

INFORUM

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

:: WHAT'S NEW ::

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NSBS Continuing Professional Development

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COLUMNS

- [Current Issues in Gender Equity: What just happened here?](#), by Jennifer A. MacLellan, Member, Gender Equity Committee (Seventh in a GEC series highlighting issues raised in the postcard campaign, "It will be our little secret ...")

Library & Information Services

- [Keeping current with decisions released from the Courts of Nova Scotia](#)
- [L&IS to provide basic reference services to lawyers as of April 30, 2012](#)
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- [New decisions](#)
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From LIANS

- [Mandatory Professional Development](#) – a new Risk and Practice Management Tip from the Risk and Practice Management Program, LIANS
- ["Terry Williams" property / cheque scam; Interac e-Transfer scam](#) – a new Fraud Alert from the RPM Program, LIANS
- [Quick tips to manage stress](#) – a new Wellness Tip from NSLAP

From the Courts

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From the Province

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 - [Funding agreement renewed for helping victims of crime](#) (April 26)
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 - [Amendments to the Purchasing Management Association of Canada Act proposed](#) (April 17)
- JUSTICE/HEALTH/WELLNESS/JUSTICE:
 - [Province, Capital Health to conduct joint review](#) (April 18)
 - [Mental Health, Addictions Advisory Strategy Committee releases report](#) (April 23)
- EDUCATION: [Province amends Education Act to help protect young people from bullying and cyberbullying](#) (April 18)
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- [Mortgage Regulation Act aims to enhance consumer protection](#) (April 16)
- [Amendments to Consumer Protection Act to address concerns about cellphone contracts](#) (April 27)
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Other news & notices

- [New Brunswick's new Limitation Periods effective May 1, 2012](#)
- [Online auction to raise funds for public legal education in Nova Scotia](#)
- [Announcing the Seventh Annual Halifax Rock for Dimes: Halloween Dance Party, October 25, 2012](#)

Awards & Appointments

- [Two volunteer awards for Richard A. Bureau](#)
- [Call for nominations: Ramon John Hnatyshyn Award for Law](#)

Events of Interest

- Upcoming events from CBA-NS:
 - [CBA Young Lawyers International Program \(YLIP\) 2010-2013 – deadline May 4](#)
 - [Labour & Employment Law Conference: Making it Work for Your Clients – May 4](#)
 - [CBA-NS Online CLE: Criminal Law - Trial Sexual Offense Cases – May 18](#)
 - [Environmental Law](#), June 15, 2012
- ACHIEVE Public 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](#)
- [Halifax LEAF AGM \(Women's Legal Education Action Fund\) – May 11](#)
- Upcoming Events from Canadian Centre For Ethics In Public Affairs (CCEPA)
 - [The Elements, Part 3: Oil — The Master Resource: Oil and the New Servitude – May 16](#)
 - [Touching the Wounds: A Theological Reflection on Remorse, Reconciliation and the Catholic Church in the Pedophilia Crisis – May 22](#)
- [Five-day workshop: Creating Cultural and Organizational Change – May 14-18](#)
- [A Concert and Conversation with Peter Buffett – May 31](#)
- [Intensive Trial Advocacy Programme – June 3-9, 2012](#)
- [UnCommon Law 4 – How do we improve access to justice for women in Nova Scotia? – June 8](#)
- [Cultural Teachings: An Aboriginal Cultural Training Session – June 18](#)
- [Five Day Workshop: Creating Cultural and Organizational Change – June 18-22](#)
- [National Criminal Law Program registration open presented by the FLSC – July 9-July 13](#)
- [Federation of Law Societies National Family Law Program, July 16-19](#)

Career Opportunities

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

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:: NOTICES ::

SOCIETY NEWS

Tilly Pillay QC elected Second Vice-President for 2012-2013

Halifax lawyer Tilly Pillay QC will be Second Vice-President of Council for 2012-2013, as the successful candidate in the election for the position.

Voting took place throughout April and closed on April 30 at 4:30 pm. The results of the election were as follows:

- Total eligible voters – 2819
- Total votes cast – 1,405 (49.8%)

- Gavin Giles QC – 635
- Tilly Pillay QC – 770

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, and also on a number of Society committees through the years.

She has been involved in a number of community organizations, where she was a past member of the Board of Directors of Bryony House, a volunteer with the Metropolitan Immigrant Settlement Association, and a member of the Board of Directors for LISNS.

Ms. Pillay will assume the post and its responsibilities after the Annual Meeting, to be held on June 16 at Schulich School of Law in Halifax. Tim Daley QC of New Glasgow will serve as President, with René Gallant of Halifax as First Vice-President.

Organizational Review leads to lower annual fees for 2012-2013

Due in large part to its ongoing Organizational Review, the Society has reduced its net annual practising membership fee by \$414, an 18.3 per cent decrease from last year's fee.

New fees for 2012-2013: due by June 30, 2012

- **Practising lawyers:** \$1,945.00 – fee credit of \$95.00 = **\$1,850** (18.3% lower than in 2011-12)
- **Non-practising members: \$250** (unchanged from 2011-12)
- Full details available on the [Fees](#) page of the Society's website, and in the Society's current [Regulations](#).

"Overall, the organizational review process is resulting in a more efficient and cost-effective Society," says Darrel Pink, Executive Director.

The work of law societies and legal regulators is being scrutinized more closely than ever around the world, so it's incumbent upon the Society to ensure it is fulfilling its proper role, he explains. The review process, which began in October 2010 and continues throughout the spring, analyzes the Society's existing programs and activities in relation to its legislated core mandate under the *Legal Profession Act*.

By focusing on its core regulatory responsibilities, the Society has eliminated a number of discretionary activities and the costs associated with them. This year's budget and lower fees reflect the financial impact of recent substantial changes to Library & Information Services (see *InForum*, January 23 edition), as well as Council's decision that the Society should cease to be a frontline provider of conferences, seminars and social events for the legal profession.

"Council realizes that the work of the regulator, while focusing on the public interest, must always be done in ways that are

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mindful of costs, with an assurance that lawyers' fees are used as effectively as possible. That commitment is a key aspect to ensure that all lawyers can respect their self regulator and appreciate the importance of self-governance to the profession," says Mr. Pink.

The new fee for practising lawyers is \$1,945.00 – a reduction of \$319.00 (14.1%) from the \$2,264.00 fee in 2011-12. Practising lawyers will also receive a fee credit of \$95.00, representing a return of unrestricted surplus funds, which further lowers the net membership fee to \$1,850 – a total reduction of \$414.00 (18.3%). The fee for non-practising members is \$250.00, unchanged from last year. Fees are due by June 30.

The new fees are in effect for the 2012-2013 fiscal year, which starts Tuesday, May 1, 2012 and runs through April 30, 2013. They were a result of the budget approved by Council at its meeting on April 20.

Introducing new online options for payment

For the first time, lawyers and non-practising members will now have the option of paying their fees electronically, via online banking.

They can pay in full by cash, cheque, debit, direct deposit, wire transfer, or online banking (new), by the June 30 deadline.

Practising lawyers can also pay their fees on a quarterly basis via preauthorized payment options, on June 20, September 20, December 20 and March 20. For this option, dates have been advanced by 10 days in order to allow some flexibility between the draw and the end of the period for which the member has already paid. This should be sufficient time to address any issues with banking or bank errors, and to prevent the need to suspend the lawyer immediately upon notification.

Invoices for the 2012-2013 fees will be sent out beginning the week of May 7.

For more information on the new budget, visit the [Council materials](#) page of the Society's website. Fee calculations were based on the practising lawyer count of 1,878 on January 1, 2012, an increase of 21 lawyers since last year at the same time.

For further details on the organizational review, see the April 2012 edition of the [Society Record](#) for Mr. Pink's update on page 19, as well as the Society News section on pages 10 and 11.

Council Highlights from Friday, April 20, 2012

For details about matters discussed at Council's meeting on Friday, March 23, please visit the Council Highlights and Documents, posted on the [Council materials](#) page of the Society's website: <http://nsbs.org/council-materials>

The next regular meeting of Council is scheduled for Friday, May 18, 2012.

Invitation to UnCommon Law 4: June 8 in Sydney

How do we improve access to justice for women in Nova Scotia?

That's the focus of UnCommon Law 4, to be presented by the Society this year in Cape Breton for the first time. All NSBS members are welcome to attend this June 8 event, a great opportunity for community groups and members of the legal profession to speak, listen and learn from each other.

June 8, 2012 | 9 am – 4 pm
Cambridge Suites Hotel, 380 Esplanade, Sydney, NS
FREE (lunch included)

See the [INVITATION](#)
Please RSVP by May 30, 2012 to Emma Halpern at ehalpern@nsbs.org

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The Society Record – April 2012 edition now online **A time for change**

The April 2012 edition of the *Society Record* was mailed out to lawyers last week. It is now also available for viewing online, on the *Society Record* page in the **Publications** section of the website: <http://nsbs.org/society-record>

The current issue explores a number of significant changes happening at the Nova Scotia Barristers' Society this year, with the following highlights:

- a special feature section on the new Continuing Professional Development requirement for lawyers in Nova Scotia, including FAQs;
- an update on the Society's Organizational Review;
- a new President's View column by Daniel M. Campbell QC, examining access to justice in relation to accessibility of legal services;
- parting thoughts from Barbara Campbell upon her retirement as Director, Library & Information Services;
- the GEC's "Accolades" profile of Theresa Emberly, Legal Support Advocate, Avalon Sexual Assault Centre;
- a Volunteer Profile article about the Weldon Literary Moot Society;
- excerpts from "Paths to the Law in Late-Victorian Africadia: The Odyssey of James Robinson Johnston," by Barry Cahill; and
- articles about
 - the recent Mortgage Fraud Symposium co-presented by the Society, LIANS and SNSMR;
 - the 21st Annual F.B. Wickwire Lecture, "Access to Justice: Reality, Rhetoric and Recommitment"; and
 - the Leadership Symposium on Employment Equity in the Legal Profession.

