Mitchell, Canadian Journalist and author of Sea Sick.

A discussion of the effects of fossil fuels on the global ocean. Based on research in her recent book, Sea Sick, Mitchell will focus on three main marine concerns - ocean acidification, ocean warming and ocean dead zones - and explain why some scientists believe these conditions constitute a recipe for mass extinction. And if that is true, Mitchell will ask us to consider, what then is humanity's response.

Free admission – Reception to follow

This event will be live streamed and can be viewed at www.ccepa.ca

Two Great Negotiation CPD Programs, One Day. Register for both programs and save!
May 11, 2012 at the Delta Halifax

As a lawyer you negotiate every day – within your firm, with clients, and on behalf of clients with other parties. Yet most lawyers still negotiate instinctively even though the experts have proven this leaves money or other terms on the table. The key to getting the absolute best deal - in any circumstance – is to negotiate strategically and systematically based on the experts' research.

Plan now to join your colleagues May 11, 2012 at the Delta Halifax for two outstanding half-day, back to back negotiation programs – ***Gain the Edge: Negotiation Strategies for Lawyers***, and ***Negotiation Ethics: Winning without Selling Your Soul***. Taught by internationally acclaimed author and expert negotiator **Martin Latz**, these hands on practical workshops use mini-lectures, demonstrations and small group exercises to strengthen your existing negotiation skills.

Premiere faculty, including noted local practitioners, and a highly participatory teaching model will enhance your ability to communicate and negotiate in both simple and complex situations. These improved skills will give you the ability to handle any face-to-face or telephone negotiation with greater confidence and impact. This course is an essential component of every lawyer's toolkit. Even if you have been negotiating for years, you will learn something new.

Participants may count their attendance at each program for 3 hours towards Nova Scotia's new annual mandatory CPD requirement. Stay all day and get half of your hours before the new reporting year even starts! [Click here](#) for flier. Seminar Partners has been a trusted provider of CPD to the Nova Scotia bar since 2010.

Five-day workshop: Creating Cultural and Organizational Change
presented by the Nova Scotia Human Rights Commission's Race, Equity and Inclusion Division

May 14-18, 2012 - 9:00 am to 4 pm daily
Halifax (venue to be confirmed)

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This workshop is by registration only. Please contact Melissa Brayley by May 1, 2012 at 902-424-4683 or brayleym@gov.ns.ca if you are interested in attending.

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](#)

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

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

Upcoming Events from the Atlantic Provinces Trial Lawyers Association

APTLA ONLINE LEGAL EDUCATION

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

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

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

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:: LIBRARY & INFORMATION SERVICES ::

Westlaw Canada's LawSource in Barristers' Libraries in Halifax and counties

At this time, public access computers are equipped for members' use in all barristers' libraries in the province. The network login and password is the same for all computers in all locations. Call Library & Information Services (L&IS) if you need a reminder.

L&IS has provided shortcuts on each library computer desktop to various resources and applications, including CanLII, Maritime Law Book's Raw Law (free access to National Reporter System decisions without headnotes and key numbers), WordPerfect and Microsoft Word.

The *LawSource* icon with its built-in password will take you seamlessly into Westlaw Canada's *LawSource*, providing access to the following:

- Canadian case law and citators;
- *The Canadian Abridgement* and *Canadian Encyclopedic Digest*;
- *Carswell's Words & Phrases*;
- current, full text of federal and provincial statutes, regulations and citators, and Court rules; and
- selected law reviews and journals, and the *Index to Canadian Legal Literature*.

Please open and read the *LawSource online subscriber licence agreement* prior to your first use.

We also provide a quick link to *LexisNexis Quicklaw* for members who themselves subscribe.

Don't hesitate to contact Library & Information Services if you encounter any problems with library computers, internet connectivity or electronic resources.

Contacting Library & Information Services

On the [Contact us](#) page on the Society's website, follow the [Library inquiry](#) link to our new web form to submit a Library Services-related question.

Reach us by telephone toll-free at 1 866 219 1202 or 425-BOOK (2665), by fax at 902 422 1697, or by email at nsbslib@nsbs.org.

