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- CBA-NS Online CLE:
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:: NOTICES ::

SOCIETY NEWS

Election begins today 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 are now available to the membership as of **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 are on the [Election for Second Vice-President](#) webpage, which is where the ballots are available from April 2 to 30. Also visit the election page for candidate information, including biographical details and 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.

Society has moved to new location

The Nova Scotia Barristers' Society has moved to its new location in Cogswell Tower. The new address is now as follows:

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

This new address is accessible at any time on the website's Contact us page: <http://nsbs.org/contact-us>.

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

tel. 902 422 1491 | fax 902 429 4869

Please note, the Society is experiencing several minor technical issues associated with the move. We apologize if staff have not been available and for any inconvenience, but we expect operations to be back to normal very shortly.

Council Highlights from Friday, March 23, 2012

For details about matters discussed at Council's meeting on Friday, March 23, please visit the Council Highlights and Documents, which will be posted shortly 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, April 20, 2012.

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Reminder: Seeking input on proposed changes to Trust Account Regulations – by April 13, 2012

Following the work of the Trust Account Regulation Review Working Group, a number of regulations are proposed to replace the current Part 10 of the Society's Regulations. Council directed the Society to consult with the membership before bringing the proposed regulations to Council for consideration and decision.

Members are encouraged to review the proposed changes and direct their comments to Gina Strople (gstrople@nsbs.org) by **April 13, 2012**.

Further details are available in a [March 19 memo](#) from Glen Greencorn, Director, Finance and Administration, which includes the proposed regulations.

TWO MORE WEEKS: Nominations for 2012 Distinguished Service Award close on Monday, April 16, 2012

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.

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>.

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.

For more details, contact Marla Cranston, Communications Officer, at 902 422 1491 or communications@nsbs.org.

NSBS in the news

[Barristers' Society researching issue of lawyer scarcity in rural areas](#)
ngnews.ca | March 27, 2012

[Population trend affects professions](#)
OPINION COLUMN/The News (New Glasgow) | March 28, 2012

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.

The Honourable Judge John D. Embree, Antigonish – March 26, 2012 [Obituary](#)

- Courts of Nova Scotia: [Obituary for Judge Embree](#)

Peter Christopher Underwood, Halifax – March 25, 2012 [Obituary](#)

- [Deputy minister remembered as passionate environmental champion](#)
thechronicleherald.ca | March 27, 2012
- PREMIER'S OFFICE: [Premier Extends Condolences on the Passing of Peter Underwood](#)
gov.ns.ca | March 26, 2012

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.

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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](#). Also see the April edition of the *Society Record*, coming soon.

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

FOUR 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 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.

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Call for applications: Pride Mentorship Program seeks mentees

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

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

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

[Pride Mentorship Program Enrolment Form](#)

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

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

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

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>
- **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*.

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AIT Labour Mobility – website launch

On behalf of the Forum of Labour Market Ministers, the Labour Mobility Coordinating Group is pleased to announce the launch of its new website (<http://www.flmm-lmcg.org>). The website was created to establish a centralized body of information on the requirements of Chapter 7 (Labour Mobility) of the Agreement on Internal Trade.

The new website provides information to regulatory authorities and regulated workers on issues related to labour mobility, including information on additional certification requirements, answers to Frequently Asked Questions and a detailed list of current exceptions to labour mobility across Canada. It also houses contact information for jurisdictional labour mobility coordinators and contains links to important initiatives and resources related to labour mobility in Canada.

Please feel free to follow-up with me, the Labour Mobility Coordinator for your jurisdiction, with any questions about this new website or other questions about labour mobility.

Au nom du Forum des ministres du marché du travail, le Groupe coordonnateur de la mobilité de la main-d'œuvre est heureux d'annoncer le lancement de son nouveau site web (<http://www.flmm-lmcg.org>). Le site web permet la centralisation des informations portant sur les exigences du Chapitre 7 (mobilité de la main-d'œuvre) de l'Accord sur le commerce intérieur.

Le nouveau site web fourni de l'information aux organismes de réglementation et aux travailleurs accrédités sur les enjeux de la mobilité de la main-d'œuvre, fournissant notamment de l'information sur les exigences d'accréditation supplémentaires, des réponses aux questions fréquemment posées et une liste à jour détaillée des exceptions à la mobilité de la main-d'œuvre à travers le Canada. Le site web comprend également les coordonnées du coordonnateur de la mobilité de la main-d'œuvre de votre province ainsi que des liens vers des initiatives et des ressources importantes en lien avec la mobilité de la main-d'œuvre au Canada.

Si vous avez des questions ou des commentaires sur ce nouveau site web ou sur tout autre sujet relatif à la mobilité de la main-d'œuvre, n'hésitez pas à communiquer avec moi, votre coordonnateur de la mobilité de la main-d'œuvre.

