

# INFORUM

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

## :: WHAT'S NEW ::

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### Society News

- [New Society leadership: See President Tim Daley QC's inaugural address on YouTube](#)
- [Reminder: Annual fees due by June 30, 2012; online payment options available](#)
- [Reminder: Annual Lawyer Reports due by Saturday, June 30](#)
- [EDUCATION & CREDENTIALS: A new name July 1 for Admissions & Professional Development](#)
- [Invitation to the 10th Annual Pride Reception](#)
- [Council Highlights from Friday, June 15, 2012](#)
- [2012 Annual Report now available online](#)
- [Professional Responsibility notices: Notice of Hearing – R. Ritchie Wheeler](#)
- [Changes in Category – June 11 to 21, 2012](#)

### [Professional Responsibility: Decisions and Dispositions](#)

### NSBS Continuing Professional Development

- [New dates for online LRA course: Next course, September 19 to 26, 2012](#)

### Library & Information Services

- [New books at the Library](#)
- [Barristers' Library not staffed June 29 and July 2](#)
- [Setting up your own current awareness service: getting started](#)
- [New decisions](#)
- [Proclamations update](#)

### Awards & appointments

- [Honorary President for 2012-2013: David Wallace QC](#)
- [2012 Distinguished Service Award: Edwin Harris QC](#)
- [2012 NSBS Presidents' Leadership Award: Alayna Kolodziechuk](#)
- [2012 Race and the Law Essay Prize: Jalana D. Lewis](#)
- [Veteran prosecutor Glen Scheuer appointed regional Crown attorney, administrative](#) (June 14)

### From LIANS

- [LIANS 2011 Annual Report now available](#)
- [Deadline to report a potential claim is June 30, 2012!](#) – a new *Risk and Practice Management Tip* from the *Risk and Practice Management Program, LIANS*
- [Real estate scam "Kin Hang Cheung"](#) – a new *Fraud Alert* from the *RPM Program, LIANS*
- [Business collection scam "Ronald Stevenson, Clarkwood Equipment Inc."](#) – a new *Fraud Alert* from the *RPM Program, LIANS*
- [Preparing for life and work after baby – The power of positive parenting](#) – a new *Wellness Tip* from *NSLAP*

### From the Courts

- [Nova Scotia Court of Appeal offers mediation as alternative to litigation](#)

### From the Province

- JUSTICE: See all Department of Justice announcements at [www.gov.ns.ca/just](http://www.gov.ns.ca/just)
  - [Justice Minister announces Domestic Violence Court](#) (June 18)
  - [Halifax property vacated under Safer Communities Act](#) (June 25)
  - [New prisoner transport vehicle more secure](#) (June 19)
  - [Attorney General letter to Electoral Boundaries Commission](#) (June 14)

# INFORUM

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

- SIRT: See all announcements and reports at <http://gov.ns.ca/just/sirt.asp>
  - Investigative report into Halifax Regional Police incident released (June 22)
  - Incident involving Halifax Regional Police under investigation (June 13)
- SERVICE NOVA SCOTIA/MUNICIPAL RELATIONS: See 'News Releases' at <http://www.gov.ns.ca/snsmr/>
  - Nova Scotia, Austria sign driver's licence agreement (June 21)
  - Province collaborates on civic engagement webinar for persons with disabilities (June 19)
- EMERGENCY MANAGEMENT OFFICE: [911 Service gets new technology](#) (June 19)
- SENIORS: [Senior abuse awareness resources released](#) (June 15)
- FINANCE: [Public sector organizations to begin compensation reporting](#) (June 12)
- [Error & Omission notices](#)

## Volunteer & Pro Bono Opportunities

- [Halifax Refugee Clinic seeks NSBS members to join Board of Directors and to serve as legal counsel to the Board](#)

## Events of Interest

- [APTLA'S 10th Anniversary Summer Conference – APTLA Sailing School: Navigating Your Case with Experts and The Court](#)
- CTRI Public Workshops coming to Halifax:
  - [De-Escalating Potentially Violent Situations](#) – June 26
  - [Mediation - An Informal Process for Conflict Resolution](#) – June 27-28
- [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
- [Summer Civil Trial Advocacy College](#) – July 26 & 27
- [The Seventh Annual Halifax Rock for Dimes](#) – October 25
- [UPCOMING EVENTS FROM CBA-NS](#)
  - Tax Law: Tips and traps for Non-Fax Practitioners, October 26, 2012
  - Legal Assistants' Conference on General Civil Litigation, December 7, 2012
  - Mid-Winter Meeting, January 31 - February 1, 2013
  - Serious Personal Injury, May 10, 2013

## Career Opportunities

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

# INFORUM

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

## :: NOTICES ::

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### SOCIETY NEWS

#### **New Society leadership: See President Tim Daley QC's inaugural address on YouTube**

The Nova Scotia Barristers' Society is pleased to introduce its new leadership for the coming year.

[Timothy G.J. Daley QC](#) of New Glasgow assumed the position of President for 2012-2013 during the Society's 2012 Annual Meeting. Joining him as Officers are First Vice-President [René Gallant](#) and Second Vice-President [Tilly Pillay QC](#), both of Halifax.

In his inaugural address, Mr. Daley outlined his priorities as President for the year ahead. Watch his address on the Society's new YouTube channel, either in full or in segments:

<http://www.youtube.com/user/nsbarristersociety/videos>.

"It's a full agenda," Mr. Daley told the 200 lawyers who attended the Annual Meeting, held June 16 at Schulich School of Law. "Council has a lot on its plate this year, a lot of significant challenges, but it's going to rise to those challenges."

The ongoing examination of rural and small practice issues for lawyers – and public access to legal services in non-urban areas – will remain a high priority for the new Council and its Rural Practice Working Group, Mr. Daley said.

Nova Scotia's legal profession must also engage in a serious discussion about how the profession is changing, he said, pointing to the fundamental shifts already underway in other jurisdictions such as England and Australia. As he travels around the province this year, he encourages lawyers to "begin to think about how we can get ahead of the tsunami of change in self-regulation, change in business structures and particularly, change in the ways in which legal services are going to be delivered in the future," he said.

Darrel Pink, Executive Director, gave a detailed presentation on these changes during the Annual Meeting, titled "[The Revolution in Legal Services Delivery](#)". The text and slides are available for viewing on the Society's website, and the video will soon be available.

See the **Recent presentations** page at <http://nsbs.org/recent-presentations>.

In his address, Mr. Daley also shared personal reflections on the value of the Nova Scotia Lawyers Assistance Program, which provided crucial support for him at an earlier time in his career.

"Someone suggested I call the LAP. That service literally, literally saved my life," he recalled.

He encouraged more people to use the confidential referral and short-term counselling service at **1 866 299 1299** and [www.nslap.ca](http://www.nslap.ca). Resources are available for free by phone and online for lawyers and their families, as well as lawyers' staff and their families, for a full range of personal, family or life events, as well as health and wellness issues.

Looking at the statistics and the complaints received by the Society, a number of lawyers are obviously struggling, Mr. Daley said. "If you think somebody needs help, reach out to them or call and ask the LAP to help ... what we don't want to have happen is that the train wreck arrives at the door of professional responsibility."

Following the Annual Meeting, the Schulich School of Law provided a two-hour professional development program, which counted toward the Society's new CPD requirement. Sessions addressed cultural competence, developments in evidence law, the first six months of the *Code of Professional Conduct*, and claim prevention tips from LIANS.