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 ::

BARRISTERS AND SOLICITORS – Negligence – standard of care *Rice v. Condran*, Hfx. No. 322416, Boudreau, J., March 6, 2012. [2012 NSSC 95](#); **S644/17**

CONTRACTS – Agreement of purchase and sale – unwritten option agreement *Self v. Brignoli Estate*, Hfx. No. 311076, Coady, J., February 24, 2012. [2012 NSSC 81](#); **S644/24**

CONTRACTS – Breach of contract – damages *SMART Innovations Consultancy Imported et al. v. Harbour Ridge Gold Club*, Hfx. No. 336519, Hood, J., March 6, 2012. [2012 NSSC 98](#); **S644/21**

CREDITOR AND DEBTOR – Monies owing – accountant *Clarity Accounting & Business Solutions Inc. v. LHPM Industrial Poly Liner Inc.*, Claim No. 357334, Slone, Adjudicator, January 3, 2012. [2012 NSSM 8](#); **SmCI20/4**

CRIMINAL LAW – Admissibility – interception of personal communication *R. v. Cater*, No. 1997518 – 1997550; 2035773 – 2035784, Derrick, J.P.C., March 5, 2012. [2012 NSPC 15](#); **M26**

CRIMINAL LAW – Appeals – fresh evidence *R. v. Dugas*, C.A.C. No. 362840, Fichaud, J.A., March 9, 2012. [2012 NSCA 27](#); **S640/29**

CRIMINAL LAW – Bail review hearing – procedure and evidentiary issues *R. v. Saulnier*, C.R.H. No. 364139, Rosinski, J., January 30, 2012. [2012 NSSC 45](#); **S644/19**

CRIMINAL LAW – Ex parte motion – dismissed *Mercier v. Nova Scotia (Attorney General)*, C.A. No. 362099, Fichaud, J.A., March 6, 2012. [2012 NSCA 25](#); **S640/27**

CRIMINAL LAW – Search warrants – interpretation of “between” *R. v. Tremblett*, No. 2288101; 2288102; 2288103, Ross, J.P.C., February 23, 2012; January 3, 2012 (orally). [2012 NSPC 14](#); **M26**

CRIMINAL LAW – Sexual assault – consent and credibility, guilty *R. v. M. (J.R.)*, C.R.H. No. 340391, Robertson, J., December 19, 2011. [2011 NSSC 499](#); **S644/18**

CRIMINAL LAW – Sexual assault – guilty *R. v. H. (C.R.)*, C.R.H. No. 346803, Rosinski, J., March 8, 2012. [2012 NSSC 101](#); **S644/22**

FAMILY LAW – Child in need of protective services – permanent care and custody *Nova Scotia (Minister of Community Services) v. S. (R.M.) et al.*, No. 71304, Haley, J., February 16, 2012. [2012 NSSC 80](#); **S644/20**

INSURANCE – Disability insurance – void ab initio *Walsh v. Unum Provident*, Hfx. No. 202244, Pickup, J., February 29, 2012. [2012 NSSC 86](#); **S644/15**

LANDLORD AND TENANT – Commercial property – monies owing and damages *M-C Holistic Healing Centre Ltd. v. Goldstein et al.*, Claim No. 351675, Slone, Adjudicator, February 10, 2012. [2012 NSSM 7](#); **SmCI20/3**

MAINTENANCE – Spousal and child support – interim order *Breed v. Breed*, No. 1201-064992, Beaton, J., February 27, 2012. [2012 NSSC 83](#); **S644/14**

MAINTENANCE – Spousal and child support – termination date and division of property *Perrier v. Daigle*, No. 1201-064849; S.F.H.D. No. 072207, MacDonald, B. J., February 3, 2012. [2012 NSSC 54](#); **S644/13**

PRACTICE – Appeals – application to amend notice of appeal and stay pending appeal *Molloy v. Molloy*, C.A. No.