Sincerely,
Alison Tracy, MPA, Labour Mobility Coordinator
Adult Education, Skills & Learning Branch
Department of Labour and Advanced Education
Tel: 902-424-3968 | Cell: 902-483-2659 | Fax: 902-424-1171
Email: tracyaz@gov.ns.ca

Interprovincial Trade Dispute Settlement opportunity for persons experienced in administrative law and/or procurement governance

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. These disputes may arise under chapter 17 (dispute resolution) or chapter five (procurement). The Province of Nova Scotia will be appointing qualified candidates to a roster of panellists to serve on dispute panels, including appellate panels. It is a possibility that panellists may occasionally be called on to serve in a screening capacity to review request for disputes.

Panelists are expected to:

- have professional expertise and experience in Canadian administrative law, or the resolution of disputes arising under Canadian administrative law, or the resolution of disputes (including the prevention of disputes) arising in a procurement governance context.
- 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

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Interested persons seeking more information and application instructions should enquire via email to TradeAgreements@gov.ns.ca by April 5.

JUSTICE--Minister outlines crime prevention actions for coming year

The province is taking steps to keep families and communities safer by keeping students in school, funding local crime prevention initiatives and continuing support for police.

On March 28, Minister of Justice Ross Landry outlined the province's crime prevention plans for 2012-13 at the Fourth Annual Crime Prevention Symposium.

"We all want our communities to be safe places to live and raise families," said Mr. Landry. "Today I shared some of the steps we'll take to tackle crime prevention in the coming year. We will maintain programs that work, like our Lighthouses Program, introduce new initiatives and support our community and police partners in their important work on the frontlines."

One of the new initiatives is a partnership with Dalhousie University and Halifax Regional Police to launch the first restorative program for university students in the country. The program will be an alternative for students in conflict with the law, and for student conduct issues on campus or in the community. Students will have a chance to accept responsibility for their actions and the impact on others and the community.

"This is a very exciting opportunity for Dalhousie," said Dalhousie president Tom Traves. "I'm proud we're taking a leadership role in such an innovative program, one that will improve student life, contribute to the academic and social success of our students, improve university/community relations and develop leadership and conflict resolution skills of students, faculty and staff."

A restorative approach will also be developed for the public school system, through the Kids and Learning First Plan. The departments of Justice and Education will build the tools and resources school administrators and teachers will need. Several high schools have piloted this approach since 2008 and are reporting fewer suspensions and lost teaching days because of classroom disruptions.

Other plans to make communities safer will focus on working with, and supporting, community partners. In 2011, Lighthouses Program community partners helped 1,200 at-risk youth connect with their communities through a range of programs such as teen centres, art projects and boat building. This year, the province will consider engaging other partners and developing a stable four-year funding model for the program.

Partnerships will be formed in housing, health, education, employment, recreation and social services to help ensure successful reintegration of offenders into communities. Programs will include a pilot parenting program and exploring options for safe, affordable housing.

Support will also continue for police, corrections, courts and the justice system to hold offenders accountable for their actions.

"I have long said that police alone cannot effectively address crime," said Halifax Regional Police Chief Frank Beazley. "We appreciate the continued support from the province and look forward to working with all the partners in the public safety equation to find new, innovative ways to address the root causes of crime while we continue to target those people we know are putting our citizens at risk."

The province will continue to invest \$47-million annually in direct policing, which includes the Additional Officer Program that puts 176 additional resources in communities across the province, as well as centralized services such as major crime investigators and emergency response units. For more information, visit www.gov.ns.ca/just.

Error & Omission notices

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

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Request for applications for provincial judicial vacancies

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

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

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

If you have any questions, please contact:

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

Addendum signed to include Quebec Notaries in National Mobility Agreement

Canada's law societies have taken another step in the implementation of national mobility for members of the legal profession with the formal signing of an Addendum to the Quebec Mobility Agreement, extending Canada's national mobility regime to Quebec notaries.

The signing ceremony was held March 15, 2012 during the Federation of Law Societies of Canada's Semi-Annual Conference in Yellowknife, Northwest Territories. On behalf of the Nova Scotia Barristers' Society, First Vice-President Tim Daley QC attended and signed the document.

"When the members of the Federation entered into the National Mobility Agreement in 2002 and the Territorial Mobility Agreement in 2006, we established ourselves as leaders in professional mobility," Federation President John J.L. Hunter QC told the representatives at the signing ceremony.

The Addendum, Mr Hunter noted, means there is now a system of mobility in Canada that permits every Canadian lawyer and Quebec notary to move between jurisdictions.

"This is a tremendous accomplishment," Mr. Hunter said. "In crafting a mobility regime that covers lawyers and notaries from common law and civil law jurisdictions we have perhaps demonstrated that despite our different legal traditions we are more alike than we are different. And this is something of which we should be very proud."

Un addenda est signé afin d'inclure les notaires du Québec dans l'Accord de libre circulation nationale. Les ordres professionnels de juristes du Canada ont fait un pas de plus afin de mettre en œuvre la mobilité nationale pour les membres de la profession juridique en signant un addenda à l'Accord de libre circulation au Québec, et rendant ainsi le régime de libre circulation nationale du Canada applicable aux notaires du Québec.

La cérémonie de signature a eu lieu le 15 mars 2012 durant la conférence semestrielle de la Fédération à Yellowknife, dans les Territoires du Nord-Ouest.