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# INFORUM

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

**Reminder – Annual fees due by June 30, 2012; online payment options available**

*Memo from Glen Greencorn, Director, Finance & Administration*

Please be advised, **your annual fees are due by June 30, 2012** at the Nova Scotia Barristers' Society. Fees must be paid in full by cash, cheque, debit, direct deposit, wire transfer or online banking (new), by the June 30 deadline.

If mailing a cheque or paying in person, please note the Society's new address, as of April 1, 2012:

**Cogswell Tower, 800-2000 Barrington Street  
Halifax, NS B3J 3K1**

**New online payment options**

Lawyers and non-practising members now have the convenient option of paying their fees electronically, via online banking. The online payment facility is available through the websites of BMO, CIBC, RBC, Scotiabank and TD Bank, where you can select the Nova Scotia Barristers' Society as a "biller". Credit Union clients will be able to pay online as of June 20.

The new fees are in effect for the Society's 2012-2013 fiscal year, which started May 1, 2012 and runs through April 30, 2013. In accordance with the regulations under the *Legal Profession Act*, automatic suspensions will be in effect at the close of the business day on Tuesday, July 3 for those whose fees remain unpaid.

For complete details about annual fee payments for 2012-2013, please see the [Fees](#) regulations on the Society's website, this [factsheet](#) summary, and this [news](#) item.

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**Reminder: Annual Lawyer Reports due by Saturday, June 30**

Please be advised that your Annual Lawyer Report is due to be filed by June 30, 2012. As in the past, the ALR is an online report, to be entered and submitted via the Members Only area of the NSBS website.

Point your browser to <http://members.nsbs.org>. This will take you to a login page. Type in your NSBS username and password, and click the "Sign On" button on the right.

The purpose of the ALR is to allow the Society to have current information about the membership in several important areas. We require up-to-date contact particulars, information about your practice, and about your continuing professional development activities. This allows us to maintain essential data in order to fulfil our mandate.

The Annual Lawyer Report should take no longer than 30-45 minutes to complete, and must be completed in one session. Once the report is completed, your obligation to provide this information for the year will be satisfied.

Should you have any questions/comments/concerns re: the Annual Lawyer Report, please contact Pierre Benoit at [pierrebenoit@nsbs.org](mailto:pierrebenoit@nsbs.org), or alternatively via phone at 1 902 422 1491.

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**EDUCATION & CREDENTIALS: A new name for the Admissions & Professional Development department**

As a result of the Organizational Review and the subsequent restructuring of work in the Society, the Admissions & Professional Development department will soon undergo a name change.

Effective July 1, 2012, the department will be known as Education & Credentials. Corresponding changes will be made to staff titles within the department, also on July 1. The Society is pleased to make this change, as it more accurately reflects the work of the department and those who work within it.

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# INFORUM

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

## **INVITATION: The 10th Annual Pride Reception**

**Thursday, July 26, 2012, 4:30 – 6:30 pm**  
**NSBS Classroom, Cogswell Tower**  
**800-2000 Barrington Street, Halifax**  
[PDF Invitation](#)

You are cordially invited to celebrate with us at the 10<sup>th</sup> Annual Pride Reception, co-hosted by the SOGI (Sexual Orientation & Gender Identity) Section of the Canadian Bar Association – Nova Scotia and the Nova Scotia Barristers' Society.

Special guest [Robert Leckey](#) is an Associate Professor and William Dawson Scholar in the Faculty of Law, McGill University, where he teaches and researches in family and constitutional law. He is the President of Egale Canada and the Chair of its Legal Issues Committee, as well as the Past Chair of the McGill Equity Subcommittee on Queer People.

This event is an opportunity to celebrate diversity within our profession and to show our support for lesbian, gay, bisexual and transgendered lawyers throughout Nova Scotia.

RSVP by Monday, July 23, 2012 to Marie Paturel at [equity@nsbs.org](mailto:equity@nsbs.org).

This [event information](#) is also available in the **Upcoming events** section of the Society's website: <http://nsbs.org/events>.

## **Council Highlights from Friday, June 15, 2012**

For details about matters discussed at Council's meeting on Friday, June 15, please visit the Council Highlights and Documents, which are available on the Council materials page of the Society's website: <http://nsbs.org/council-materials>.

At the meeting, Equity Officer Emma Halpern introduced and presented the new **Nova Scotia Family Law** website at [nsfamilylaw.ca](http://nsfamilylaw.ca), which represents a significant achievement of the Access to Justice Working Group and a collaborative effort by many in the justice sector. It will be an excellent resource for those who are self-represented and family law practitioners. Its public launch will be on July 16, during the National Family Law Conference hosted by the Federation of Law Societies in Halifax.

Council also adopted a new Annual Activity Plan for 2012-2013, appointed David Wallace QC as the new Honorary President, and approved a revised timeline and work plan for completion of the Equity Office organizational review by spring 2013. See the Council Highlights and documents for complete details.

The next regular meeting of Council is scheduled for **Friday, July 20, 2012** at the Society's offices.

## **2012 Annual Report now available online**

The Society's 2012 Annual Report and Financial Statements are now available on the website. The documents were presented at the Society's Annual Meeting, held June 16 at the Schulich School of Law at Dalhousie University.

Visit <http://nsbs.org/annual-reports>.

In summarizing the year's initiatives and accomplishments, Past President Dan Campbell QC said "I am pleased to report to you that our Society is strong and well positioned to meet the challenges facing the profession and the justice system. Those challenges include a membership that is growing slowly or not at all and whose members are aging, the gradual depletion of the Bar outside Halifax County, the challenges of regulating a profession which is increasingly mobile and interprovincial, the challenges to the justice system and to access to justice in times of financial constraint, and the challenges of achieving equity and diversity in the justice system."

# INFORUM

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

Mr. Campbell continued: "This was a year of consolidation of important changes made through previous Councils, of continued self-assessment of our programs, and of thoughtful consideration of our future role with respect to administration of justice/access to justice. The progress that the Society has made over the last few years is nothing short of astonishing."

The 37-page Annual Report includes reports from the Society's regulatory and Council committees, the President, Executive Director Darrel Pink, the Equity Officer Program and Public Representatives, plus detailed updates on professional responsibility, admissions and credentialing activity.

A few highlights from the 2011-2012 year:

## **EXCELLENCE IN REGULATION AND GOVERNANCE**

- Organizational Review clarified the Society's role in the delivery of library services, with the resulting savings and substantial reduction in fees (18% decrease for practising lawyers);
- *Code of Professional Conduct* went into effect January 1; all lawyers participated in online education and assessment;
- The new Fitness to Practise program had its first files referred by both the Complaints Investigation Committee and the Executive Director;
- Continuing efforts to streamline the complaints process led to significant reductions in written complaints without merit, and complaint calls requiring staff response;
- Complex investigations remained steady with a total of eight this year;
- Review of election regulations undertaken to clarify time and structure for each type of election;
- Continued work toward national harmonization of admission and discipline standards; and
- Major website redevelopment improved transparency and access to information for the public, lawyers and those seeking admission to the legal profession.

## **ENHANCING LAWYERS' COMPETENCE**

- New mandatory Continuing Professional Development requirement is now in effect, with materials available to assist in identifying appropriate CPD and tracking and reporting CPD;
- A variety of CPD programs were offered in areas of professional risk management;
- Council began development of law office management standards.