Nova Scotia Law News – final edition now online

Library & Information Services is pleased to provide an electronic, printable version of *Nova Scotia Law News*, Volume 37 No. 2 April 2012.

This is the final edition of this publication of case digests, produced by the Society for the past 38 years. This issue also includes an article about the history of the publication, as well as a special thank you to volunteer lawyers who assisted in reviewing the digests. The final print version was mailed out last week as a pullout insert in the new edition of the *Society Record*. Digests in the online version include hyperlinks to the full text of Court of Appeal decisions.

To download the current issue, please visit <http://nsbs.org/nova-scotia-law-news>

Changes in Category – April 16 to 30, 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:

J. Gregory Clooney
Christy Anne Mackay

The following member has resigned:

Kathryn Mary Helena Edmunds

The following member has changed to Suspended status:

Michael J. Iosipescu

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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.

- Margaret Anne M. Shears QC, Halifax – April 27, 2012 [Obituary](#)
(*Memorial service: Tuesday, May 1, 2012, 2:30 pm, St. David's Presbyterian Church, 1544 Grafton St., Halifax*)
- Peter Alexander Robertson, Warkworth, Ontario – April 20, 2012 [Obituary](#)

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

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](#). 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](#).

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.

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[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

New: Hints & Tips from the Prothonotary – April 30, 2012

This edition includes court dockets for May and June, and a bio for Annette E. Anselm, the new Associate Prothonotary for the Halifax Law Courts.

See the April 30 [Hints & Tips](#) from the Prothonotary.

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

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

Notices to the Bar

Important updates for the legal profession are routinely posted on the Courts Nova Scotia website, on the "Notices to the Bar" page under the RESOURCES links on the left side of the website. Subscribe to the new Twitter service to be automatically notified whenever something new is added to this web page. For instructions, visit <http://www.courts.ns.ca/General/bar.htm>.

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

- **Decisions of the Courts:** Receive Tweets when the Courts post new decisions on the website. The Tweet will link you directly to the decision itself. Choose to receive Tweets about decisions released by one or all of the Courts. http://www.courts.ns.ca/decisions_recent/decisions_weekly_list.htm
- **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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JUSTICE: Province consolidating Maintenance Enforcement Program offices

The Province is making improvements to the program that collects court-ordered child and spousal support payments. Maintenance Enforcement Program offices will be consolidated in New Waterford in Cape Breton, a change that aims to improve service delivery, make the program more efficient, and move nearly 25 civil service jobs to Cape Breton. Eleven of the program's employees already work in the Sydney area.

Just over 16,000 women and families receive payments every month. Service is currently delivered online, via telephone and in five locations around the province. Consolidating program offices in one location will mean more consistent oversight, better opportunity for staff training, and new ways of providing client service while keeping good jobs in smaller communities, according to the Department of Justice.

The majority of clients access the Maintenance Enforcement Program online and through a telephone information line. Each month, the website gets 10,000 hits and the secure online payment system is accessed 7,000 times. About 25,000 calls are made to the information line. Only about two per cent of clients visit the five offices every month.

Consolidating the Maintenance Enforcement Program in one location is in keeping with the model used in seven other provinces and territories who use a more centralized model to deliver this type of service. The Province has already closed three Maintenance Enforcement Program regional offices over the last decade and some program functions have been centralized in Sydney and Halifax.

Program employees on the mainland will have the option of moving to Cape Breton or considering other opportunities in government. Relocation is expected to happen over the next year. Updates will be available on the Department of Justice's website at www.gov.ns.ca/just/mep.

This is one of three moves announced today – other consolidations are slated for the Agriculture department's headquarters (Truro-Bible Hill) and Fisheries (Digby-Clementsport).

JUSTICE: Funding agreement renewed for helping victims of crime

The governments of Nova Scotia and Canada renewed a key funding agreement on April 26, to ensure more help for Nova Scotians who are victims of criminal acts. The agreement will provide more than \$2 million over five years, until 2015-16, for programs to assist victims of crime.

The agreement extends funding already in place for 10 ongoing programs, including one that provides travel support for crime victims so they can present victim impact statements in person and another to help victims collect restitution orders through civil court actions.

Also supported are an E-learning project that enables online training for victim services workers and a technology project that seeks efficiencies to free up human resources for more personalized services to clients.

The federal funding and the programs covered are in addition to a provincial commitment to victim services of about \$3 million a year. The provincial funding covers a wide range of direct services that include court preparation, special support for children, education and counselling.

The victim services unit of the provincial Department of Justice works with more than 6,000 new cases a year. Victim services officers are spread out to seven locations across the province, and each officer has about 200 cases. More information is available at www.gov.ns.ca/just.

JUSTICE: Amendments to modernize Nova Scotia's family laws

The province is planning to modernize and improve Nova Scotia's family laws to ensure the justice system meets the needs of today's families.

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The three pieces of legislation introduced on April 23 are:

- amendments to the *Maintenance and Custody Act*
- amendments to the *Interjurisdictional Support Orders Act*
- the *Grandparents' Rights Affirmation Act*

"We are reviewing and improving our family laws to ensure that outdated or inadequate legislation doesn't make the challenging and emotional time of a family breakup more difficult for Nova Scotia families," Justice Minister Ross Landry said in his announcement.

The proposed legislation includes:

- adding "best interests of the child" factors to be considered by the courts, including any family violence, when determining custody and access;
- changing some provisions related to support, including adopting proposals from a federal-provincial-territorial working group, which will improve the speed and effectiveness of inter-jurisdictional support orders; and
- adding an explicit reference in legislation about the ability of a grandparent to make an application for custody or access as recommended by the Law Reform Commission.

The province began a multi-year review of family laws last year. More information can be found at www.gov.ns.ca/just.

JUSTICE: Province to repeal outdated legislation

Government plans to repeal six pieces of outdated legislation with legislation introduced on April 20.

The *Matrimonial Statutes Repeal Act* will repeal:

- *Alimony Act*
- *Married Women's Deeds Act*
- *Married Women's Property Act*
- *Court for Divorce and Matrimonial Causes Act* (Numbers 1, 2, and 3)

"We have reviewed our family laws and these are clearly outdated and unnecessary," said Justice Minister Ross Landry. "Nova Scotia families want modern and efficient family laws to ensure that our justice system meets their needs."

The legislation to be repealed has been superseded by other legislation or common law has changed.

For example:

- The *Married Women's Property Act* and *Married Women's Deeds Act* allow a married woman to solely own property or enter into contracts just like an unmarried woman could. Common law has evolved to make this unnecessary.
- The *Alimony Act* was superseded by the federal *Divorce Act* in 1968.
- *Court for Divorce and Matrimonial Causes Act* establishes divorce courts and dates back to 1864. It was superseded in 1972.

Repealing such legislation is part of a multi-year effort by the Department of Justice to improve and modernize the province's family laws. A public consultation was held in fall 2011 to seek input on the potential appeal of these laws. For more information, see www.gov.ns.ca/just.

HEALTH/WELLNESS/JUSTICE: Province, Capital Health to conduct joint review

The province and Capital District Health Authority will conduct a joint review of circumstances surrounding the release of a patient at East Coast Forensic Hospital on April 16. The patient was subsequently charged in a homicide.

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The joint review will be led by the Deputy Ministers of Health and Wellness and Justice and the CEO of CDHA. It will determine whether all relevant policies and procedures were followed and whether they were adequate. A progress update will be provided in 30 days. For more details, see the April 18 [news release](#).

Want to make a difference? Applications welcome for Agencies, Boards, Commissions

Nova Scotians interested in serving the public are encouraged to apply for the many positions available through the province's 165 agencies, boards and commissions.

Adjudicative agencies, boards and commissions serve a variety of roles and interests and have quasi-judicial functions. They review evidence, make findings of fact and law, and make decisions affecting the liberty, security or legal rights of people. Members must apply legal, sound professional and technical principals for decisions. Examples include: Farm Practice Board; Review Board Under the *Criminal Code*; Tuition Appeal Board.

Non-adjudicative agencies, boards and commissions make financial, regulatory, business or policy decisions or recommendations to government, which have far-reaching implications for Nova Scotians in many areas, from children and youth services to loan and licensing boards. Examples include: Gaelic College Foundation Board of Governors; Provincial Dental Board of Nova Scotia; Workers Compensation Board.

Applications for non-adjudicative agencies, boards and commissions are welcome anytime, with assessment of applications to begin May 18. The application deadline for adjudicative agencies, boards and commissions is May 25. Applicants are assessed on skills and qualifications and the needs of the individual agency, board or commission.