« Lorsque les membres de la Fédération ont conclu l'Accord de libre circulation nationale en 2002 et l'Accord de libre circulation territoriale en 2006, nous nous sommes imposés comme chefs de file en matière de mobilité professionnelle »,

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a déclaré le président de la Fédération des ordres professionnels de juristes du Canada, John J.L. Hunter, c.r., aux représentants à la cérémonie de signature.

Monsieur Hunter a ajouté que grâce à cet addenda, il existe maintenant au Canada un système de libre circulation qui permet à tous les avocats canadiens et tous les notaires québécois de circuler d'une province ou d'un territoire à l'autre.

« Il s'agit d'une réalisation remarquable », a affirmé M. Hunter. « En concevant un régime de libre circulation qui inclut les avocats et les notaires des provinces et territoires de common law et de droit civil, nous avons peut-être démontré que malgré nos différentes traditions juridiques, nous avons plus de choses en commun que de choses qui nous distinguent. Et nous pouvons en être très fiers. »

BOYNECLARKE LLP announces articulated clerk hire-backs

(March 30, 2012 – Halifax, Nova Scotia) BOYNECLARKE LLP, one of Atlantic Canada's largest law firms, is pleased to announce that **Jessica D. Chapman** and **Margaret J. George** have accepted offers to join the firm as Associate Lawyers upon their admission to the Bar this June.

Jessica will be practising in the area of family law and will also provide assistance to our Personal Injury Team. She has a Bachelor of Arts (Honours) in Psychology from Mount Allison University. While at Mount A, she won the 'Golden A' Award for outstanding graduating student in 2008, a Psychology Award and a Women's Studies Award. Prior to starting her articles with BOYNECLARKE, Jessica worked for Dalhousie Legal Aid.

Margaret will be joining our Business Law Team. She has a Bachelor of Arts with Distinction from St. Thomas University, with a double major in Economics and Psychology. At St. Thomas, she was on the Dean's List each year, won the Schulich Scholarship in Law, and won the St. Thomas University Award for Academic Excellence from 2005 through 2007. During the summer of 2010, Margaret participated in our Zenith Award-winning Summer Student Program, working for Phoenix Youth Programs.

We are excited to have them join us in this our 40th year in practice, and look forward to them playing a valuable role in building upon our past success.

Results of the 2012 Atlantic Law School Hockey Tournament

It was a whirlwind tournament that saw the Dalhousie student team defeat the slightly favoured UNB squad to take the gold medal for the second straight year. The 2012 Atlantic Law School Hockey Tournament was hosted by L'Université de Moncton and, as usual, provided the participants a great opportunity to stretch their legs and make a few new contacts in the greater Atlantic legal community.

The ALSHT is the only hockey tournament that yearly unites the three Atlantic law schools and their respective alumni teams. Again this year, every Atlantic province was represented by both students and practitioners. Each year the six teams gather in Halifax, Moncton or Fredericton for a one-day jamboree style tournament that allows the students to meet many of the region's practising hockey stars. The tournament also reminds said practising hockey stars of the impact the profession can have on those once great legs and stamina; which is precisely why a student team won gold again this year.

The tournament is followed up with a social, where students get further opportunity to rub elbows with some practicing lawyers and lawyers get a chance to size-up some potential new recruits. In fact, the tournament has an excellent track record for bringing participating students into summer jobs and articling positions.

Of course, the festivities aren't free and the organizers would like to kindly thank this year's sponsors: Burchell MacDougall, McInnes Cooper, Fowler & Fowler and Moncton Rallye Motors.

– *Thomas J. Kayter, Associate, Burchell MacDougall*

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;

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- 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 1er 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](#).

AWARDS & APPOINTMENTS

Justice Minister recognizes leaders in crime prevention

Individuals and businesses who make their communities safer were recognized March 28, at the province's Crime Prevention Symposium in Halifax. Justice Minister Ross Landry presented 14 Minister's Awards for Leadership in Crime Prevention and thanked all award winners and nominees for their contributions.

"It is an honour to recognize these 14 Nova Scotians who are truly making a difference in their communities," said Mr. Landry. "The entire community is affected by crime and we all need to be involved in creating solutions. The best crime prevention responses are led by community and those dedicated to creating safer communities and a safer province overall."

The 2012 award recipients are:

- **Media Category:** The Weekly News of Halifax
- **Youth Category:** Brandin Arsenault and Emily McInnis of Bible Hill
- **Business Category:** Spring Garden Area Business Association/ Downtown Halifax Business Commission and TELUS Atlantic Community Board of Halifax
- **Community Category:** Leave Out Violence 'LOVE' of Halifax, Our Thyme Café of Dartmouth and Seniors Safety Program of Wolfville

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- **Policing Category:** Cst. Jennifer Arnold of Antigonish RCMP and Cst. Dennis Burns of Cape Breton Regional Police
- **Individual Category:** John O'Reilly of Bedford and Lori Morgan of Dartmouth
- **Special Category:** The late Myles Burke, former Chief of Cape Breton Regional Police, received an award posthumously.