## **ACCESS TO JUSTICE**

- Through a collaborative effort with other justice sector stakeholders, a website containing substantial family law information for the public is now available at [www.nsfamilylaw.ca](http://www.nsfamilylaw.ca).
- Council articulated policies on the Society's role in the administration of justice to meet requirements of the amended *Legal Profession Act*.
- Working with others, the Society created an inventory of access to justice initiatives and information from a wide variety of justice sector participants. It will be available to the public on 211 Nova Scotia when the multilingual, 24-hour a day telephone and web service launches in late 2012;
- The Rural Practice Working Group began its work to address issues impacting lawyers practising in rural Nova Scotia and the public seeking access to justice in those areas.
- The Society continues to work with others to advance a province-wide Family Division of the Supreme Court;
- The REC and GEC continue to provide legal information to historically disadvantaged communities through events such as the Legal Information Workshop Series in Halifax and UnCommon Law 4, which was held in Sydney and focused on access to justice for women.

Read more in the [2012 Annual Report](#).

# INFORUM

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

## Professional Responsibility notices: Notice of Hearing – R. Ritchie Wheeler

Hearing date: Thursday, July 5, 2012, 11:00 am

See the [Public Hearings](#) page of the Society's website for this notice.

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## Changes in Category – June 11 to 21, 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:*

Joseph Assad Chedrawe

Sara Elizabeth Josselyn

Kimberley Dawn Pochini

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## Society's new CPD Requirement Handbook online

The [NSBS CPD Requirement Handbook](#) is now available on the website, in the section [For lawyers](#), under the [Professional Development](#) heading. It should answer most questions about the Society's new mandatory continuing professional development requirement, which **came into effect on June 1, 2012**.

The new handbook provides detailed information on the following topics:

- general questions
- what CPD is eligible toward the mandatory requirement
- does the CPD requirement apply to me?
- tracking and reporting CPD
- resources.

Effective June 1, all practising lawyers in Nova Scotia will be required to complete at least 12 hours of continuing professional development annually, and to report this education on their Annual Member Reports.

For further details about the new CPD requirement, please visit the [NSBS CPD Requirement](#) page of the Society's website, and the [CPD Requirement Chart](#). Also see the special feature section of the April edition of the [Society Record](#).

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

For any further questions not addressed on the website or in the new handbook, please email the Society at [cpd@nsbs.org](mailto:cpd@nsbs.org), or phone the **NSBS CPD line: 902 422 1491 ext. 371**. A staff member will respond to your query within five business days.

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## Follow the Society on Twitter.com/NSBS

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

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## AWARDS & APPOINTMENTS

### Honorary President for 2012-2013: David Wallace QC

The Society is pleased to announce the appointment of David Wallace QC of New Glasgow as Honorary President for 2012-2013. Council confirmed the appointment at its June 15 meeting, and also expressed appreciation to Ronald J. Downie QC, who served in the role for the 2010-2011 year.

# INFORUM

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

A practising member of the Nova Scotia Bar since 1971, Mr. Wallace was a member of Council in 1979 and has served on both investigative and hearing committees, and the QC Appointments Advisory Committee. He is the most senior counsel at Mac, Mac & Mac Law Offices, providing guidance and leadership to business clients and his colleagues as Chair of the firm's Corporate and Commercial Group.

Mr. Wallace received his science degree from St. FX University in 1968 and his LLB from Dalhousie University in 1971, and maintains his affiliation with St. FX through service as its legal counsel. He is a Past President and Life Member of Kinsmen and a former President of the Abercrombie Golf and Country Club. His extensive community involvement has also included the United Way, various mental health agencies and his local Parish Council.

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## **2012 Distinguished Service Award: Edwin Harris QC**

The Society is pleased to announce that [Edwin Harris QC](#) will be the recipient of the 2012 Distinguished Service Award.

Admitted to the Nova Scotia Bar in 1959, Mr. Harris is Counsel in the Halifax office of McInnes Cooper. He is recognized nationally as a leading practitioner in the areas of corporate, estate and personal tax law. A former Chair of the Canadian Tax Foundation, he recently became the country's first non-judge to receive the prestigious Tax Court of Canada medal, presented at a ceremony in Halifax in May.

A former law professor at Dalhousie University, he also acts as the Chair of Dalhousie's Planned Giving Advisory Board. Mr. Harris has spoken and written extensively on tax and related matters for many professional and governmental bodies. He served as Honorary President for the Nova Scotia Barristers' Society in 2000-2001 and on several professional standards and other committees.

He is a member of the Judicial Appointments Advisory Committee for the Tax Court of Canada, and chaired the taxation section of the Canadian Bar Association as well as the Atlantic branch of the Society of Trust and Estate Practitioners and the accounting research advisory board for the Canadian Institute of Chartered Accountants. He is a Fellow Chartered Accountant and a Fellow Certified Management Accountant.

Mr. Harris's significant community contributions have also included leadership and advisory roles for Nova Scotia Voluntary Planning, the Graham Royal Commission on Education, the Halifax Transit Corporation and Metro Transit Commission, the Halifax Industrial Development Commission, the Economic Council of Canada and much more.

Details of the award presentation will be announced at a later date. Established in 1999, the Distinguished Service Award is presented to a member of the Nova Scotia Barristers' Society who has made significant contributions to the community, the legal profession and the Society.

Nominations may be submitted by both lawyers and the public and the deadline is **April 15, 2013** for next year's award. For more details about the award, criteria, nomination process and prior recipients, visit the Distinguished Service Award page on the Society's website: <http://nsbs.org/distinguished-service-award>.

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## **2012 NSBS Presidents' Leadership Award: Alayna Kolodziechuk**

Alayna Kolodziechuk is the recipient of this year's NSBS Presidents' Leadership Award. It was presented just prior to her graduation ceremony at Schulich School of Law on May 25, at the Dean's Convocation Reception.

Established by Past Presidents Philip J. Star QC and Catherine S. Walker QC, this award emphasizes the importance of leadership in a lawyer's career, and honours the exemplary volunteer commitment and leadership of Past Presidents to the work of the Society. It is presented each year to a graduating student who, in the eyes of the teaching faculty, has "exemplified consistent leadership qualities while at law school" through participation in student governance or other activities.



# INFORUM

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

Ms. Kolodziechuk was an integral part of various societies within the law school, including the John E. Read International Society and the Pro Bono Students Society. She co-founded the Better Practices program under the Dalhousie Women and the Law Society. As its program coordinator, she was responsible for conducting assessment regarding sustainability, potential success and implementation for Nova Scotia's first broad-scale court watch program focusing on sexual assault. (For more details, see the *Gender Equity Committee's Accolades column in the October 2011 edition of the Society Record*: <http://nsbs.org/society-record>.)

She also co-chaired the newly created student section of the Canadian Bar Association, where she was responsible for establishing its mandate and for providing resources to students to help prepare them for the transition from student to professional life. One of her more recent contributions to the student experience at Dalhousie was writing and directing a new play, "The Men Who Killed Me", which chronicled the genocide in Rwanda and raised more than \$6,000 for genocide survivors.

For more details on the award, including a list of prior recipients, visit the Presidents' Leadership Award page of the Society's website: <http://nsbs.org/presidents-leadership-award>.

## 2012 Race and the Law Essay Prize: Jalana D. Lewis

The Nova Scotia Barristers' Society is pleased to announce Jalana D. Lewis is the recipient of the 2012 Race and the Law Essay Prize.

This award recognizes and encourages outstanding scholarship by law students in Nova Scotia, on topics pertaining specifically to issues of race and law. Now in its fourth year, it is presented by the Society's Racial Equity Committee and sponsored by the Halifax law firm Stewart McKelvey.

Ms. Lewis's winning paper is titled "Contextualizing 'Nine Sneaky Words': Situating s. 718.2(e) of the *Criminal Code* in the Past, Present and Future of Aboriginal Offenders in Canada.