The Province of Nova Scotia is an equal opportunity employer. Through the Employment Equity Policy, the Government of Nova Scotia seeks to better represent the diverse public it serves. Government is committed to ensuring diversity in the workplace by supporting initiatives that promote the equitable participation of Aboriginal persons, African Nova Scotians and other racially visible persons, persons with disabilities, and women in positions where they are under-represented. All applicants who are members of an employment equity group are encouraged to self-identify.

For more information on board position profiles, current opportunities and how to apply, visit www.gov.ns.ca/exec_council/abc or contact the Executive Council Office at 902 424 4877 or toll free at 1-866-206-6844.

Error & Omission notices

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

OTHER NEWS & NOTICES

New Brunswick's new Limitation Periods effective May 1, 2012

Effective May 1, 2012, New Brunswick's new limitation of actions legislation will take full effect, with a significant impact on any parties engaged in litigation in New Brunswick.

Parties with existing or potential claims should review the changes under the new legislation and deal with any affected claims – both those you may have against another party, and those you may be defending - before May 1, 2012. The key changes include:

- the general limitation period will decrease from six years to two years from the claim's discovery;
- a new ultimate general limitation period is created which bars claims after fifteen (15) years from the day of the act or omission that caused the claim, regardless of discovery;
- there is a new limitation period for claims for contribution from a third party; and

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- an admission or a partial payment (including an advance payment) amounts to a waiver of a limitation period defence unless it is expressly made "without prejudice" and/or the right to rely on a limitation period defence is expressly reserved.

Find out more in the new April 2012 [Labour ALERT](#) from McInnes Cooper. Please note, McInnes Cooper's newsletters are prepared for information only and are not intended to be either a complete description of any issue or a representation of the firm's opinion. mcinnescooper.com

Online auction to raise funds for public legal education in Nova Scotia

The Legal Information Society of Nova Scotia is hosting an online auction fundraiser. Items up for bidding range from local concert tickets and dinner certificates to trips to the Grammy Awards and practice rounds for next year's US Open golf tournament.

View the auction items here: <http://legalinfo.org/events/4-lunch-for-lisns-2012.html>

In order to bid, you will need to create an account here: www.legalinfo.org/create-an-account.html/.

The auction runs until May 14, but some items close earlier. All proceeds are in support of the programs of the Legal Information Society of Nova Scotia (LISNS), which is celebrating its 30th year of bringing the law to Nova Scotians. To learn more about LISNS, visit www.legalinfo.org.

Announcing the Seventh Annual Halifax Rock for Dimes: Halloween Dance Party, October 25, 2012

On Thursday, October 25, 2012, local amateur musicians will once again strap on their rock instruments to battle for the title of Halifax's Best Band and raise funds for Nova Scotians with physical disabilities.

More than \$120,000 has been raised to date by March of Dimes Canada at this annual event in Halifax. The two previous events in Halifax – "Retro 80s" and "Canada Rocks vs Britain Rocks" – were among the biggest and best Rock for Dimes events across Canada in March of Dimes Canada history. We're hoping the seventh year will make it even bigger and better!

This year's costume-musical theme for the "two stages" event will be **HALLOWEEN DANCE PARTY**. Another excellent opportunity to dust off creative and spectacular costumes for this one! As always, the Battle will include not only lawyers but also other local professionals, such as medical professionals and software experts, which proves to be a very entertaining cross-disciplinary experience for the audience. Ask anyone who went to this event last year or the previous years!

The big change this year is a different venue. The Battle of the Bands will take place at the **CUNARD CENTRE**, on Marginal Road, with lots of parking for everyone.

Mark your calendars now. The date is **Thursday, October 25, 2012**. Doors open at 7:00 pm. For tables (of 10), tickets and more detailed event and sponsorship information, visit www.rockfordimes.ca or call 1-800-263-3463.

Halifax Rock for Dimes benefits March of Dimes Canada's Conductive Education (CE) Nova Scotia Program, which helps children and adults in our province. CE is an innovative program that blends elements of education and rehabilitation to improve the independence, mobility and confidence of children with disabilities, and has proven especially beneficial to children with cerebral palsy, multiple sclerosis and developmental apraxia. March of Dimes Canada is a nationally registered charitable organization providing support services to people with disabilities, their families and caregivers across Canada. In 2010, November 2 became March of Dimes Conductive Education Awareness Day at Province House in Halifax and prominent Nova Scotia MLAs delivered resolutions in the House of Assembly recognizing the "immense benefit" of March of Dimes and Conductive Education in Nova Scotia.

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Policy Options: Constitutional Affairs Essay Competition

With the support of Norton Rose and the Canadian Constitutional Affairs Conference (CCAC), *Policy Options* magazine, published by the Institute for Research on Public Policy (IRPP), is asking for submissions to the annual [Constitutional Affairs Essay Competition](#).

The competition's organizers aim to promote debate on constitutional affairs in Canada by publishing the best student essays on the topic and compensating their authors. The competition was created in recognition of the CCAC's national conference for law students and constitutional experts, which took place in Quebec City in 2008. This conference focused on Canadian federalism and identity and sought to increase the opportunity for, and quality of, debate among students from across Canada.

The winning entry will be published in the IRPP's *Policy Options* magazine, and its author awarded a \$1,500 prize. The second place entry will be posted online on the IRPP's website (www.irpp.org), and its author awarded a \$500 prize. For more details and to see winning essays from the past, see: http://www.irpp.org/po/essay_comp.php

Deadline for receipt of submissions: **May 31, 2012**

For more information and to submit entries: constitution@irpp.org

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.

AWARDS & APPOINTMENTS

Two volunteer awards for Richard A. Bureau

Halifax lawyer [Richard A. Bureau](#) recently received two prestigious awards for his volunteer efforts in the community.

On April 2, he received a provincial Volunteer of the Year award for Halifax Regional Municipality, at the [38th Provincial Volunteer Awards Ceremony and Luncheon](#). Coordinated by Recreation Nova Scotia, the awards are hosted by Nova Scotia Labour and Advanced Education.

On April 18, he received the Halifax Regional Municipality Volunteer of the Year award. Each year, HRM, the Mayor and Regional Council recognize the extraordinary contributions of individuals and groups who volunteer their time and skills to provide services and programs in HRM communities.

Both awards recognize Richard for his life-long passion for the game of soccer and a number of other volunteer commitments. For more than 30 years, he has trained soccer coaches, competitive soccer teams and recreational soccer

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players, and currently devotes a significant amount of time on a weekly basis to the Halifax City Soccer Club, where he coaches the Under 12 Select Team and supports other Club programs.

In addition to soccer, Richard has also been involved with Dartmouth Adult Services Centre (DASC) Industries, University of King's College, the Continuing Legal Education Society of Nova Scotia, providing wills and estate planning advice on a volunteer basis to terminally ill patients, the BMW Club of Atlantic Canada, Halifax Alta Gymnastics Club, the Abilities Foundation of Nova Scotia and Injury Free Nova Scotia.

Admitted to the Nova Scotia Bar in 1985, Richard is a founding partner at Morris Bureau and practises primarily in the areas of litigation, property law and estate planning.

Call for nominations: Ramon John Hnatyshyn Award for Law

The Canadian Bar Association is seeking nominations for the 2012 Ramon John Hnatyshyn Award for Law. The deadline for applications is **May 31, 2012**.

Established by the Governor General in 1993 and entrusted to the Canadian Bar Association, the medal recognizes outstanding contribution to the law or legal scholarship in Canada.

Nomination forms, other details and a list of past recipients are available [here](#).

The medal will be presented at the Canadian Legal Conference in August.

The selection committee is seeking nominations from law schools, law societies and Chief Justices. It would be most appreciated if you could recommend a nominee and ensure this award is brought to the attention of your colleagues. Details, including the formal nomination form, are also available at www.cba.org/CBA/Awards/hnatyshyn.

Le Prix pour le Droit Ramon John Hnatyshyn

Soyez rappelé que le Comité des prix et récompenses est à la recherche de candidats et de candidates pour le Prix d'excellence pour le droit Ramon John Hnatyshyn 2012. La date limite pour soumettre les candidatures est le **31 mai 2012**.

Établie par le gouverneur général en 1993 et confiée à l'Association du Barreau canadien, cette médaille récompense la contribution exceptionnelle apportée par une ou un juriste au droit ou au savoir juridique au Canada.

La médaille sera remise dans le cadre de la Conférence juridique annuelle de l'ABC en août.

Le Comité de sélection est à la recherche de candidatures en provenance des facultés de droit, des barreaux et des juges en chef. Nous vous serions reconnaissant(e)s de nous recommander un candidat ou une candidate et de faire connaître ce prix parmi vos collègues. De plus amples détails, y compris le formulaire officiel de proposition de candidature, sont aussi disponibles sur notre site Web www.cba.org/ABC/Prix/prix_hnatyshyn.

Je vous remercie de l'attention que vous accorderez à cette requête et vous prie d'agréer, Madame, Monsieur, l'expression de mes sentiments les meilleurs.