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371180, Fichaud, J.A., March 12, 2012. [2012 NSCA 28](#); **S640/30**

PRACTICE – Appeals – extension of time to file appeal *M. (J.) v. Nova Scotia (Minister of Community Services)*, C.A. No. 384102, Fichaud, J.A., March 12, 2012. [2012 NSCA 29](#); **S640/31**

PRACTICE – Confidentiality Order – non-party *National Bank Financial Ltd. v. Potter et al.*, Hfx. No. 174293; 206439; 208293; 246337; S.H. No. 216059, Warner, J., March 2, 2012. [2012 NSSC 90](#); **S644/16**

PRACTICE – Costs – adverse findings of credibility *Lubin v. Lubin*, No. 1201-064422; S.F.H.D. No. 069303, MacDonald, J., March 6, 2012. [2012 NSSC 93](#); **S644/25**

PRACTICE – Habeas corpus application – jurisdiction *Blais v. Correction Service Canada (Springhill Institution)*, Amh. No. 354951, Bourgeois, J., February 29, 2012; November 29, 2011. [2011 NSSC 508](#); **S644/12**

PRACTICE – Judgments and orders – claim dismissed *Boudreau v. Stroud*, Claim No. 357768, Slone, Adjudicator, February 14, 2012. [2012 NSSM 10](#); **SmCI20/6**

PRACTICE – Procedure – request to vary release conditions *R. v. Mukpo*, C.R.H. No. 375200, Rosinski, J., March 9, 2012. [2012 NSSC 107](#); **S644/23**

PRACTICE – Publication ban – interim injunction to preserve status quo by implementing publication ban *Raymond v. Brauer*, C.A. No. 375964, Fichaud, J.A., March 14, 2012. [2012 NSCA 30](#); **S645/1**

SALE OF LAND – Property Condition Disclosure Statement – well *Crann v. Hiscock*, Claim No. 357442, Slone, Adjudicator, January 3, 2012. [2012 NSSM 9](#); **SmCI20/5**

WORKERS' COMPENSATION – Appeals – temporary earning replacement benefits suspended while incarcerated *Creelman v. Nova Scotia (Workers' Compensation Appeals Tribunal) et al.*, C.A. No. 336665, Bryson, J.A., March 8, 2012. [2012 NSCA 26](#); **S640/28**

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.

March 16, 2012

[Halifax \(Regional Municipality\) v. Nova Scotia \(Human Rights Commission\)](#)

Neutral citation: 2012 SCC 10 (CanLII)

File No.: 33651.

2011: October 19; 2012: March 16.

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

On appeal from the Court of Appeal for Nova Scotia

Administrative law — Judicial review — Standard of review — Complaint filed with Nova Scotia Human Rights Commission — Commission requesting appointment of board of inquiry — Decision set aside on judicial review — Board prohibited from proceeding — Appeal allowed — Whether chambers judge applied correct standard of review — Whether Commission erred in requesting appointment of board of inquiry.

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The complainant, a francophone Acadian parent who had children enrolled in one of the French-first-language schools in Halifax, filed complaints alleging that the funding arrangements for the schools discriminated against him and his children on the basis of their Acadian ethnic origin. Following municipal amalgamation and the consequent amalgamation of the affected school boards, Halifax imposed a tax to allow it to satisfy the statutory requirement that it maintain supplementary funding to schools that had received such funding prior to amalgamation. However, Halifax schools that formed part of the newly created Conseil scolaire acadien provincial, a province-wide public school board that administers French-first-language schools, did not receive supplementary funding. Legislation did not require Halifax to provide it to these schools.

After investigating the complaints, the Commission requested that a board of inquiry be appointed. Shortly thereafter, a *Charter* challenge brought by other parents led to a statutory amendment providing for supplementary funding for Conseil schools in Halifax. The *Charter* challenge was dismissed on consent. Halifax applied for judicial review of the Commission's decision to refer the complaint against it to a board of inquiry. A judge of the Nova Scotia Supreme Court set the referral decision aside and prohibited the board from proceeding. The Nova Scotia Court of Appeal reversed and cleared the way for the board of inquiry to go ahead.

Held: The appeal should be dismissed.

March 15, 2012

Momentous.ca Corp. v. Canadian American Association of Professional Baseball Ltd.

Neutral citation: 2012 SCC 9 (CanLII)

File No.: 33999.

2012: February 10; 2012: March 15.

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

On appeal from the Court of Appeal for Ontario

Private international law — Jurisdiction of Ontario courts — Choice of forum clauses — Motion to dismiss action brought after statement of defence filed on ground that Ontario courts had no jurisdiction in light of forum selection clauses — Whether dismissal of action could be sought notwithstanding delivery of statement of defence — Rules of Civil Procedure, R.R.O. 1990, Reg. 194, r. 21.01(3)(a).