**Abstract:** The over-incarceration of Aboriginal people living in Canada is a pressing issue facing the criminal justice system. In 1996, s. 718.2(e) of the *Criminal Code* came into force and that provision placed a new onus on sentencing judges. The particular circumstances of Aboriginal offenders must be considered when determining the appropriate sentence. Although this provision marks a legislative departure from the historical treatment of Aboriginal offenders, has s. 718.2(e) been applied and has it been effective in lowering the number of Aboriginal offenders in prison? This paper contextualizes the need for such a provision in the history of Aboriginal peoples in Canada. Criticisms and potential weaknesses of the section are addressed, with particular attention paid to the uniqueness of the Aboriginal offenders. The paper attempts to use history as a means of establishing the need for an effective solution to over-incarceration among Aboriginal people in Canada. Section 718.2(e) of the *Criminal Code* is an important step in the right direction however the provision will only be effective in a context that is willing to directly address issues of systemic discrimination within the criminal justice system.

Going into her third year at Schulich School of Law, Ms. Lewis has spent most of her life as a Halifax resident, though received her undergraduate degree in psychology at Concordia University in Montreal. As an active law student, she has

taken on leadership roles with the Dalhousie Black Law Students' Association, the Dalhousie Association of Women and the Law and the recent winter production of the play *The Men Who Killed Me*. She is currently living in Toronto for the summer, and is interested in the areas of health law, entertainment law and alternative dispute resolution.

Ms. Lewis's achievement was recognized at the Dean's Convocation Reception on May 25 at the Schulich School of Law, and again at the Racial Equity Committee's June 6 reception at Pipa Restaurant, to honour articulated clerks and new calls from racialized and Aboriginal communities.

For more information on the award, including a list of past recipients, visit the Race and the Law Essay Prize page of the Society's website: <http://nsbs.org/race-and-law-essay-prize>.

# INFORUM

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

## FROM THE COURTS

### **Nova Scotia Court of Appeal offers mediation as alternative to litigation: less costly and time consuming**

The Nova Scotia Court of Appeal has introduced a mediation program to help litigants avoid costly and time-consuming courtroom hearings. The program is voluntary and is available to those who have launched an appeal in a civil or family dispute.

The idea is to give litigants the opportunity to resolve their differences themselves under the guidance of a judge.

In conjunction with the Canadian Bar Association's Nova Scotia Branch, the mediation program also offers litigants who cannot afford a lawyer, or who are representing themselves, the services of a lawyer free of charge.

Similar programs have been successful in other Nova Scotia Courts as well as in Courts in other provinces. Like the Nova Scotia Court of Appeal's new mediation program, they are all based on the premise that the feuding parties know their situation and their needs better than the lawyers and the presiding judge(s).

The Canadian courts operate on what is known as the adversarial system. That is to say each side in a dispute presents its case and argues against the other side's case. The judge then decides how the dispute will be resolved and imposes a solution authorized by law through a court order.

It is often a costly and time-consuming process that can also exact an emotional toll. Allowing for the right to appeal decisions to higher courts, disputes can go on for years. And, in the end, there exists the possibility that neither party may be completely happy with the resolution.

On the other hand, mediation offers the parties an opportunity to come up with their own solutions with guidance from the lawyers and a judge. Experience shows that they usually settle on a solution that can bring more satisfaction to the parties. And mediation can lead to a resolution in less time and at lower financial and emotional cost.

For more information about the Nova Scotia Court of Appeal mediation program, visit:

- The Courts of Nova Scotia website at <http://www.courts.ns.ca>;
- Click on "Court of Appeal" (upper left); and
- then on the [Mediation Program](#) link.

and .....

The Canadian Bar Association- Nova Scotia Branch website: <http://www.cba.org/ns/home>.

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### **Notices to the Bar**

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

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

- **Decisions of the Courts:** Receive Tweets when the Courts post new decisions on the website. The Tweet will link you directly to the decision itself. Choose to receive Tweets about decisions released by one or all of the Courts. [http://www.courts.ns.ca/decisions\\_recent/decisions\\_weekly\\_list.htm](http://www.courts.ns.ca/decisions_recent/decisions_weekly_list.htm)
- **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>

# INFORUM

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

- **News of the Courts:** Follow news about the Courts as it is posted on the website. These News Tweets will be in addition to news releases regularly emailed directly to the media. <http://www.courts.ns.ca>

*Other notices to the Bar:*

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

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## FROM THE PROVINCE

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

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### Justice Minister announces Domestic Violence Court

A specialized court that will improve the lives of families affected by domestic violence opened in Sydney on Thursday, June 21. The domestic violence court is a first for Nova Scotia and will offer quicker program access for those who commit abuse, so they can change their behaviour and prevent future violence.

"Domestic violence is a very serious issue affecting thousands of Nova Scotians," Justice Minister Ross Landry said in a [June 18 announcement](#). "In my former job as a police officer, far too often I saw the devastating consequences of domestic violence. We need to do things differently to stop the cycle of abuse, and that is why we are piloting a domestic violence court program."

The domestic violence court is a two-year pilot program, serving people in Cape Breton Regional Municipality.

"The program will not create new cases, but will deal with existing cases differently," said Dan MacRury, chief Crown attorney with the Public Prosecution Service in Cape Breton. "It is a more collaborative response to domestic violence than we normally see in traditional court rooms, and it requires a commitment to change on the part of the offender."

The court will sit one day at week at the Sydney Justice Centre. The accused must plead guilty to an offence and then attend designated domestic violence programs to be eligible. People will be assessed to determine which program is most appropriate. Program options range from five- and 10-week educational programs to a 25-week therapeutic program. The court will monitor progress and consider it during sentencing.

Representatives from the Cape Breton Transition House, Every Woman's Centre, Second Chance Society Men's Intervention Program, Elizabeth Fry Society, Family Services of Eastern Nova Scotia, Mi'kmaw Family Services, Mi'kmaw Legal Support Network, Cape Breton Regional Police, RCMP, Public Prosecution Service, Legal Aid Commission, various government departments and local community organizations helped with court planning.

"We are very excited to see Nova Scotia's domestic violence court become a reality," said Mark Sherlock, executive director of Second Chance Society Men's Intervention Program. "This court model will give individuals the opportunity to take responsibility for their behaviour, learn from it, and then change it for the better."

A domestic violence court program was a key action of the Domestic Violence Action Plan, released in December 2010. For more information on the plan, visit <http://nsdomesticviolence.ca>. For more information on the court, visit [www.gov.ns.ca/just](http://www.gov.ns.ca/just).

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### Error & Omission notices

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

# INFORUM

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

## **VOLUNTEER & PRO BONO OPPORTUNITIES**

### **Halifax Refugee Clinic seeks NSBS members to join Board of Directors and to serve as legal counsel to the Board**

The Halifax Refugee Clinic is a non profit, non government charitable society that provides no-cost legal and settlement services for people claiming refugee status in Nova Scotia financially unable to retain the services of private legal counsel.

The Clinic operates on the strength of generous grants from the Law Foundation of Nova Scotia, private and public sector grants, and private donations. The Clinic relies on a staff of 3 full time employees, several interns, numerous volunteers from the Nova Scotia Barristers' Society and the general community, a volunteer Board of Directors, and has been the recipient of several human rights awards.

The Halifax Refugee Clinic is inviting applications from interested members of the Nova Scotia Barristers' Society to sit as a member of the Clinic Board of Directors and to serve as legal counsel to the Board.