Stephen Hanson
Directeur principal des Communications
stephenh@cba.org

VOLUNTEER & PRO BONO OPPORTUNITIES

Artists' Legal Information Services (ALIS)

Artists' Legal Information Society (ALIS) is a non-profit legal support volunteer organization based in Halifax. Our mission is to make a stronger, more vibrant arts community in Nova Scotia by helping to resolve legal issues for artists living here. This will be accomplished by providing free clinics, workshops and library resources to artists in Atlantic Canada. We work

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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 CBA-NS

- **Labour & Employment Law Conference: Making it Work for Your Clients**
May 4, 2012 at Casino Nova Scotia
http://www.cba.org/dev/NS/News_And_Events/Conference.aspx
- **Environmental Law**
June 15, 2012 – Save the date!
http://www.cba.org/NS/News_And_Events/Environmental_Law.aspx

Upcoming CBA-NS Online CLE:

- **Criminal Law – Trial Sexual Offence Cases**
Friday, May 18, 2012 from 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

CBA Young Lawyers International Program (YLIP) 2010-2013 Overseas placements in Africa, Latin America and the Caribbean

The CBA receives funding from the Canadian International Development Agency (CIDA) to send eighteen (18) young Canadian lawyers for each of the three years to work with legal human rights and legal development organizations overseas, including human rights advocacy organizations, legal aid organizations, and legal profession institutions in developing countries. The internships are for eight months each, from August 1 to March 31 of the following year. The first month is spent in Canada preparing, and there is a two-week holiday half-way through the placement.

More information: <http://www.cba.org/CBA/IDP/YIIP/>
Closing dates for applications: May 4, 2012 (2012-2013 program).

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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.

Halifax LEAF AGM (Women's Legal Education Action Fund)

Friday, May 11, 4:30-6pm | NSBS new offices, Cogswell Tower, 800-2000 Barrington Street, Halifax

Speaker: Constance Backhouse, Feminist Legal Scholar

Nominations for Chair, Treasurer and Membership Coordinator are accepted at any time up to the AGM. Please contact halifax@leaf.ca

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

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

Keynote: 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

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.

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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>

UnCommon Law 4 – How do we improve access to justice for women in Nova Scotia?

An opportunity for community groups & members of the legal profession to speak, listen and learn from each other.

YOU'RE INVITED!

Organized by the Gender Equity Committee of the Nova Scotia Barristers' Society

June 8, 2012 from 9 am – 4 pm
Cambridge Suites Hotel, 380 Esplanade, Sydney, NS
Free (lunch included)

RSVP by May 30, 2012 to Emma Halpern at ehalpern@nsbs.org

Cultural Teachings: An Aboriginal Cultural Training Session **June 18, 2012 | Lord Nelson Hotel, Halifax, NS** **Hosted by Mi'kma-way Cultural Consultation**

Guest Facilitator Workshops:

- The Hidden History of the Americas – Mi'kmaw Elder, (Dr.) Daniel N. Paul, C.M., O.N.S
- The First Canadian World View – Janet Pothier & Michael Stephens, Confederacy of Mainland Mi'kmaq
- Landmarks, Laws and their legacy on Aboriginal People – Naiomi Metallic, Associate Lawyer Burchells Law Firm

Cultural Performance workshop: Eastern Eagle Singers and Dancers
Special Secret Guest Lunchtime Cultural Performance

For further information please visit <http://mikma-way.com/upcoming-events/> or contact Nathan W. Sack at 902 292 0111

Five Day Workshop: Creating Cultural and Organizational Change **June 18 - June 22, 2012, Halifax**

The Nova Scotia Human Rights Commission's Race Relations, Equity and Inclusion Division has an upcoming workshop. If you are interested in attending this workshop, please contact Melissa Brayley at 902-424-4683 or brayleym@gov.ns.ca by May 31, 2012. This workshop is by registration only.

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[CTRI Winter/Spring Public Workshops.](#)

De-Escalating Potentially Violent Situations™

Halifax: June 26 (early rate deadline June 5)

This workshop is designed to teach people to de-escalate potentially violent situations through assertiveness and interpersonal communication. The training will explore how anger and violence interplay, including opportunities for self-assessment of personal styles. Participants will develop a clear understanding of how to assess the potential for violence and respond with a diverse set of interpersonal tools and strategies designed to defuse potentially violent situations.

WORKSHOP FEE: Early rate: \$160 + HST; Regular rate: \$190 + HST

On-Site Training - Call or email to receive a fee structure.

Webinars - Our webinars are live on-line training sessions that offer abbreviated versions of our in-person public workshops.

For contact information: www.ctrinstitute.com/contactus.html

Web: www.ctrinstitute.com | Email: info@ctrinstitute.com

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

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

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Upcoming Events from the Atlantic Provinces Trial Lawyers Association

APTLA ONLINE LEGAL EDUCATION

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

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

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

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:: LIBRARY & INFORMATION SERVICES ::

Keeping current with decisions released from the Courts of Nova Scotia

With this issue of *InForum*, the new decisions list will include a main subject heading only.

[Law News Online](#), L&IS' database of Nova Scotia case law, remains available online, but as of April 2012, it is no longer being updated.

Via Twitter, the Courts of Nova Scotia provide same-day notification and access to decisions newly released from the Court of Appeal, Supreme Court, Provincial Court, and Small Claims Court. Find these four Twitter feeds on the [Court decisions](#) webpage of the Courts of Nova Scotia website.

Via RSS feed, CanLII provides notification and access to decisions as they are added to the service from all Nova Scotia courts, boards, and tribunals available on CanLII. Follow the links to view the list of Nova Scotia courts, boards, and tribunals (in [English](#) or [French](#)). Click on the RSS icon (the orange square) on the webpage of any one court, board, or tribunal to subscribe to that RSS feed.

L&IS to provide basic reference services to lawyers as of April 30, 2012

Since the fall of 2010, the Society has been undergoing an organizational review to ensure that all of its activities are aligned with and supportive of its statutory purpose and core principles. Those principles are summarized as regulating to ensure competent, ethical lawyers, and upholding the public interest in the administration of justice.

Over the last winter, the Society reviewed the service and resource offerings of Library & Information Services (L&IS). As announced in the [January 23, 2012 issue of InForum](#), as a result of this review, Council has decided to reduce the scope of Library & Information Services' work and service offerings as of April 30, 2012.

As of April 30, 2012, Library & Information Services staff will consist of one librarian and two library technicians. L&IS staff will provide basic reference services to lawyers, but will not be providing in-depth research services.

L&IS will continue to keep a list of research lawyers in order to provide options to callers now that L&IS will not fulfil in-depth research requests ourselves. We invite lawyers providing research services to contact us if they wish to be added to this list.

For more information about L&IS and its resources, please call **1 866 219 1202** or **425 BOOK (2665)**, or send an email to nsbslib@nsbs.org.

Purchase sheets of law stamps from NSBS office in Cogswell Tower

As of May 1, 2012, law firms and organizations wishing to purchase a quantity of law stamps must do so through the Society offices at 800-2000 Barrington St., Halifax, NS, B3J 3K1.

Individual law stamps will continue to be available for purchase at County Prothonotaries and the Halifax Law Courts Administration office for those filing documents.

Please note that cheques for law stamps must be made out to the Nova Scotia Barristers' Society.

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:: NEW DECISIONS ::

BANKRUPTCY – *Scanwood Canada Ltd. (Re)*, Hfx. No. 342377, Hood, J., October 28, 2011; June 29, 2011 (orally). [2011 NSSC 393 \(CanLII\)](#)

CIVIL RIGHTS – *Conrad Estate v. Goodick Estate*, C.A. No. 347092, MacDonald, M. C.J., April 25, 2012. [2012 NSCA 42 \(CanLII\)](#)

CONTRACTS – *Self v. Brignoli Estate*, Hfx. No. 311076, Coady, J., April 13, 2012. [2012 NSSC 146 \(CanLII\)](#)

CONTRACTS – *Toulany v. Al-Tawil*, Hfx. No. 315655, Haliburton, J., April 13, 2012. [2012 NSSC 148 \(CanLII\)](#)

CRIMINAL LAW – *R. c. Boisclair*, C.R.T. No. 352409, Cacchione, J., March 15, 2012; April 16, 2012 (orally). [2012 NSSC 151 \(CanLII\)](#)

CRIMINAL LAW – *R. v. Gareau*, C.A.C. No. 237588, MacDonald, M. C.J., April 25, 2012. [2012 NSCA 41 \(CanLII\)](#)

CRIMINAL LAW – *R. v. McCormick*, C.R.Am. No. 348864, Moir, J., April 12, 2012. [2012 NSSC 150 \(CanLII\)](#)

FAMILY LAW – *Hurst v. Gill*, No. 1207-003211(059939), Bourgeois, J., January 19, 2012. [2012 NSSC 28 \(CanLII\)](#)

FAMILY LAW – *Bruno v. Keinick*, No. 1206-4799, Forgeron, J., March 29, 2012; April 16, 2012 (orally). [2012 NSSC 140 \(CanLII\)](#)

FAMILY LAW – *Anderson v. Anderson*, S.F.H. No. 1201-064681, Williams, J., February 14, 2012; October 31, 2011 (orally). [2011 NSSC 504 \(CanLII\)](#)

FAMILY LAW – *Inglis v. Inglis*, SFHDVRO No. 075823, Jollimore, J., April 18, 2012. [2012 NSSC 124 \(CanLII\)](#)

FAMILY LAW – *Gagnon v. Gagnon*, No. 1201-064264; SFHD No. 068425, MacDonald, B. J., April 10, 2012. [2012 NSSC 137 \(CanLII\)](#)

FAMILY LAW – *McKay v. McKay*, S.F.S.N.D. No. 001206-2436, Wilson, J., April 20, 2012; March 22, 2012 (orally). [2012 NSSC 158 \(CanLII\)](#)