The Province recognized Our Thyme Café for its employment program with at-risk women and female youth. It provides skills training to females who may be experiencing or at risk of experiencing homelessness, poverty or incarceration.

"It is our privilege to work with the women that come through the Our Thyme Café Program," said managers Mary Young and Lynn Yetman. "Over the last four years, we have worked with over 100 women and watching them change their lives has been more than rewarding."

A committee reviewed the nominations and selected the recipients based on commitment to their local issue, empowering their community, leadership by encouraging and educating others, working together to build partnerships, and innovation, inclusiveness and flexibility.

For more information on the awards and 2012 recipients, go to www.gov.ns.ca/just.

ACADIAN AFFAIRS: Province celebrates excellence in French-language services

Provincial government employees were recognized on March 27, for outstanding contributions to programs and services in French at the Bonjour! Awards for Excellence in French-language Services in Halifax.

This is the third year the Bonjour! Awards have recognized provincial government employees. Public servants are nominated by colleagues and the public.

Those recognized are:

- Richard Burton, for Excellence in Leadership
- The Acadian flag licence plate team, for Excellence in Program Development
- Heather-Anne Gillis, for Excellence in Service Delivery to the Public

Mr. Burton is the regional coordinator of maintenance enforcement at the Department of Justice in Kentville. He is being recognized for encouraging and helping employees to complete training in French-language legal terminology. His leadership ensures that Acadians and francophones have access to legal support services in their own language.

The Acadian flag licence plate team at Service Nova Scotia and Municipal Relations developed and launched a licence plate celebrating Acadian heritage, based on consultation with the Acadian and francophone community about the plate's design. A special fund called the Vive L'Acadie Community Support Fund was also created to distribute a donation fee collected with the plates to cultural projects in each purchaser's community. Ms. Gillis is the main receptionist at the Department of Transportation and Infrastructure Renewal's head office in Halifax. She ensures an active offer of French-language services by displaying Bonjour! visual identification program material in the reception area and by greeting people she knows or overhears speaking in French with a warm, friendly "Bonjour!"

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;

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- 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

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.

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 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.

UPCOMING EVENTS FROM CANADIAN CENTRE FOR ETHICS IN PUBLIC AFFAIRS (CCEPA)

Profit vs Social Responsibility in 2012: Lessons and Changes

Presented by the Sobey Master's in Business Administration Program, in collaboration with the Canadian Business Ethics Research Network (CBERN), and the Canadian Centre for Ethics in Public Affairs (CCEPA).

April 2, 7pm – 9pm

Scotiabank Theatre Auditorium, Sobey Building, Saint Mary's University

A panel of business leaders and academia will discuss social corporate responsibility, ethical leadership, and fair governance practices, and examine how the emergence of CSR has changed the debate between the bottom line and social responsibility.

- Paul Kent, President & CEO, Greater Halifax Partnership
- Dr. Peggy Cunningham, Dean, Faculty of Management, Dalhousie University
- Scott Ferguson, President & CEO, Trade Centre Limited
- Lil MacPherson, Owner, Wooden Monkey

Free Admission – Reception to follow. Watch it live stream: www.ccepa.ca

For more information please contact Alexa Minichiello at atlantic@cbern.ca

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

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

April 3, 2012 – 7 pm

Scotiabank Theatre Auditorium, Saint Mary's University

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

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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

Part 3: Oil — The Master Resource: Oil and the New Servitude

May 16, 2012 – 7 pm

Scotiabank Theatre Auditorium, Sobey School of Business, Saint Mary's University

Keynote: Andrew Nikiforuk, author of *Tar Sands: Dirty Oil and the Future of a Continent*

The affordability, portability and versatility of petroleum rapidly changed the role of the human species on the planet over the last 150 years. It expanded the role of the state, mechanized cities, industrialized agriculture, propelled demographic growth and changed economic thinking. What changes does the end of cheap oil herald, how much energy are North Americans ethically entitled to, and is it time for a paradigm shift?

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

Touching the Wounds: A Theological Reflection on Remorse, Reconciliation and the Catholic Church in the Pedophilia Crisis

May 22, 7pm – 9pm

Scotiabank Theatre Auditorium, Sobey School of Business, Saint Mary

Dr. David Deane, Professor of Theology, Atlantic School of Theology

While analyses of the pedophilia crisis in the Catholic Church from sociological, psychological and legal perspectives abound, theological analyses are curiously lacking. This presentation seeks to offer a analysis of the theological failures of the Catholic hierarchy in response to the abuse crisis and suggest coherently theological models for how a process of reconciliation might emerge. While aware that a theological perspective on the crisis can never be exhaustive, this presentation aims to offer a theological voice to the conversation, for Christians and non-Christians disturbed by this crisis, to hear.