Interested candidates should send expressions of interest **by June 30, 2012** to:

Lee Cohen QC  
Chair - Board of Directors  
Halifax Refugee Clinic  
P.O. Box 233, Halifax CRO,  
Nova Scotia B3J 2M4  
Or [mlcohen@eastlink.ca](mailto:mlcohen@eastlink.ca)

### **Help promote access to justice for Nova Scotians**

The Legal Information Society of Nova Scotia is celebrating 30 years of helping Nova Scotians access information about the law so they are better prepared to deal with their legal issues and questions.

Thousands of Nova Scotians access its services every year though a variety of channels. LISNS is now busier than ever, with a number of important projects underway and special events planned over the coming months.

LISNS is a small charity with limited resources and it needs your help. We are actively recruiting volunteers to work on various projects and special events, to join our committees, and to serve on our Board of Directors. Committees include Finance, Legal Content, Philanthropy, PR and Communications, and Community Connections. We seek people with a wide range of skills and interests from all backgrounds.

For more information about the various volunteer opportunities available, please contact [lisns@legalinfo.org](mailto:lisns@legalinfo.org). To learn more about LISNS and its services, visit [www.legalinfo.org](http://www.legalinfo.org).

### **Do you want to give back? Learn more about your community?**

Join the Sackville Bedford Early Intervention Board of Directors and contribute to your community. Based on the philosophy the "Each belongs", the Sackville Bedford Early Intervention program has been providing support and education since 1983 to children from birth to age six who have or are at risk for developmental delays.

Early Intervention is part of a team of professionals, lead by parents, who work together and respond to the family's needs and priorities as they relate to the development of their child. Early intervention also provides learning opportunities for families and helps to provide information so that families can make informed decisions about their child's learning and development. Early intervention also supports family advocacy, networking and community inclusion.

Sackville Bedford Early Intervention currently employs an Executive Director, part-time office administrator, three full-time Early Interventionists and one part time interventionist. Our program is funded by the Nova Scotia Department of Community Services, donations and our own fundraising events.

# INFORUM

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

Our Board of Directors currently consists of parents, professionals and other community members interested in supporting Sackville Bedford Early Intervention Program by helping to develop and monitor short-term and long range planning for the early intervention program. Our board also helps to evaluate the services being provided by the program in relation to the specified goals and standards and to recommend modifications where appropriate. Our board meets on the third Tuesday of the month, five times per year (usually September, November, February, April, and our Annual General Meeting is in June). Our board also has committees that meet as required.

Please consider offering your expertise to the Board and join the men and women who give back to the community through Early Intervention. For more information, please call Pamela at 449-9987 or email [creativepam@gmail.com](mailto:creativepam@gmail.com).  
<http://www.sbeip.com/>

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## Artists' Legal Information Services (ALIS)

Artists' Legal Information Society (ALIS) is a non-profit legal support volunteer organization based in Halifax. Our mission is to make a stronger, more vibrant arts community in Nova Scotia by helping to resolve legal issues for artists living here. This will be accomplished by providing free clinics, workshops and library resources to artists in Atlantic Canada. We work with all types of artists to help them understand how the law impacts them, and provide a framework for navigating potential obstacles.

If you are a lawyer with experience in contract law, entertainment law, tax law, or just have an interest in the needs of local artists, then we would love to hear from you. We are looking for support from the Atlantic Canada legal community on a *pro bono* basis.

If you are interested in getting involved, please contact us at [info@nsalis.com](mailto:info@nsalis.com). For more information please visit [www.nsalis.com](http://www.nsalis.com).

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## reachAbility Volunteer Opportunities

reachAbility's Legal Referral Service is a community-based service that bridges the gap between existing local resources and public need. We provide an opportunity for persons living with disabilities to better understand their legal rights, as well as providing lawyers with an opportunity to use their legal skills in a volunteer capacity to address the needs of an often marginalized segment of our community.

reachAbility's Legal Referral Service offers access to free legal advice for any person with a disability. Lawyers throughout the province volunteer their time and expertise to our clients and we're always looking for new perspectives. The time commitment that we ask from our volunteers is small – a single one-hour consultation each year – but it is a commitment that will make an immediate difference in the life of a Nova Scotian with a disability.

Join other volunteering members of the Legal Community by completing our online Lawyer Volunteer Form at: <http://reachability.org/legal-programming/lawyer-sign-up-form/>

For further information, contact us: (902) 429-5878 or [legal@reachability.org](mailto:legal@reachability.org) OR visit us [online](#).

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## LIANS and NSBS Mentorship Program

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

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

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

# INFORUM

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

## :: CONFERENCES & SEMINARS ::

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

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

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#### **Land Registration Act Training**

Registration is open for the Online *Land Registration Act* training program.  
Cost for this program is \$600 plus HST and registrants have one week to complete the course.

Dates for next LRA course:

- September 19 to 26, 2012
- November 14 to 21, 2012
- January 23 to 30, 2013
- April 17 to 24, 2013
- June 19 to 26, 2013

[Register online](#)

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### **OUTSIDE CONFERENCES & SEMINARS**

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

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[CTRI 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.

#### **Mediation – An Informal Process for Conflict Resolution**

**Halifax: June 27-28** (early rate deadline June 6)

*This skills based workshop is designed to give participants the understanding to work with disputing parties to identify interests, clarify issues and work towards options for resolving the conflict. Participants will have the opportunity to experience scenarios that will help prepare them for intervening in various conflict situations.*

Workshop Fee: Early Rate \$385 + HST; Regular Rate \$460 + HST

**ON-SITE TRAINING** - Call or email to receive a fee structure.

**For contact information:** [www.ctrinstitute.com/contactus.html](http://www.ctrinstitute.com/contactus.html)

Web: [www.ctrinstitute.com](http://www.ctrinstitute.com) | Email: [info@ctrinstitute.com](mailto:info@ctrinstitute.com)

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# INFORUM

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

## **National Criminal Law Program registration open**

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

**Monday, July 9 to Friday, July 13, 2012  
Victoria, British Columbia**

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

This year's highlights include:

- The Most Important Evidence Case of the McLachlin Court: The Faculty Speaks
- The Registrants Vote
- Point/Counterpoint: The Use of Prior Criminal Records: Are People With Criminal Records Less Likely to be Truthful Witnesses
- Ask Me anything About Ethics: A Roundtable Discussion of Difficult Ethical Problems, small group workshops, and choice of break-out groups
- Monday and Tuesday receptions and organized activities on Thursday provide opportunities to socialize, forge new friendships and reconnect with colleagues from across the country.

[Brochures and further information](#)

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## **Federation of Law Societies National Family Law Program**

**July 16-19, 2012 | Marriott Harbourfront, Halifax, Nova Scotia**

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

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

Inquiries about the National Family Law Program:

Federation of Law Societies of Canada

National Family Law Program

Attention: Heather Walker, Program Coordinator

P.O. Box 244, R.R. #1 Woodville, Ontario

Canada K0M 2T0

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

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## **Summer Civil Trial Advocacy College**

***Presented by The Advocates Society***

**July 26 & 27, 2012 from 9 am to 4:30 pm**

**Sobey Building, Saint Mary's University, Halifax**

This extraordinary, two day trial skills program provides intensive, comprehensive and participatory education to lawyers new to or out of practice in the courtroom. Our faculty of leading Nova Scotia advocates utilizes proven methods of instruction for a full learning experience. [Details...](#)

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## **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

# INFORUM

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

events across Canada in March of Dimes Canada history.