FAMILY LAW – *Cochran v. McBean-Cochran*, No. 1201-55649, Legere-Sers, J., April 26, 2012. [2012 NSSC 165 \(CanLII\)](#)

INJUNCTIONS – *Stewart v. Bardsley*, Hfx. No. 328760, Hood, J., April 23, 2012. [2012 NSSC 130 \(CanLII\)](#)

LABOUR LAW – *New Scotland Soccer Academy v. Nova Scotia (Labour Standards Tribunal)*, C.A. No. 354453, Saunders, J.A., April 17, 2012. [2012 NSCA 40 \(CanLII\)](#)

LANDLORD AND TENANT – *Action Management Ltd. v. Archibald*, S.P.H. No. 291925, Murray, J., April 24, 2012. [2012 NSSC 163 \(CanLII\)](#)

MAINTENANCE – *McNeil v. Peach*, No. 56094, Haley, J., April 5, 2012. [2012 NSSC 135 \(CanLII\)](#)

MORTGAGES – *Lacey v. Arrowhead Resort Ltd.*, Ken. No. 203862, Duncan, J., April 16, 2012; March 7, 2012 (orally). [2012 NSSC 141 \(CanLII\)](#)

OCCUPATIONAL HEALTH AND SAFETY – *Sackville Trenching Ltd. v. Nova Scotia (Occupational Health and Safety*

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Appeal Panel), C.A. No. 345260, Farrar, J.A., April 16, 2012. [2012 NSCA 39 \(CanLII\)](#)

PRACTICE – *Ocean v. Economical Mutual Insurance Co.*, Hfx. No. 190673, Smith, A.C.J., April 25, 2012; April 24, 2012 (orally). [2012 NSSC 144 \(CanLII\)](#)

PRACTICE – *Heron v. Smith*, No. 324361, Murray, J., April 11, 2012. [2012 NSSC 51 \(CanLII\)](#)

PRACTICE – *Halifax (Regional Municipality Pension Committee) v. State Street Global Advisors Ltd.*, Hfx. No. 309063, Duncan, J., April 24, 2012; March 12, 2012 (orally). [2012 NSSC 160 \(CanLII\)](#)

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.

April 27, 2012

R. v. Jesse

Neutral Citation: [2012 SCC 21](#) (CanLII)

File No.: 33694.

2011: December 9; 2012: April 27.

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

On Appeal from the Court of Appeal for British Columbia

Criminal law — Evidence — Admissibility — Similar fact evidence — Prior conviction — Voir dire — Whether Crown was entitled to lead prior conviction on similar fact voir dire — Whether accused was entitled to challenge prior conviction on similar fact voir dire — Whether trial judge committed reversible error in finding, at trial, that accused had likely assaulted first victim.

The appellant was charged with sexually assaulting a severely intoxicated woman, J.M., by inserting a wine cork into her vagina. At trial, the Crown sought to introduce similar fact evidence showing that, in 1995, a jury had convicted the appellant of sexually assaulting another severely intoxicated woman, J.S., by inserting two large plastic shopping bags into her vagina. Although the appellant maintained at that trial that he was not J.S.'s assailant, he did not appeal the conviction or challenge the seven year sentence he received.

The appellant's trial for sexually assaulting J.M. was conducted by a judge alone. On a *voir dire* to determine the admissibility of the similar fact evidence regarding J.S., the trial judge permitted the Crown to prove the 1995 conviction for the limited purpose of linking the appellant to the earlier sexual assault. The trial judge did not permit the appellant to challenge the prior conviction on the *voir dire*, although she allowed him to do so on the trial proper. Placing considerable weight on the prior conviction involving J.S., the trial judge ultimately convicted the appellant of sexually assaulting J.M. His appeal from conviction was dismissed by the British Columbia Court of Appeal.

Held: The appeal should be dismissed.

April 26, 2012

Calgary (City) v. Canada

Neutral Citation: [2012 SCC 20](#) (CanLII)

File No.: 33804.

2011: November 15; 2012: April 26.

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

On Appeal from the Federal Court of Appeal

Taxation — Goods and services tax — Single supply or multiple supplies — City acquiring and constructing transit facilities — City claiming and receiving public service body rebates for portion of GST paid — City also claiming input tax credits in respect of GST paid on purchases made for transit facilities — Whether acquisition and construction of transit facilities constituting an exempt supply, a taxable supply or both — Whether “transit facilities services” a taxable supply to the Province separate from exempt supply of “public transit services” to public — City Transportation Act, R.S.A. 2000, c. C-14 — Excise Tax Act, R.S.C. 1985, c. E-15, ss. 123(1), 169(1), Sched. V, Part VI, ss. 1 and 24.

The City of Calgary acquired and constructed transit infrastructure, facilities, and equipment for the use of the Calgary public as part of the municipal transit system pursuant to the *City Transportation Act*, R.S.A. 2000, c. C-14 (“CTA”). Under the CTA, the Province of Alberta entered into funding agreements with the City. The City paid GST in respect of its purchases for the acquisition and construction of the transit facilities. The provision of a “municipal transit service” is an exempt supply under the terms of the *Excise Tax Act*, R.S.C. 1985, c. E-15 (“ETA”). Input tax credits (“ITCs”) cannot be claimed with respect to purchases made for the purpose of providing an exempt supply. Prior to 2003, the City claimed public service body rebates for 57.14% of the GST paid. In January 2003, the City filed a GST return in which it claimed ITCs for the difference between the GST paid for the transit facilities and the rebates that the City had previously received. The Minister of National Revenue rejected the City’s position denying the City’s claim for ITCs; the Tax Court of Canada agreed with the City, allowing the appeal and remitted the matter to the Minister for reassessment. The Federal Court of Appeal allowed the Minister’s appeal.

Held: The appeal should be dismissed.

April 18, 2012

Breedon v. Black

Neutral Citation: [2012 SCC 19](#) (CanLII)

File No.: 33900.

2011: March 22; 2012: April 18.

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

On Appeal from the Court of Appeal for Ontario

Private international law — Choice of forum — Court having jurisdiction — Forum non conveniens — Libel actions commenced in Ontario in respect of statements posted on U.S. company’s website and in its annual report and republished by three Canadian newspapers — Defendants bringing motion to stay the actions on the grounds that the Ontario court lacks jurisdiction or, alternatively, should decline to exercise its jurisdiction on the basis of forum non conveniens — Whether the Ontario court can assume jurisdiction over the actions — If so, whether the Ontario court should decline to exercise its jurisdiction on the ground that the court of another jurisdiction is clearly a more appropriate forum for the hearing of the actions.

B is a well-known business figure who established a reputation as a newspaper owner and publisher in Canada and internationally. While B served as the chairman of a publicly traded U.S. company, the legitimacy of certain payments that had been made to B were questioned. A special committee formed to conduct an investigation concluded that the company had made unauthorized payments to B. The committee’s report was posted on the company’s website, which was accessible worldwide, along with press releases containing contact information directed at Canadian media. Statements were also published in the company’s annual report summarizing the committee’s findings.

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B commenced six libel actions in the Ontario Superior Court against the ten appellants, who are directors, advisors and a vice-president of the company. B alleges that the press releases and reports issued by the appellants and posted on the company's website contained defamatory statements that were downloaded, read and republished in Ontario by three newspapers. He claims damages for injury to his reputation in Ontario.

The appellants brought a motion to have the actions stayed on the grounds that there was no real and substantial connection between the actions and Ontario, or, alternatively, that a New York or Illinois court was the more appropriate forum. The motion judge dismissed the motion, finding that a real and substantial connection to Ontario had been established and that Ontario was a convenient forum to hear the actions. The Court of Appeal unanimously dismissed the appeal. It found that a real and substantial connection was presumed to exist on the basis that a tort was committed in Ontario, and that the appellants had failed to rebut this presumption. It also found that there was no basis on which to interfere with the motion judge's exercise of discretion with regard to *forum non conveniens*.

Held: The appeal should be dismissed.

April 18, 2012

[Club Resorts Ltd. v. Van Breda](#)

Neutral Citation: [2012 SCC 17](#) (CanLII)

File No.: 33692, 33606.

2011: March 21; 2012: April 18.

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

On Appeal from the Court of Appeal for Ontario

Private international law — Choice of forum — Court having jurisdiction — Forum non conveniens — Respondents injured while vacationing in Cuba — Actions for damages brought in Ontario — Defendants bringing motion to stay actions on grounds that Ontario court lacks jurisdiction, or alternatively, should decline to exercise jurisdiction on the basis of forum non conveniens — Whether the Ontario court can assume jurisdiction over the actions — If so, whether the Ontario court should decline to exercise its jurisdiction on the ground that the court of another jurisdiction is clearly a more appropriate forum for the hearing of the actions.

In separate cases, two individuals were injured while on vacation outside of Canada. Morgan Van Breda suffered catastrophic injuries on a beach in Cuba. Claude Charron died while scuba diving, also in Cuba. Actions were brought in Ontario against a number of parties, including the appellant, Club Resorts Ltd., a company incorporated in the Cayman Islands that managed the two hotels where the accidents occurred. Club Resorts sought to block those proceedings, arguing that the Ontario courts lacked jurisdiction and, in the alternative, that a Cuban court would be a more appropriate forum on the basis of the doctrine of *forum non conveniens*. In both cases, the motion judges found that the Ontario courts had jurisdiction with respect to the actions against Club Resorts. In considering *forum non conveniens*, it was also held that the Ontario court was clearly a more appropriate forum. The two cases were heard together in the Court of Appeal. The appeals were both dismissed.