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

Buried Treasure: The use and abuse of tax havens

Mini Law School presented by the Schulich School of Law

Wednesday, April 4, 2012 from 7:00-8:30pm

Professor Geoffrey Loomer

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

UPCOMING EVENTS FROM CBA-NS

- **Law Week Province House Reception** – April 17, 2012, [View PDF invitation](#)
- **Law Day 2012 at Pier 21** – April 21, 2012, [More information](#)
- **Labour & Employment Law Conference: Making it Work for Your Clients** – May 4, 2012, [More information](#)

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)

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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 Offence 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!

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

ACHIEVE Public Workshops

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

Online registration | On-site training – Call or email to receive a fee structure.

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.

A Concert and Conversation with Peter Buffett

Presented by **RBC Wealth Management | Dominion Securities'**

Find out what Warren Buffett's son has to say about life growing up in the Buffett household and more.

Thursday, May 31, 2012 at 7:00 pm

The Lord Nelson Hotel, Halifax

The Concert & Conversation event combines a cello-accompanied live piano/vocal performance with video clips from Peter's film, TV, and philanthropic work. Punctuated by Peter's candid stories, his presentation ultimately conveys that it's one's values—and what we are able to give back to society—that shape and define us as individuals.

To find out more about this event, please visit the Community Foundation of Nova Scotia's website at www.cfns.ca or contact Bev Clark at bev.clark@cfns.ca

Intensive Trial Advocacy Programme

June 3–9, 2012 | Faculté de droit of the Université de Moncton

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

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

National Criminal Law Program registration open

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

Monday, July 9 to Friday, July 13, 2012

Victoria, British Columbia

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

This year's highlights include:

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

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

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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

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 ::

Update: After-hours access to the Barristers' Library in Halifax

The Barristers' Library in Halifax is accessible to members 24 hours a day, seven days a week, and is staffed Monday to Friday, 8:30 am to 12:30 pm, and 1:30 pm to 4:30 pm.

With renovations to the front entrance of the Law Courts building, there is no longer a buzzer to call the commissionaire to the front entrance evenings or weekends when the building is locked.

A telephone number to reach the commissionaire is posted on a very small piece of paper at the front entrance. The commissionaire may be doing rounds in the building, and may take a few minutes to return to the 2nd floor entrance when called.

Members must show their barristers' card to the commissionaire and sign the logbook before proceeding to the 7th floor.

New books at the Library

BANKRUPTCY

BENNETT ON BANKRUPTCY / Bennett, Frank -- 14th ed. -- North York, Ont. CCH, 2011. **[KB 113 B471 2011]**

CONTRACTS

CANADIAN CONTRACTUAL INTERPRETATION LAW / Hall, Geoff R -- 2d ed. -- Markham, Ont. LexisNexis Canada, 2012. **[KB 130 H176 2012]**

ESTOPPEL

ESTOPPEL / MacDougall, Bruce -- Markham, Ont. LexisNexis Canada, 2012. **[KB 199.E7 M137 2012]**

GOVERNMENT PURCHASING

GOVERNMENT PROCUREMENT / Emanuelli, Paul -- 3d ed. -- Markham, Ont. LexisNexis Canada, 2012. **[KB 134 .P8 E53 2012]**

INCOME TAX

INCOME TAX LAW / Krishna, Vern -- 2d ed. -- Toronto: Irwin Law, 2012. **[KB 84.I5 K89I 2012]**

MEDICAL LAW

CANADIAN HEALTH LAW AND POLICY / Downie, Jocelyn; Caulfield, Timothy; Flood, Colleen M -- 4th ed. -- Markham, Ont. LexisNexis Canada, 2011. **[KB 77 D751 2011]**

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:: NEW DECISIONS ::

ADMINISTRATIVE LAW – Boards and tribunals – injunction denied *Society for the Prevention of Cruelty v. Cape Breton Humane Society et al.*, Syd. No. 370359, Murray, J., March 22, 2012; January 19, 2012 (orally). [2012 NSSC 128](#); **S646/17**

BANKRUPTCY – Superintendent levy – imposed on payments to secured creditors *Zinck (Re)*, Court No. B-35658; Estate No. 51-1444762, Cregan, Registrar in Bankruptcy, March 21, 2012. [2012 NSSC 114](#); **S646/11**

BUILDERS' LIENS – Contract interpretation – reasonable expectations of the parties *Global Paving Contractors Ltd. v. Cragg*, Hfx. No. 334533, Wright, J., March 19, 2012. [2012 NSSC 63](#); **S646/7**

CONTRACTS – Breach of contract – bias, damages for fraud *Sable Island Seismic Inc. v. Geophysical Services Inc.*, C.A. No. 325703, Beveridge, J.A., March 29, 2012. [2012 NSCA 33](#); **S645/4**

CREDITOR AND DEBTOR – Credit cards – unauthorized use *Stevens v. Delta Sydney*, Claim No. 370504, Ripley, Adjudicator, March 26, 2012. [2012 NSSM 11](#); **SmCI20/7**

CRIMINAL LAW – Assault and breaching a probation – not guilty *R. v. Paul*, No. 2241165; 2241166, Atwood, J.P.C., March 31, 2011. [2011 NSPC 112](#); **M26**