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. 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](http://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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## UPCOMING EVENTS FROM CBA-NS

- **Tax Law: Tips and traps for Non-Fax Practitioners**  
October 26, 2012 - Casino Nova Scotia
- **Legal Assistants' Conference on General Civil Litigation**  
December 7, 2012 - Marriott Harbourfront Hotel
- **Mid-Winter Meeting**  
January 31 - February 1, 2013 - Marriott Harbourfront Hotel
- **Serious Personal Injury**  
May 10, 2013 - Casino Nova Scotia

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## Upcoming Events from the Atlantic Provinces Trial Lawyers Association

### APTLA ONLINE LEGAL EDUCATION

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

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

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



# INFORUM

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

## :: LIBRARY & INFORMATION SERVICES ::

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### New books at the Library

#### **BUILDING LAW**

NATIONAL BUILDING CODE OF CANADA 2010 / Canada. National Research Council. Canadian Commission on Building and Fire Codes -- 13th ed. -- Ottawa: NRC, 2010. **[KB 42 C212 2010]**

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NATIONAL FIRE CODE OF CANADA 2010 / Canada. National Research Council. Canadian Commission on Building and Fire Codes -- Ottawa: NRC, 2010. **[KB 42 C212F 2010]**

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NATIONAL PLUMBING CODE OF CANADA 2010 / Canada. National Research Council. Canadian Commission on Building and Fire Codes -- Ottawa: NRC, 2010. **[KB 42 C212P 2010]**

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#### **EXECUTORS AND ADMINISTRATORS**

THE EXECUTOR'S HANDBOOK / Kaufman, Leanne D -- 4th ed. -- North York, Ont. CCH, 2011. **[KB 153 K21 2011]**

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### **Barristers' Library not staffed June 29 and July 2**

The Barristers' Library will be without staff on Friday, June 29, and Monday, July 2.

Via the Regional Reference Desk, established by the Atlantic Provinces Law Society Libraries, you are able to obtain reference assistance from the following libraries on Friday, June 29: Law Society of New Brunswick 506 453 2500 and Law Society of Prince Edward Island 902 368 6099. Please mention the Regional Reference Desk when calling.

Library & Information Services staff would be pleased to assist you upon their return Tuesday, July 3.


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### **Setting up your own current awareness service: getting started**

Rather than visiting numerous websites for daily news and legal current awareness, have new web content pushed to you in the manner you prefer.

**Sign up for email newsletters.** Many sites continue to offer a subscription to an email newsletter. Sources to consider include [Legal Feeds](#), the blog of *Canadian Lawyer* and *Law Times*; the daily or weekly [email newsletter](#) of the *ABA Journal*; and the comprehensive or topic-based [email subscriptions](#) to the Canadian law blog [slaw.ca](#).

**View news feeds through an RSS reader.** Many email programs now provide the capacity to subscribe to and view RSS feeds within the program (a subscribed news feed appears like an email folder). Or use a web-based RSS service such as [Google Reader](#).

Look for the RSS icon [] on the webpages you view, indicating that a news feed is available. Click on the icon, copy the URL from the address bar, and paste it into your RSS reader, or follow the prompts.

Many sites provide a list of all RSS feeds available. A benefit of RSS is the ability to select specialized information channels. For example, select Legal Ethics or Legal Technology from the RSS feed lists of the [ABA Journal](#); CNW Legal from [CNW Group](#) (formerly Canadian Newswire); or the [Financial Post's Legal Post](#).

Some paid subscription materials, such as the [The Lawyer's Weekly](#), provide free via RSS the latest headlines but only selective access to full-text articles.

# INFORUM

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

**View news feeds on a mobile device.** RSS readers are available for portable devices such as the BlackBerry or iPhone. News providers like *The Globe and Mail*, the *Chronicle Herald* and the CBC have developed mobile device applications to syndicate their news.

Contact Library & Information Services at 425 2665 or 1 866 219 1202 (toll-free) for further assistance with setting up RSS feeds.

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# INFORUM

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

## :: NEW DECISIONS ::

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**ARBITRATION (LABOUR)** *Delorey et al. v. Strait Regional School Board*, No. 390139, Murray, J., June 18, 2012. [2012 NSSC 227](#)

**BANKRUPTCY** *Standard Life Assurance Co. of Canada v. Landry*, Hfx. No. 274569, Moir, J., June 14, 2012. [2012 NSSC 228](#)

**BANKRUPTCY** *Lundrigan (Re)*, Court No. B-36348; Estate No. 51-1464188, Cregan, Registrar in Bankruptcy, June 18, 2012. [2012 NSSC 231](#)

**COMPANY LAW** *FNF Canada Co. et al. v. Canada (Attorney General)*, S.H. No. 358290, Coughlan, J., June 13, 2012. [2012 NSSC 217](#)

**CRIMINAL LAW** *R. v. Reddick*, Cr. No. 341059, Wright, J., June 16, 2012. [2011 NSSC 235](#)

**CRIMINAL LAW** *R. v. Awad*, No. 2381903, Whalen, J.P.C., April 20, 2012. [2012 NSPC 43](#)

**CRIMINAL LAW** *R. v. S. (C.)*, No. 2397460; 2397461; 2397464; 2397465, Campbell, J.P.C., June 12, 2012. [2012 NSPC 45](#)

**CRIMINAL LAW** *R. v. MacLellan*, No. 2273715, Ross, J.P.C., May 8, 2012. [2012 NSPC 46](#)

**CRIMINAL LAW** *R. v. MacNeil*, No. 2358627, Whalen, J.P.C., June 14, 2012; April 19, 2012 (orally). [2012 NSPC 47](#)

**CRIMINAL LAW** *R. v. Gough*, No. 2185774, Tax, J.P.C., June 19, 2012; February 3, 2012 (orally). [2012 NSPC 49](#)

**CRIMINAL LAW** *R. v. Jamael*, No. 2352878; 2352936; 2352875, Whalen, J.P.C., June 19, 2012; May 28, 2012 (orally). [2012 NSPC 50](#)

**CRIMINAL LAW** *R. v. Kontuk*, Pic. C.R.A. No. 370752, Duncan, J., June 5, 2012. [2012 NSSC 204](#)

**CRIMINAL LAW** *R. v. Layes*, No. 2252026; 2252027, Atwood, J.P.C., June 21, 2012. 2012 NSPC 54

**CRIMINAL LAW** *R. v. Casey*, C.R.H. No. 339421, MacDonald, S. J., June 12, 2012; May 31, 2012 (orally). 2012 NSSC 222

**CRIMINAL LAW** *R. v. Horan*, Cr.S.P. No. 390984, Scanlan, J., June 12, 2012; June 6, 2012 (orally). [2012 NSSC 223](#)

**CRIMINAL LAW** *R. v. Langley*, Syd. No. 340085, Bourgeois, J., June 14, 2012; June 13, 2012 (orally). [2012](#)

# INFORUM

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

[NSSC 229](#)

**FAMILY LAW** *Kedmi v. Korem*, C.A. No. 381259, Beveridge, J.A., June 12, 2012. [2012 NSCA 65](#)

**FAMILY LAW** *Moore v. Darlington*, C.A. No. 350840, Farrar, J.A., June 21, 2012. [2012 NSCA 68](#)

**FAMILY LAW** *MacLellan v. Giovannetti*, No. 1201-063905; S.F.H.D. No. 066302, MacDonald, B. J., June 1, 2012. [2012 NSSC 212](#)

**FAMILY LAW** *Burden v. Burden*, No. 1207-003681; No. 079419, Wood, J., June 6, 2012. [2012 NSSC 214](#)

**FAMILY LAW** *W. (E.A.) v. M. (M.J.)*, Hfx. No. 393422, Smith, J., June 12, 2012; June 8, 2012 (orally). [2012 NSSC 216](#)

**FAMILY LAW** *Keinick v. Bruno*, No. 1206-004799, Forgeron, J., June 8, 2012; May 22, 2012 (orally). [2012 NSSC 218](#)