Held: The appeals should be dismissed.

April 18, 2012

[Éditions Écosociété Inc. v. Banro Corp.](#)

Neutral Citation: [2012 SCC 18](#) (CanLII)

File No.: 33819.

2011: March 25; 2012: April 18.

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

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On Appeal from the Court of Appeal for Ontario

Private international law — Choice of forum — Court having jurisdiction — Forum non conveniens — Libel action commenced in Ontario in respect of statements contained in a book published in French by a Quebec publisher — Defendants bringing motion to stay the action on the grounds that the Ontario court lacks jurisdiction or, alternatively, should decline to exercise its jurisdiction on the basis of forum non conveniens — Whether the Ontario court can assume jurisdiction over the action — If so, whether the Ontario court should decline to exercise its jurisdiction on the ground that the court of another jurisdiction is clearly a more appropriate forum for the hearing of the action.

B, an Ontario-based corporation engaged in the exploration and development of gold properties in the Democratic Republic of Congo, brought an action in Ontario against the publisher, author, researchers and editors of a book entitled *Noir Canada: Pillage, corruption et criminalité en Afrique*. B alleges that the book's content is libellous and that the book accuses it of committing human rights violations and fraud to further its financial interests in Africa. The publisher is a corporation based in Quebec, where the author, researchers and editors work and reside. Two French editions of the book have been printed, totalling nearly 5,000 copies, of which 93 were distributed in bookstores in Ontario. A number of copies are available in Ontario public libraries, and the book is available for purchase on the publisher's website.

The appellants brought a motion to stay the action, submitting that there was no real and substantial connection between the subject matter of the action and Ontario, and that the Ontario court was not the convenient forum for the action. The motion judge dismissed the motion, ruling that the Ontario court did have jurisdiction, owing to a real and substantial connection between the forum and the action. She also dismissed the motion on the grounds of *forum non conveniens*, as in her view the appellants had not met the onus of showing that a Quebec court was the more convenient forum. The Court of Appeal endorsed the motion judge's order and reasons.

Held: The appeal should be dismissed.

:: NOVA SCOTIA BILLS ::

Nova Scotia Bills

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

The House resumed sitting on Thursday, March 29, 2012.

The following bills were INTRODUCED since the last *InForum*:

Government Bills

Bill No. 22

Mortgage Regulation Act

An Act Respecting the Licensing and Qualifications of, and Practice Standards for, Mortgage Lenders, Mortgage Brokerages, Mortgage Brokers, Associate Mortgage Brokers and Mortgage Administrators

Introduced by: Hon. John MacDonell, Minister of Service Nova Scotia and Municipal Relations

First Reading: April 16, 2012

Bill No. 24

Purchasing Management Association of Canada Act (amended)

An Act to Amend Chapter 381 of the Acts of 1989, the Purchasing Management Association of Canada Act

Introduced by: Hon. Ross Landry, Minister of Justice

First Reading: April 17, 2012

Bill No. 30

Promotion of Respectful and Responsible Relationships Act

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An Act to Amend Chapter 1 of the Acts of 1995-96, the Education Act, to Address Bullying by Promoting Respectful and Responsible Relationships

Introduced by: Hon. Ramona Jennex, Minister of Education

First Reading: April 18, 2012

Bill No. 32

Securities Act (amended)

An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act

Introduced by: Hon. Graham Steele, Minister responsible for the Securities Act

First Reading: April 19, 2012

Bill No. 34

Matrimonial Statutes Repeal Act

An Act to Repeal Out-dated Matrimonial Statutes

Introduced by: Hon. Ross Landry, Minister of Justice

First Reading: April 20, 2012

Bill No. 37

Interjurisdictional Support Orders Act (amended)

An Act to Amend Chapter 9 of the Acts of 2002, the Interjurisdictional Support Orders Act

Introduced by: Hon. Ross Landry, Minister of Justice

First Reading: April 23, 2012

Bill No. 39

Maintenance and Custody Act (amended)

An Act to Amend Chapter 160 of the Revised Statutes, 1989, the Maintenance and Custody Act, Respecting Dependent Children and Their Best Interests

Introduced by: Hon. Ross Landry, Minister of Justice

First Reading: April 23, 2012

Bill No. 41

Grandparents' Rights Affirmation Act

An Act to Amend Chapter 160 of the Revised Statutes, 1989, the Maintenance and Custody Act, to Affirm Grandparents' Rights

Introduced by: Hon. Ross Landry, Minister of Justice

First Reading: April 23, 2012

Bill No. 52

Conservation Easements Act (amended)

An Act to Amend Chapter 28 of the Acts of 2001, the Conservation Easements Act

Introduced by: Hon. Charlie Parker, Minister of Natural Resources

First Reading: April 26, 2012

Bill No. 55

Community Easements Act

An Act Respecting Community Easements

Introduced by: Hon. Charlie Parker, Minister of Natural Resources

First Reading: April 26, 2012

Bill No. 59

Fish Harvesters Registration and Certification Board Act

An Act to Establish the Fish Harvesters Registration and Certification Board

Introduced by: Hon. Sterling Belliveau, Minister of Fisheries & Aquaculture

First Reading: April 26, 2012

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Bill No. 61

Fisheries and Coastal Resources Act (amended)

An Act to Amend Chapter 25 of the Acts of 1996, the Fisheries and Coastal Resources Act

Introduced by: Hon. Sterling Belliveau, Minister of Fisheries & Aquaculture

First Reading: April 26, 2012

Bill No. 65

Consumer Protection Act (amended)

An Act to Amend Chapter 92 of the Revised Statutes, 1989, the Consumer Protection Act, to Ensure Fairness in Cellular Telephone Contracts

Introduced by: Hon. John MacDonell, Minister of Service Nova Scotia and Municipal Relations

First Reading: April 27, 2012

Private Member Bills

Bill No. 21

Sound Recording Tax Credit Act

An Act to Amend Chapter 217 of the Revised Statutes, 1989, the Income Tax Act, to Provide a Nova Scotia Sound Recording Tax Credit

Introduced by: Hon. Harold (Junior) Theriault, Digby-Annapolis

First Reading: April 13, 2012

Bill No. 23

Day Care Act (amended)

An Act to Amend Chapter 120 of the Revised Statutes, 1989, the Day Care Act

Introduced by: Kelly Regan, Bedford-Birch Cove

First Reading: April 16, 2012

Bill No. 25

Victims' Rights and Services Act (amended)

An Act to Amend Chapter 14 of the Acts of 1989, the Victims' Rights and Services Act

Introduced by: Diana Whalen, Halifax Clayton Park

First Reading: April 17, 2012

Bill No. 26

Stand Up Against Bullying Day Act

An Act to Establish Stand Up Against Bullying Day

Introduced by: Hon. Jamie Baillie, Cumberland South

First Reading: April 17, 2012

Bill No. 27

Cyberbullying Intervention Act

An Act to Promote Cyberbullying Intervention and Parental Responsibility

Introduced by: Allan MacMaster, Inverness

First Reading: April 17, 2012

Bill No. 28

Safer Schools Act

An Act to Promote Safer, Inclusive and Peaceful Schools

Introduced by: Eddie Orrell, Cape Breton North

First Reading: April 17, 2012

Bill No. 29

Child Protection Intervention Act

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An Act to Protect Children from Those Who Might Harm Them
Introduced by: Hon. Jamie Baillie, Cumberland South
First Reading: April 17, 2012

Bill No. 31
Residential Tenancies Act (amended)
An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act
Introduced by: Kelly Regan, Bedford-Birch Cove
First Reading: April 18, 2012

Bill No. 33
Diabetic Persons Support Act
An Act to Support Diabetic Persons in Nova Scotia
Introduced by: Leo Glavine
Kings West
First Reading: April 19, 2012

Bill No. 35
Motor Vehicle Act (amended)
An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act
Introduced by: Andrew Younger, Dartmouth East
First Reading: April 20, 2012

Bill No. 36
Income Tax Act (amended)
An Act to Amend Chapter 217 of the Revised Statutes, 1989, the Income Tax Act, respecting Donations by Farmers to Food Banks
Introduced by: Leo Glavine, Kings West
First Reading: April 20, 2012

Bill No. 38
Finance Act (amended)
An Act to Amend Chapter 2 of the Acts of 2010, the Finance Act, Respecting District Health Authorities
Introduced by: Diana Whalen, Halifax Clayton Park
First Reading: April 23, 2012

Bill No. 40
Labour Standards Code (amended)
An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code
Introduced by: Andrew Younger, Dartmouth East
First Reading: April 23, 2012

Bill No. 42
Rural Nova Scotia Physicians Act
An Act to Ensure a Supply of Physicians in Rural Nova Scotia
Introduced by: Hon. Stephen McNeil, Annapolis
First Reading: April 24, 2012

Bill No. 43
Newly Trained Nova Scotia Doctors Act
An Act to Bring Newly Trained Doctors Home to Nova Scotia
Introduced by: Hon. Stephen McNeil, Annapolis
First Reading: April 24, 2012