Held: The appeal should be dismissed.

Unless there is “strong cause” to displace the forum that the parties have agreed should resolve their dispute, order and fairness are better achieved when parties are held to their bargains. Here, the motion judge did not err in the exercise of her discretion to dismiss the action under Rule 21.01(3)(a) of the Ontario *Rules of Civil Procedure*, based upon the foreign forum selection clause. Although the motion must be brought promptly, nothing in Rule 21.01(3)(a) requires it to be brought before delivery of a statement of defence.

:: NOVA SCOTIA BILLS ::

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 ::

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.

RISK AND PRACTICE MANAGEMENT TIP: File management – closing files

Good file management includes proper file closure at the end of the retainer. Here are some tips to ensure you terminate the retainer and close your file effectively:

- Establish a procedure in your office manual that will ensure that files are closed in a consistent manner.
- Write a final letter to the client, outlining the outcome. Ensure you document that your retainer has concluded.
- Return to the client all original documentation and any other property that belongs to the client.
- Cull the file. Get rid of duplicates and case law, scan what you can and keep copies of the retainer agreement, advice and instruction and notes to file as well as any documentation you are required by regulation to keep, such as foundation documents.
- Outline your file retention policy.
- Ensure that all balances are paid and that there are sufficient funds remaining in your trust account to pay for any outstanding items, such as withholding funds for tax purposes or recording releases, if required.
- Make sure you put any outstanding items in your tickler system such as following up on undertakings, and recording releases.
- Do a final risk assessment. Ask yourself whether the final outcome differs significantly from the initial assessment and if so, clearly document why that occurred in case there is a claim or complaint.

Properly closing your file will ensure that your client understands the final outcome of the file and that your representation has concluded.

*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.*

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

FRAUD ALERT: Spot the fraud – foreign email country codes

Account cancellation/restriction scams are prevalent these days. We've all received legitimate-looking emails advising that your account has been or is about to be cancelled or compromised – purportedly from PayPal, Amazon, Revenue Canada and various financial institutions. In many cases, users often do not have an account with that organization.

The message will feature a link that looks legitimate, such as <http://www.paypal.com/ca> but when your mouse is hovered over the link, the actual URL is completely different, such as a series of random letters and numbers, often with a foreign country code such as .ru (Russia) or .cn (China). Run a quick Google search for that company or institution if you are uncertain, to verify that their web address does not, in fact, contain a foreign internet country code.

These internet country code discrepancies can also be found in many collaborative family law scam attempts. Look at the country code in the email address of a potential “client” - do they claim to be a divorcee in Japan, but use a @emailnet.net.tc (Turks and Caicos), a @posta.adiyaman.edu.tr (Turkey) or a @google.co.uk (United Kingdom) email account? Click here to view a current list of [internet country codes](#).

Although it is possible to set up an email account from virtually any country, carefully check and verify any background details provided to you. Use [Canada 411](#) to do a reverse lookup of phone numbers provided or appearing on call display. Google all street addresses provided to you, and use Google Maps street view to verify that a building exists where a business supposedly operates. Verify the identities of lawyers who previously acted for the client or ex-spouse through online directories and ask your client for permission to contact them using the information provided by the directory, not by the client.

As always, trust your instincts – and when in doubt, contact Cynthia Nield, LIANS' Database and Information Officer, at cnield@lians.ca or 423 1300 x346 to help you debunk any emails or potential “clients”.

NSLAP WELLNESS TIP: March is nutrition month in Canada!

To support you and your staff in maintaining a healthy and productive workplace, read this [Nutrition Resource Kit](#) (PDF), to share with your employees and key personnel — compliments of Homewood Human Solutions™, your LAP provider. The kit contains useful information on healthy eating, as well as delicious healthy recipes for your employees to try.

*For more information and support on healthy eating, 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 ::

Bedford South: Pre-leasing available in new Nine Mile Circle development

We are pre-leasing our latest development in Bedford South on Larry Uteck Boulevard. The building, Nine Mile Circle, will have 25,000 square feet of retail space on the ground floor and 25,000 square feet of office space on the second level.

The site will provide tremendous exposure, ample parking, and modern amenities. Further details and visuals are available at this link: <http://www.borisholdings.com/ninemilecircle.htm>.

Contact information:

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