**FAMILY LAW** *Chaisson v. Williams*, S.F.H.M.C.A. No. 072026, MacDonald, B. J., June 12, 2012. [2012 NSSC 224](#)

**FAMILY LAW** *Werner v. Werner*, S.T. No. 1207-003556; No. 073977, Scanlan, J., June 14, 2012. [2012 NSSC 230](#)

**INJUNCTIONS** *MacQuarrie's Drugs Ltd. v. Salsman*, Tru. No. 388365, LeBlanc, J., June 21, 2012; April 30, 2012 (orally). 2012 NSSC 234

**MAINTENANCE** *Branton v. LeFrense*, No. 1201-052025, Legere-Sers, J., May 28, 2012; April 26, 2012 (orally). [2012 NSSC 206](#)

**MAINTENANCE** *Kelly v. Strickland*, No. 1201-50702, Legere-Sers, J., June 4, 2012. [2012 NSSC 207](#)

**MORTGAGES** *Xceed Mortgage Corp. et al. v. Baker*, Ken. No. 350561, Warner, J., June 12, 2012. [2012 NSSC 221](#)

**PRACTICE** *MacDonald v. Nova Scotia (Attorney General)*, C.A. No. 379468, Beveridge, J.A., June 12, 2012. [2012 NSCA 64](#)

**PRACTICE** *Leigh v. Belfast Mini-Mills*, C.A. No. 353382, Beveridge, J.A., June 15, 2012. [2012 NSCA 67](#)

**PRACTICE** *HSBC Bank Canada v. Ford*, Hfx. No. 353703, Murray, J., May 31, 2012; May 3, 2012 (orally). [2012 NSSC 179](#)

**PRACTICE** *King v. RBC Dominion Securities Inc.*, Syd. No. 246513, Bourgeois, J., June 13, 2012. [2012 NSSC 225](#)

**PRACTICE** *Saturley v. CIBC World Markets Inc.*, Hfx. No. 305635, Wood, J., June 13, 2012. [2012 NSSC 226](#)

# INFORUM

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

**REAL PROPERTY** *Hatfield v. Mader*, C.A. No. 333604, Oland, J.A., June 13, 2012. [2012 NSCA 66](#)

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## **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.

June 22, 2012

### [Westmount \(City\) v. Rosy](#)

Neutral Citation: [2012 SCC 30](#) (CanLII)

File No.: 34060.

2012: February 13; 2012: June 22.

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

On Appeal from the Court of Appeal for Quebec

*Insurance — Automobile insurance — No-fault public automobile insurance scheme — Tree falling on vehicle causing driver's death — Type of causal link necessary between damage and automobile — Whether driver's injuries were "caused by an automobile, by the use thereof or by the load carried in or on an automobile"? — Automobile Insurance Act, R.S.Q., c. A-25, s. 1 "accident", "damage caused by an automobile".*

*Civil procedure — Exception to dismiss action — Tree falling on vehicle causing driver's death — Driver's family members filing action in damages against city where accident occurred — Whether civil claim barred by virtue of public automobile insurance scheme's application — Code of Civil Procedure, R.S.Q., c. C-25, arts. 75.1, 165(4) — Automobile Insurance Act, R.S.Q., c. A-25, s. 83.57.*

R was killed when a tree fell on the vehicle he was driving in the City of Westmount. R's parents and three brothers filed an action in damages against the City on the basis of civil liability under the *Civil Code of Québec*. They alleged that, as the owner of the tree, the City had failed to properly maintain it. The City moved to dismiss the action under arts. 165(4) and 75.1 of the *Code of Civil Procedure*. It argued that the injury resulted from an accident caused by an automobile and, therefore, that any compensation for personal injury was governed by the *Automobile Insurance Act* ("Act"). The Superior Court granted the City's motion and dismissed the action. The Court of Appeal concluded that an injury is not "damage caused by an automobile" simply because the victim was in a vehicle at the time of the accident. It found that the motion's allegations led to the conclusion that there was nothing to connect R's injuries with the fact that he was in a vehicle. It allowed the appeal and held that the case could proceed in the Superior Court.

*Held:* The appeal should be allowed.

June 15, 2012

### [Halifax \(Regional Municipality\) v. Canada \(Public Works and Government Services\)](#)

Neutral Citation: [2012 SCC 29](#) (CanLII)

File No.: 33876.

2011: December 12; 2012: June 15.

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

# INFORUM

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

*On Appeal from the Federal Court of Appeal*

*Crown law — Real property and immovables — Taxation — Payments in lieu of taxes — Minister's valuation of Halifax Citadel National Historic Site millions of dollars lower than value determined by local assessment authority — What is the scope of Minister's discretion to determine "property value" for purposes of making payments in lieu of taxes — What standard of judicial review applies to determination — Was Minister's determination of property value reasonable? — Payments in Lieu of Taxes Act, R.S.C. 1985, c. M-13, ss. 2(1) and 4(1) — Assessment Act, R.S.N.S. 1989, c. 23, s. 42(1).*

Under the *Payments in Lieu of Taxes Act* (the Act), the Minister of Public Works and Government Services may make payments in lieu of taxes (PILTs) with respect to federally owned property, which is constitutionally exempt from provincial and municipal property taxation. The Minister made PILTs to Halifax with respect to the Halifax Citadel National Historic Site on the basis of a valuation of the site with which Halifax disagreed. Halifax and the Minister were able to agree on the value of the eligible improvements on the site, but not on the value of the structures called casemates and demi-casemates or of the land on the Citadel site. The matter was referred to a dispute advisory panel, which advised the Minister that the land beneath the casemates and demi-casemates should be valued at \$1,550,000 while the 42 acres of land beneath a grassy slope called the glacis should be valued at a nominal \$10. It also provided a valuation for the casemates and demi-casemates. The Minister accepted the Panel's advice and made further PILTs in accordance with it. Halifax applied for judicial review in the Federal Court, saying the valuation of the land and of the casemates and demi-casemates was unreasonable and the court agreed. This decision was reversed with respect to the land by a majority of the Federal Court of Appeal. The present appeal relates only to the valuation of the land.

*Held:* The appeal should be allowed and the matter remitted to the Minister for redetermination.

# INFORUM

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

## :: NOVA SCOTIA BILLS ::

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**There are no new bills at this time.**

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

# INFORUM

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

## :: PROCLAMATIONS UPDATE ::

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

***Dalhousie University-Nova Scotia Agricultural College Merger Act***, SNS 2012, c.3, s.23

NS Gaz Pt 2, [06/15/2012](#)

NS Reg 113/2012

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.



# INFORUM

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

## :: LIANS TIPS ::

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### **LIANS 2011 Annual Report now available**

The Lawyers Insurance Association of Nova Scotia's 2011 Annual Report presents an overview of activities and financial performance over the past year, and outlines our direction for future initiatives.

The 2011 Annual Report is now available on the [Annual Reports](#) page of the LIANS website.

### **RISK AND PRACTICE MANAGEMENT TIP: Deadline to report a potential claim is June 30, 2012!**

We consistently remind lawyers to contact LIANS as soon as practicable after becoming aware of circumstances that might give rise to a claim, however unmeritorious.

The Policy provides as follows:

This Part A gives the described coverage to an Insured for any Occurrence in respect of which

- (a) The initial Claim is made during the policy period and reported in writing to the Insurer during the policy period; or
- (b) A potential Claim is reported in writing to the Insurer during the policy period, which shall be considered a Claim made during the policy period;

provided that the Insured had no knowledge before commencement of the policy period of the Claim or potential Claim and could not reasonably have foreseen before commencement of the policy period that a Claim might arise.