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Bill No. 44

Health Act (amended)

An Act to Amend Chapter 195 of the Revised Statutes, 1989, the Health Act

Introduced by: Hon. Stephen McNeil, Annapolis

First Reading: April 24, 2012

Bill No. 45

Ratepayer Protection Act

An Act to Require the Accountability of Nova Scotia Power Incorporated to Ratepayers

Introduced by: Andrew Younger, Dartmouth East

First Reading: April 24, 2012

Bill No. 46

Electricity Act (amended)

An Act to Amend Chapter 25 of the Acts of 2004, the Electricity Act, Respecting Renewable Energy Providers

Introduced by: Andrew Younger, Dartmouth East

First Reading: April 24, 2012

Bill No. 47

Modernizing Government Act

An Act to Modernize the Government of Nova Scotia

Introduced by: Hon. Jamie Baillie, Cumberland South

First Reading: April 25, 2012

Bill No. 48

Balanced Budget Act

An Act to Require Balanced Budgets, Limit Government Spending and Reduce the Harmonized Sales Tax to Thirteen Per Cent

Introduced by: Hon. Jamie Baillie, Cumberland South

First Reading: April 25, 2012

Bill No. 49

Income Tax Act (amended)

An Act to Amend Chapter 217 of the Revised Statutes, 1989, the Income Tax Act

Introduced by: Harold (Junior) Theriault, Digby-Annapolis

First Reading: April 25, 2012

Bill No. 50

Next Generation Act

An Act to Amend Chapter 2 of the Acts of 2010, the Finance Act, Respecting Intergenerational Reporting

Introduced by: Hon. Jamie Baillie, Cumberland South

First Reading: April 25, 2012

Bill No. 51

Red Tape Reduction Act

An Act to Reduce the Regulatory Burden in Nova Scotia

Introduced by: Hon. Christopher A d'Entremont, Argyle

First Reading: April 25, 2012

Bill No. 53

Debt Settlement Protection Act

An Act Respecting Debt Settlement Agencies

Introduced by: Kelly Regan, Bedford-Birch Cove

First Reading: April 26, 2012

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Bill No. 54
Power Rate Reduction Review Act
An Act Respecting the Review and Reduction of Power Rates
Introduced by: Hon. Jamie Baillie, Cumberland South
First Reading: April 26, 2012

Bill No. 56
Elimination of Bonuses in Power Rates Act
An Act to Amend Chapter 380 of the Revised Statutes, 1989, the Public Utilities Act, Respecting Eliminating Bonuses in Power Rates
Introduced by: Chuck Porter, Hants West
First Reading: April 26, 2012

Bill No. 58
Transparency in Power Rates Act
An Act to Amend Chapter 380 of the Revised Statutes, 1989, the Public Utilities Act, Respecting Transparency in Power Rates
Introduced by: Chuck Porter, Hants West
First Reading: April 26, 2012

Bill No. 60
Ratepayer Fairness Act
An Act to Amend Chapter 380 of the Revised Statutes, 1989, the Public Utilities Act, Respecting Ratepayer Fairness
Introduced by: Chuck Porter, Hants West
First Reading: April 26, 2012

Bill No. 62
Pension Benefits Act (amended)
An Act to Amend Chapter 340 of the Revised Statutes, 1989, and Chapter 41 of the Acts of 2011, the Pension Benefits Act
Introduced by: Allan MacMaster, Inverness
First Reading: April 26, 2012

Bill No. 63
Transparency for Homeowners Act
An Act to Amend Chapter 23 of the Revised Statutes, 1989, the Assessment Act
Introduced by: Allan MacMaster, Inverness
First Reading: April 26, 2012

Bill No. 64
Income Tax Act (amended)
An Act to Amend Chapter 217 of the Revised Statutes, 1989, the Income Tax Act, Respecting Donations by Farmers to Food Banks
Introduced by: Allan MacMaster, Inverness
First Reading: April 26, 2012

Bill No. 66
Multiple Sclerosis Patient Support Act
An Act to Establish Clinical Trials Respecting Multiple Sclerosis Liberation Therapy and Observation of Multiple Sclerosis Patients in Receipt of Liberation Therapy
Introduced by: Leo Glavine, Kings West
First Reading: April 27, 2012

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Bill No. 67

Buy Nova Scotia First Act

An Act to Require the Government of Nova Scotia to Purchase Agricultural Products from Nova Scotia Producers

Introduced by: Chuck Porter, Hants West

First Reading: April 27, 2012

Bill No. 68

Value for Money Act

An Act to Provide for the Establishment of Strategic Planning and Performance Measurement in the Government of Nova Scotia

Introduced by: Allan MacMaster, Inverness

First Reading: April 27, 2012

Private Bills

Bill No. 57

Crosbie Memorial Trust Fund Act (amended)

An Act to Amend Chapter 17 of the Acts of 2003, the Crosbie Memorial Trust Fund Act

Introduced by: Jim Morton, Kings North

First Reading: April 26, 2012

The following bills received THIRD READING since the last *InForum*:

Government Bills

Bill No. 69

Appropriations Act, 2012

An Act to Provide for Defraying Certain Charges and Expenses of the Public Service of the Province

Introduced by: Hon. Graham Steele, Minister of Finance

First Reading: April 27, 2012

Second Reading: April 27, 2012

Third Reading: April 27, 2012

View the status and full text of bills at

<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*:

An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act, SNS 2010, c. 73, s. 18

NS Gaz Pt 2, [04/20/12](#)

NS Reg 74/2012

Fair Automobile Insurance (2011) Act, SNS 2011, c. 35, s 13.

NS Gaz Pt 2, [04/20/12](#)

NS Reg 75/2012

General Assembly [proroguing the Third Session of the Sixty-First General Assembly]

NS Gaz Pt 2, [04/20/12](#)

NS Reg 76/2012

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 ::

RISK AND PRACTICE MANAGEMENT TIP: Mandatory Professional Development

As of June 1, 2012, the Nova Scotia Barristers' Society will require all practising members to complete 12 hours of professional development annually. In 2013, you will be required to have a minimum of two of those hours dedicated to Risk and Practice Management.

Information on the Society's website outlines how a member can obtain their requisite two hours of Risk and Practice Management professional development. In order to assist members, LIANS offers the following:

- Solo and Small Firm Conference on Friday, November 23, 2012 at the Westin Nova Scotian, which will offer Risk and Practice Management sessions;
- Free webinars (watch our newsletter and email blasts for details);
- In-person presentations to law firms on request;
- County Bar Association presentations;
- Mentorship Program – educational discussions with your match, to a maximum of two hours.

Writing articles is also an acceptable professional development activity – if you would like to write a piece on a Risk and Practice Management topic for our bimonthly newsletter, *LIANS*wers, contact me!

All of these activities will count toward your hours. LIANS has developed a form to assist members with keeping track of their professional development hours and activities. Follow this link to the LIANS website and save the form to your desktop: http://www.lians.ca/rpm/resources/cpd_tracking_form/

*If you have any questions on these, or any other risk- or practice-related matters, do not hesitate to contact Stacey Gerrard, LIANS Counsel with the **Risk and Practice Management Program** at sgerrard@lians.ca or call 423-1300 ext. 345.*

FRAUD ALERT: "Terry Williams" property / cheque scam; Interac e-Transfer scam

A member recently received a letter and cheque in the mail from "Terry Williams", an unrecognized individual from Toronto referencing property the member had never dealt with. The letter featured several grammatical errors, and began:

"Enclosed is the payment for the sum of \$99,376.17 this payment is made to you on behalf of the property at [redacted] we requests that you confirm the receipt of this check immediately per return call."

Suspicious, the member took the cheque to the Bank where they confirmed it was not legitimate and further indicated that there has been prior fraudulent activity on that particular account. The Bank also requested a photocopy of the letter and cheque to forward to its own fraud department.

Needless to say, the member contacted us, and did not pursue the matter any further. Be vigilant with every request for services that you receive. As we have seen, fraudulent requests for services can be made by email, paper mail and courier, as well as by individuals who arrive in person to retain you and to use your trust account to receive and disburse funds. Be cautious with all cheques received, especially if they exceed the agreed-upon amount.

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

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

If you do decide to proceed with a transaction, be sure to go to the bank website to verify branch transit number, address and phone number on the cheque. Wait until the bank confirms that the funds are legitimate and are safe to withdraw from

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the deposit. Where possible, use the [Large Value Transfer System \(LVTS\)](#), an electronic funds transfer system that allows large payments to be exchanged securely and immediately.

Interac e-Transfer email payment scam

Some members have also received unsolicited phony Interac e-Transfer emails from unknown clients. An example is below:

Dear customer,

INTERAC e-Transfer (previously INTERAC Email Money Transfer).

Amount: \$120.00 (CAD)

Sender's Message: A message was not provided

Expiry Date: 25 Feb 2012

Action Required:

To deposit your money, [click here](#):

Although Interac e-Transfer is a legitimate payment service, the links in these emails are not legitimate, and will actually prompt the user to provide sensitive banking information and passwords in order to "receive their payment". The Interac website offers this advice when a similar email is received:

- If you receive an email that you suspect is fraudulent, claiming to be from Interac Association, do not respond. Forward the email to abuse@interac.ca and then delete the email immediately.
- If you have already responded to this kind of email and have disclosed your personal financial information, please contact your financial institution immediately.
- Do not provide personal or financial information to anyone in an email. Interac Association does not send emails asking customers to provide, confirm or update personal records.
- Be suspicious of email attachments from unknown sources. If you do not know or recognize the sender of the email, do not open the attachment.
- Always check that emails you have received do not contain viruses by running your anti-virus software.
- Do not share or provide your personal information.
- Exercise caution if you receive an Interac e-Transfer that you are not expecting. Before proceeding, confirm with the person sending the Interac e-Transfer by separate email or by phone.