CRIMINAL LAW – Evidence – admissibility *R. c. Gallant*, C.R.A.M. No. 338314, Muise, J., October 21, 2011; May 31, 2011 (orally). [2011 NSSC 389](#); **S644/28**

CRIMINAL LAW – Evidence – intercepted communication firearms and drug related charges *R. v. Cater*, No. 1997518 – 1997550; 2035773 – 2035784, Derrick, J.P.C., March 14, 2012. [2012 NSPC 18](#); **M26**

CRIMINAL LAW – Impaired driving – care or control *R. v. Benoit*, No. 1980316, Embree, J.P.C., July 4, 2012. [2011 NSPC 111](#); **M26**

CRIMINAL LAW – Procedure – jurisdiction to order recognizance to keep the peace *R. v. Burke*, C.R.H. No. 350482, Rosinski, J., March 21, 2012. [2012 NSSC 119](#); **S646/9**

CRIMINAL LAW – Sentencing – sexual assault *R. v. M. (J.R.)*, C.R.H. No. 340391, Robertson, J., March 19, 2012; March 8, 2012 (orally). [2012 NSSC 108](#); **S646/5**

CRIMINAL LAW – Sentencing – theft under \$5,000 *R. v. MacKenzie*, No. 2321739; 2321740, Scovil, J.P.C., March 12, 2012. [2012 NSPC 19](#); **M26**

CRIMINAL LAW – Sentencing – weapons charges, joint recommendation *R. v. McInnis*, C.R.H. No. 373440; C.R.H. No. 354302, Wood, J., March 28, 2012; March 8, 2012 (orally). [2012 NSSC 126](#); **S646/19**

CRIMINAL LAW – Sexual offences – similar fact evidence *R. v. R. (D.A.)*, C.A.C. No. 354647, Bryson, J.A., March 22, 2012. [2012 NSCA 31](#); **S645/2**

DAMAGES – Liability – personal injuries *Kingston v. MacIsaac*, Hfx. No. 308860, Smith, A.C.J., March 16, 2012. [2012 NSSC 50](#); **S644/29**

EASEMENTS – Costs – not a complex hearing *Viehbeck v. Pook et al.*, Hfx. No. 329805, Wood, J., March 19, 2012. [2012 NSSC 113](#); **S646/10**

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FAMILY LAW – Custody and access – assessment order not required *Martin v. Bignell*, S.F.H.M.C.A. No. 058405, O'Neil, J., March 16, 2012. [2012 NSSC 112](#); **S646/6**

FAMILY LAW – Custody – joint custody to remain *H. (J.M.) v. A. (T.J.)*, No. 1201-59220, Ferguson, J., March 9, 2012. [2012 NSSC 103](#); **S644/27**

FAMILY LAW – Custody – mobility of primary caregiver denied *Psiuk v. Psiuk*, S.F.H. No. 1201-060344, Williams, J., February 29, 2012; August 12, 2011 (orally). [2011 NSSC 509](#); **S646/3**

FAMILY LAW – Divorce – custody, spousal support, costs, division of property and pension *B. (K.B.) v. P. (S.)*, No. 1217-000708, Legere-Sers, J., March 22, 2012. [2012 NSSC 121](#); **S646/16**

FAMILY LAW – Divorce – division of assets *Howley v. Howley*, No. 1206-5088, MacLellan, J., January 19, 2012. [2012 NSSC 123](#); **S646/15**

FAMILY LAW – Divorce – division of assets and spousal support *Austin v. Jewkes*, No. 1201-065392, Legere-Sers, J., March 8, 2012. [2012 NSSC 97](#); **S644/31**

FISH AND GAME – Atlantic Fisheries Regulations – unlawfully fish for Halibut during closed time *R. v. Courtney et al.*, No. 2198347; 198490; 2198488; 2198475; 2344621; 2198339, MacQuarrie, J.P.C., January 26, 2012. [2012 NSPC 20](#); **M26**

GUARDIAN AND WARD – Power of attorney – removal of lawyer, best interest of incompetent person *H. (R.) v. D. (J.)*, Ant. No. 370723; 374797, Scaravelli, J., March 5, 2012. [2012 NSSC 94](#); **S644/30**

MAINTENANCE – Child support – interjurisdictional support orders *Smith v. Oake*, S.F.H.I.S.O.V. No. 078175, MacDonald, J., March 5, 2012. [2012 NSSC 100](#); **S644/26**

MAINTENANCE – Child support – jurisdiction *Fraser v. Tighe*, S.F.P.A.M.C.A. No. 066765, O'Neil, J., March 15, 2012; August 12, 2011 (orally). [2011 NSSC 511](#); **S646/4**

MAINTENANCE – Spousal support – appeal of termination *Hurley v. Hurley*, No. 347786, Farrar, J.A., March 27, 2012. [2012 NSCA 32](#); **S645/3**

MORTGAGES – Foreclosure – priorities *Hants-Kings Business Development Centre Ltd. v. Arenburg*, Ken. No. 357563, Murphy, J., March 9, 2012. [2012 NSSC 105](#); **S646/8**

MUNICIPAL LAW – Development agreement – damages and costs *Stoneridge Properties Ltd. v. Bridgewater (Town of)*, Hfx. No. 277521, Hood, J., March 15, 2012. [2012 NSSC 104](#); **S646/18**

OCCUPATIONAL HEALTH AND SAFETY – Failure to ensure – a fall arrest system was in place *R. v. Busk*, No. 2179676, Derrick, J.P.C., March 16, 2012. [2012 NSPC 17](#); **M26**

PRACTICE – Application – conversion to action *Milburn et al. v. Growthworks Canadian Fund Ltd.*, Syd. No. 296202, Murray, J., March 8, 2012. [2012 NSSC 106](#); **S646/14**

PRACTICE – Costs – formal offer *Bowden v. Halifax (Regional Municipality)*, Hfx. No. 213649, Murray, J., March 1, 2012. [2012 NSSC 120](#); **S646/12**

PRACTICE – Discovery – motion to strike subpoenas *Northern Pulp Nova Scotia Corp. v. D.R. Brenton Ltd.*, Pic. No. 340973, Murray, J., September 22, 2011. [2011 NSSC 510](#); **S646/13**

SALE OF LAND – Condominiums – breach of contract *Hilchie et al. v. Waterton Condominiums Inc.*, Hfx. No. 330169, Stewart, J., December 30, 2012. [2011 NSSC 489](#); **S646/2**

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SALE OF LAND – Negligent misrepresentation – inaccurate property condition, disclosure statement *MacDonald et al. v. Barbour et al.*, Hfx. No. 357781A, Robertson, J., March 15, 2012. [2012 NSSC 102](#); S646/1

TORTS – Negligent Investigation – malicious prosecution *Cave v. Bambury et al.*, Hfx. No. 280323, Scaravelli, J., March 28, 2012. [2012 NSSC 129](#); S646/20

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 23, 2012

[R. v. Ipeelee](#)

Neutral citation: [2012 SCC 13](#) (CanLII)

File Nos.: 33650, 34245.

2011: October 17; 2012: March 23.

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

On appeal from the Courts of Appeal for Ontario and British Columbia

Criminal law — Sentencing — Aboriginal offenders — Breach of condition of long-term supervision order — Principles governing sentencing of Aboriginal offenders — Whether principles outlined in R. v. Gladue apply to breach of long-term supervision order — Criminal Code, R.S.C. 1985, c. C-46, s. 718.2(e).

These two appeals involve Aboriginal offenders with long criminal records. Both Aboriginal offenders were declared long-term offenders and had long-term supervision orders (“LTSO”) imposed. The offender I is an alcoholic with a history of committing violent offences when intoxicated. He was sentenced to six years’ imprisonment followed by an LTSO after being designated a long-term offender. After his release from prison, I committed an offence while intoxicated thereby breaching a condition of his LTSO. He was sentenced to three years’ imprisonment, less six months of pre-sentence custody at a 1:1 credit rate. The Court of Appeal dismissed the appeal brought by I. The offender L is addicted to drugs and alcohol and has a history of committing sexual assaults when intoxicated. L was sentenced to three years’ imprisonment followed by an LTSO after being designated a long-term offender. After his release from prison, he failed a urinalysis test; thereby breaching a condition of his LTSO. L was sentenced to three years’ imprisonment, less five months of pre-sentence custody at a 1.5:1 rate. A majority of the Court of Appeal allowed L’s appeal and reduced the sentence to one year’s imprisonment.

Held (Rothstein J. dissenting in part): The appeal should be allowed in *Ipeelee*. The appeal should be dismissed in *Ladue*.

March 22, 2012

[Doré v. Barreau du Québec](#)

Neutral citation: [2012 SCC 12](#) (CanLII)

File No.: 33594.

2011: January 26; 2012: March 22.

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

On appeal from the Court of Appeal for Québec

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Administrative law — Judicial review — Standard of review — Disciplinary council — Lawyer challenging constitutionality of council's decision — Proper approach to judicial review of discretionary administrative decisions engaging Charter protections — Whether framework developed in R. v. Oakes appropriate to determine if discretionary administrative decisions comply with Canadian Charter of Rights and Freedoms.

Law of professions — Discipline — Barristers and solicitors — Lawyer writing private letter to judge and criticizing him — Disciplinary council finding lawyer in breach of duty to behave with objectivity, moderation and dignity and reprimanding him — Whether council properly balanced relevant Charter values with statutory objectives — Whether decision reasonable — Code of ethics of advocates, R.R.Q. 1981, c. B-1., r.1, art. 2.03.

D appeared before a judge of the Superior Court of Quebec on behalf of a client. In the course of D's argument, the judge criticized D. In his written reasons rejecting D's application, the judge levied further criticism, accusing D of using bombastic rhetoric and hyperbole, of engaging in idle quibbling, of being impudent and of doing nothing to help his client discharge his burden. D then wrote a private letter to the judge calling him loathsome, arrogant and fundamentally unjust, and accusing him of hiding behind his status like a coward, of having a chronic inability to master any social skills, of being pedantic, aggressive and petty, and of having a propensity to use his court to launch ugly, vulgar and mean personal attacks.