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: Quick tips to manage stress

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

Breathe

Be aware of your breathing. Think "my body can relax", inhale slowly and purposefully, noticing the breath as it enters through your nostrils and fills your lungs. Expand your abdomen as you breathe to the count of four, hold the breath for a moment and slowly exhale to the count of four. For your second breath, visualize warmth and relaxation entering your body as you inhale; tension exiting your body as you exhale. This is a good technique to use when you get a stressful phone call, for example. Put the person on hold, take your breath, release it slowly and thoughtfully, then return to the call.

Say "no"

Are you a "yay-sayer" (e.g. "sure, I'll do all the cooking for the party", "certainly, I can work overtime anytime you need me to")? Think about the things that you would like to do and separate these from the things that you have to do. Begin to say "no" to some of the expectations other people place upon you if they aren't "have-to's". A cautionary note, however – sometimes we have to do things that we don't like despite temporary feelings of discomfort. You are the best judge. Do

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what takes care of you, your career, your family and your relationships. Everything else you agree to is a bonus and should only be considered if you have time and energy.

Laughter

Laughter can reduce stress, boost your immune system functioning, and help discharge pent-up emotion. If you can't make yourself laugh, then go see someone who makes people laugh for a living – a comic.

Set reasonable goals and strive to do your best

Learn from mistakes and failure and don't beat yourself over the head when things go wrong. Be a bit easier on yourself. Can you manage that? Well, try.

Play with a pet

Playing with a pet can distract you from your worries. So rather than ruminate and feel stressed, focus your thoughts on your pet and thereby begin to feel better. Additionally, playing with your pet may offer you a chance to get active. If you have an animal that likes to run outside, go out and throw a ball for it to retrieve. You'll feel refreshed and, consequently, less stressed.

Simplify

A sure way to reduce stress is to do less and reevaluate your commitments. Is it important that you belong to the bowling league, bridge club, own a luxury car, raise five children and coach the swimming team? If so, why? (Think carefully about your answer.) Choose one or two activities that you truly enjoy and reevaluate your commitment to the others. When you reduce the demands on your time, you will have more leisure time and, hence, less stress.

Get active

Regular aerobic exercise (repetitive movement of large muscle groups as in walking, jogging, swimming) is a healthy and effective way to manage stress. In addition to improving your physical well-being, it can have a positive effect on your mood and your body's immune system.

A word about exercise: more is not necessarily better. Too vigorous a workout may suppress your body's immune functioning. This isn't an issue for most us, however. Just getting enough exercise is the challenge.

Eat well

Stress drains your body of energy. Consequently, you need to ensure that you nourish your body with the nutrients it needs to combat stress, and limit your intake of foods that aggravate stress. This means eating a variety of fruits and vegetables, grains, dairy products and lean meats, if you like. Also, reduce your intake of caffeine (from coffee and colas) and substitute with green tea.

Talk to others

One of the best ways to manage stress is to share your feelings with others. Supportive relationships will help you manage stress. Find a friend or someone who you feel comfortable sharing with and tell them about your day. Similar to the effect of laughter, talking with friends and "getting it off your chest" can help improve your body's physical health. Regardless of whether or not these conversations lead to "solutions" and ways to change your circumstances, just talking things out will help reduce stress.

*For more information and support on reducing stress, 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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The Nova Scotia Barristers' Society semi-monthly e-newsletter

:: CURRENT ISSUES IN GENDER EQUITY ::

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

What just happened here?

By Jennifer A. MacLellan, Member, Gender Equity Committee

Why do we still need a Gender Equity Committee in 2012? We are equal now. The Chief Justice of the Supreme Court of Canada is female. We had a female Prime Minister (albeit briefly). There are female washrooms at the law school. Feminism is irrelevant and gender equity committees are relics of a previous age.

You've probably heard such comments from women and men. But have you heard this?

As a clerk, I was constantly hearing comments from senior male lawyers about female clients' bodies and clothes and how "hot" other young female lawyers were. At our Christmas party, a senior lawyer pulled me onto his lap and told me I had a nice ass in front of other lawyers from our community. Nobody said anything. The next day other lawyers apologized to me for my experience, but chalked it up to the fact that the old lawyer was inappropriate and that was it.

This incident was detailed in an anonymous postcard received as part of the Gender Equity Committee's ongoing "It will be Our Little Secret" campaign. The event described is disturbing, but how exactly do we define it?

Was it sexual harassment? It happened at a social function involving lawyers, a type of gathering that is essentially mandatory when you are new to the profession for purposes of networking and career advancement. One wonders how this clerk's networking went after she was so roundly humiliated in front of her peers.

Maybe we could use the currently in vogue term of bullying. It certainly sounds like the actions of a bully: a senior lawyer showing a female articulated clerk where she fit on the hierarchy, which apparently was firmly on his lap.

Was it a sexual assault? As described, it is an unwanted sexual touching – an adult woman grabbed and held by a man in circumstances that interfered with her bodily integrity.

Was it a breach of the *Code of Professional Conduct* and the obligations imposed by Rule 5:03? It was a demeaning act, committed by a member of the Society upon an articulated clerk while a number of other members watched and apparently did nothing at the time. If the "old lawyer" had thrown a punch at a male articulated clerk, would the reaction have been the same?

The lawyers who apologized to the clerk the next day evidently felt obligated to console the clerk. We are not told if they also addressed it with the senior lawyer, or anyone else. We are told they "chalked it up to the fact that the old lawyer was being inappropriate." There are many levels of inappropriate behaviour. It would be inappropriate, for instance, if the old lawyer had sneezed in the clerk's face without covering his mouth. Is "inappropriate" sufficient when a senior lawyer pulls an articulated clerk on his lap and informs those assembled she has a nice ass? The other lawyers (there was more than one) were troubled enough by what happened to actually contact the clerk the next day to apologize. They knew they had witnessed something wrong, which, in the moment, can be shocking, hard to process and difficult to respond to. The one person who most needed to apologize, the senior lawyer, appears to have done nothing to make amends.

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So why do we still need a Gender Equity Committee in 2012? We need it because unfortunately, the challenges facing female lawyers are not limited to such general, abstract issues as work/life balance. This postcard is shocking, hopefully because such an incident – whether defined as harassment, bullying, assault or inappropriate behaviour – is not common. Sadly, this postcard is not the only one to reveal a deeply troubling work-related experience of a female lawyer. Sexism, while often disguised better, still exists.

A Gender Equity Committee is still needed so that any woman who finds herself in the untenable position this clerk did, facing a situation she may not know how to define, let alone respond to, has somewhere to turn. It is through such campaigns as “It will be Our Little Secret” that the Gender Equity Committee does some of its best work, reminding lawyers that while we have come far, inequality and chauvinism in their most blatant forms still plague us.

To adapt an old saying, the Gender Equity Committee is not anti-male, it is anti-inequality. We must endeavour to treat fellow members of this honourable profession with dignity and respect, regardless of gender.

In case you missed the previous articles:

- [Be nice ... but not too nice](#), by Katherine Salsman, Member, Gender Equity Committee, April 16, 2012
- [Heros in our own lives: Janie Justice, Gloria Steinem and Wonder Woman](#), by Dale Darling, GEC Member, February 20, 2012
- [“Killer Instinct” v. Compassion](#), by Catherine A. Cogswell, GEC Member, January 23, 2012
- [Mom, LLB](#), by Amy Sakalauskas, GEC Member, December 19, 2011
- [Closing the pay equity gender gap: a task made for lawyers](#), by Kathleen Lumsden, GEC Member, November 21, 2011
- [Come on, honey, just laugh it off](#), by Candee McCarthy, Co-Chair, Gender Equity Committee, October 24, 2011

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

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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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Seeking lawyer to share office space in Bedford

David G. Barrett Law Inc. is seeking a lawyer to share office space & facilities in its offices in the Sun Tower, Bedford, NS. Sun Tower is in the heart of Bedford, on major bus routes, with ample free parking onsite, and close to shopping, restaurants, gyms, and malls.

Our offices are bright and well-appointed, with large windows facing Sunnyside Mall and the Chickenburger Restaurant. In addition to the lawyer's office, a large secretarial/assistant's workstation is also available.

If interested in this office space, kindly forward an email with your contact information to David G. Barrett at dgbarrett@eastlink.ca. All enquiries will be held in the strictest confidence.

Website: <http://www.barrett-law-inc.com/>

Law books available in North Sydney

Cusack Law Office Inc. is having to destroy or give away several sets of law books:

- a set of AllERs ... not kept up to date;
- DLRS up to about 10 years ago;
- NSRs up to about 5 or 6 years ago
- perhaps a set of MPRs
- Halsbury's 3rd and perhaps 2nd.

This is because the office building was sold and the current office is too small. A local lawyer has room for some, but not all of the books. Takers will be responsible to transport the books.

Please contact Elizabeth Cusack QC if interested: 902 564 8396.