The Assistant Syndic of the Barreau du Québec filed a complaint against D based on that letter alleging that D had violated art. 2.03 of the *Code of ethics of advocates*, which states that the conduct of advocates "must bear the stamp of objectivity, moderation and dignity". The Disciplinary Council of the Barreau du Québec found that the letter was likely to offend, rude and insulting, that the statements had little expressive value, and that the judge's conduct, which resulted in a reprimand from the Canadian Judicial Council, could not be relied on as justification for it. The Council rejected D's argument that art. 2.03 violated s. 2(b) of the *Canadian Charter of Rights and Freedoms*, finding that the limitation on freedom of expression was reasonable. Based on the seriousness of D's conduct, the Council reprimanded D and suspended his ability to practice law for 21 days. On appeal to the Tribunal des professions, D abandoned his constitutional challenge to the specific provision, arguing instead that the sanction itself violated his freedom of expression. The Tribunal found that D had exceeded the objectivity, moderation and dignity expected of him and that the decision to sanction D was a minimal restriction on his freedom of expression. On judicial review, the Superior Court of Quebec upheld the decision of the Tribunal.

Before the Quebec Court of Appeal, D no longer appealed the actual sanction of 21 days, challenging only the decision to reprimand him as a violation of the *Charter*. The Court of Appeal applied a full *Oakes* analysis under s. 1 of the *Charter* and upheld the reprimand. It found that D's letter had limited importance compared to the values underlying freedom of expression, that the Council's decision had a rational connection to the important objective of protecting the public and that the effects of the decision were proportionate to its objectives.

Held: The appeal from the result should be dismissed.

March 19, 2012

[R. v. Eastgaard](#)

Neutral citation: [2012 SCC 11](#) (CanLII)

File No.: 34337

2011: May 30; 2012: March 19.

Coram: McLachlin C.J. and LeBel, Deschamps, Fish, Abella, Cromwell and Moldaver JJ.

BETWEEN:

Hans Jason Eastgaard

Appellant

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- and -

Her Majesty the Queen

JUDGMENT

The appeal from the judgment of the Court of Appeal of Alberta (Calgary), Number 0901-0182-A, 2011 ABCA 152, dated May 30, 2011, was heard this day and the following judgment was rendered orally:

The Chief Justice — Despite the very complete and able argument of counsel for the appellant, we agree with the majority of the Court of Appeal that the verdict was not unreasonable. The appeal accordingly is dismissed.

C.J.C.

:: NOVA SCOTIA BILLS ::

Current to March 29, 2012.

The Fourth Session of the 61st General Assembly opened at 2 pm, Thursday, March 29.

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

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:: PROCLAMATIONS UPDATE ::

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

Justice Administration Amendment (2011) Act, SNS 2011, c 10, s 29.

NS Gaz Pt 2, [03/23/12](#)

NS Reg 58/2012

Environment Act, SNS 2011, c 61, s 56.

NS Gaz Pt 2, [03/23/12](#)

NS Reg 65/2012

Bowater Mersey Pulp and Paper Investment (2011) Act, SNS 2011, c 32, S 17(2).

NS Gaz Pt 2, [03/23/12](#)

NS Reg 67/2012

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

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

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

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:: LIANS TIPS ::

LIANS has moved

The Lawyers' Insurance Association of Nova Scotia has moved to its new location in Cogswell Tower.

Please note the new address:

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

This address is available at any time on the LIANS website's contact page: <http://www.lians.ca/contact>.

The telephone and fax lines remain the same: **tel. 902 423 1300 | fax 902 421 1822**

RISK AND PRACTICE MANAGEMENT TIP: The LIANS/NSBS Mentorship Program

It has been almost one year since the LIANS Risk and Practice Management Program combined forces with the Nova Scotia Barristers' Society's Equity Office to expand the mentorship program first offered by the Gender Equity Committee and we are off to a great start! We now have almost 80 participants in the program, and the feedback has been very positive:

- "Thank you for providing such a needed program";
- "I have been having a great experience";
- "I really enjoy mentoring";
- "My mentor is great to bounce ideas off of. She got me more involved in the community and facilitated introductions to others in our legal community";
- "Very appreciative of the time generously provided by my mentor".

Not only are the benefits of participating in a mentoring program numerous but, as of June 1, 2012, the Nova Scotia Barristers' Society will require all practising members to complete a mandatory 12 hours of professional development annually, with requirements for professional development in Risk and Practice Management and Professionalism. Educational discussions you participate in with your mentor/mentee in these areas may be used to acquire up to two hours of your CPD.

If you are interested in participating in the Mentorship Program, please visit the LIANS website at www.lians.ca/rpm/mentorship_program/ or contact Stacey Gerrard, LIANS Counsel, at sgerrard@lians.ca.

*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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:: 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:

Kathy Temple

Director of Leasing – Boris Holdings Inc.

300 Prince Albert Rd., Suite 120

Dartmouth NS B2Y 4J2

Cell: 902 817 1194

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www.borisholdings.com