When the policy period expires, the Insurer shall be free of liability for Occurrences except for those in respect of which a Claim has been made or is considered to have been made during the policy period under paragraph (a) above.

Please note that the current policy period runs from July 1, 2011 to **June 30, 2012**.

Contacting us is completely confidential and there is no risk. However, failure to report claims (or potential claims) of which you are currently aware by June 30, 2012 may result in a denial of coverage.

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

### **FRAUD ALERT: Real estate scam "Kin Hang Cheung"**

We have received a fraud report from a Nova Scotia lawyer who had been targeted by a real estate cheque scam from "Kin Hang Cheung". A real estate agent was first contacted as below:

*From: "kin hang cheung" <kinhang120@gmail.com>  
Date: 15 May, 2012 7:38:36 AM ADT  
To: "redacted"  
Subject: Re: I'd like more information about MLS(R) 00XXXXXX. (redacted)*

The agent was then asked to refer the "client" to a "good attorney". This "client" claimed he would be visiting Canada from China next month and was setting up the transaction through a stockbroker in time for his arrival. The lawyer received the email below, followed by a cheque soon after. The lawyer rightfully communicated that the cheque would not be deposited into the Trust Account until an Agreement of Purchase and Sale was signed and received, and not surprisingly has received no further communication from "Kin Hang Cheung".

*Thank you for your email.*

# INFORUM

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

*I would like you to represent me in Canada before I arrive.*

*I would also like you to review documents and on my behalf and to be intermediary to oversee the escrow as I am not comfortable dealing with them directly especially when I am not on ground.*

*Meanwhile, I plan to be in Canada next month but would like to have the purchase process initiated before I arrive.*

*In this light, how much would you be charging me for your services and is there a retainer document I am to review?*

*Kin*

Although a scanned copy of the “client’s” passport was received, remember that **you must always confirm** a prospective client’s identification in accordance with the [Client ID Regulations](#) of the Nova Scotia Barristers’ Society. Be sure to Google any potential clients you are unable to meet in person, **do not** deposit cheques in advance of a deal being signed and **do not** release funds until you verify with your bank that the cheque has cleared.

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 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.

## **FRAUD ALERT: Business collection scam “Ronald Stevenson, Clarkwood Equipment Inc.”**

Similar to several others we’ve seen in recent months, the following scam attempt email has been circulating in Nova Scotia:

*I am writing on behalf of my company to request your firm’s possible legal representation in matters concerning a client in your province. We have reviewed your firm’s profile and believe that this case is within your jurisdiction which is why we write requesting your firm’s services. Do let us know your position in reviewing this matter, so I may provide any additional information. We anticipate receiving a prompt response from you or your firm.*

*Sincerely,  
Ronald Stevenson  
Clarkwood Equipment Inc  
11130 Jackson Terrace  
Corpus Christi, TX 78410-2412*

If you receive any of these emails or versions of them (details such as names, locations and dollar amounts may vary), simply disregard the “requests” and forward the message to me if so desired.

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

## **NSLAP WELLNESS TIP: Preparing for life and work after baby – The power of positive parenting**

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

A child’s happiness starts with a firm foundation of love, security and self-esteem. Here are some thoughts from child care experts that will put you on the right track as your child grows.

- **Every child should feel special and appreciated.** Making a child feel special contributes significantly to the child’s self image, confidence and resiliency. An adult who focuses on a child’s strengths, while not ignoring a child’s problems, can make a big difference to his or her current happiness and future developments. Set aside

# INFORUM

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

special times during the week to be alone with your child and focus on activities the child enjoys, allowing him or her to display special strengths.

- **Help develop problem-solving skills.** Self-esteem goes hand in hand with a child's ability to solve problems, whether big or small. Get in the habit of discussing day-to-day problems that your child may encounter. Even if the solution is obvious to you, let him or her think about a couple of ways of solving the problem. Don't worry if the solutions don't come immediately.
- **Don't judge.** Avoid comments that are judgmental, and try to put feedback in a positive light. For example, if your child is having trouble mastering something, a comment like, "You'll just have to try harder and put in more effort" assumes they aren't trying and that something is wrong with them. Many children do try hard and still have difficulty. Try an approach like, "Let's try and figure out a different way to help you learn." Children are less defensive when they feel the problem is shared by others.
- **Have empathy.** How often, out of your own frustration, have you said something like, "Why don't you listen to me?" Even if the solution is obvious to you, let him or her think about a couple of ways of solving the problem. You can also try role-playing situations with your child to help demonstrate the steps involved in problem solving.
- **Provide choices.** Let your child develop the habit of making decisions that affect him or her. For example, ask if he would like to be reminded 10 or 15 minutes before bedtime to start getting ready, or if she wants to wear the red or green sweater. These early, simple choices help build the foundation for future responsibility and self destiny.
- **Never compare.** Avoid comparing your child to other children, especially siblings. Negative comparisons damage self-esteem while overly positive ones can distort your child's perceptions of others.
- **Highlight your child's strengths.** Children sometimes view themselves in a negative way, especially in terms of learning, abilities, and accomplishments. But every child has one or more areas in which they shine (either through ability or pure enjoyment). Make a list of your child's strengths and talents and find ways to reinforce them. For example, if your child is a talented artist, make sure to display his latest painting.
- **Allow your child to contribute.** Children, by nature, want to help and be involved. Seeing that help appreciated by others is a great boost to self-esteem. Providing opportunities for children to contribute to family activities, a parent's hobby, or other activities are concrete ways of acknowledging that they have something to offer. Put aside or even create tasks that your child can help out with.
- **Set realistic expectations and goals.** Having realistic, achievable expectations provides your child with the ability to experience success as each goal is reached. This, in turn, gives a sense of control over life. With this comes confidence and self-esteem.
- **Praise and support your child.** Praise your child, but do so moderately. Praise conveys your values and attitudes to your child and sets expectations. If you fail to praise, the message conveyed is that you don't believe in them. Reasonable praise using words such as "smart", "creative", "kind" and "sensitive" sets expectations within your child's reach. Words like "perfect", "the best", "most beautiful" and "brilliant" set impossible expectations, leading a child to feel pressured.
- **Build resiliency.** Don't try to hide or rescue your child from reality. A child needs to develop sensitivity and a certain "toughness" on their own. Being overprotective encourages dependency. Your child will learn to recover from failure and to build a resiliency that will help them triumph over adversity.

*For more information and support on the power of positive parenting, along with resources and counselling to improve your health and wellness, visit the NSLAP website at [www.nslap.ca](http://www.nslap.ca). Please note that **LAP** is your "company" name when you register. When you call the LAP number at **1-866-299-1299**, your call will be answered any time, day or night, 365 days per year.*

# INFORUM

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

## :: PR: DECISIONS AND DISPOSITIONS ::

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### **Settlement Agreements – Permission to Resign** **Anne Calder – Permission to Resign – June 6, 2012**

On March 10, 2011, the lawyer was convicted of one count of trafficking in a controlled substance and two counts of possession for the purposes of trafficking in a controlled substance, contrary to the *Controlled Drugs and Substances Act*. As a result, she was sentenced to two consecutive 30-month sentences. The appeal of her conviction and sentence was dismissed on November 10, 2011. Based on these convictions, the Nova Scotia Barristers' Society charged Anne Calder with breaches of the *Legal Ethics Handbook*. She admitted to all charges against her and admitted that this constituted professional misconduct and conduct unbecoming.

Ms. Calder had no prior discipline history and at trial, extensive evidence was entered regarding her history of mental health issues. Transcripts of the evidence given by Dr. Rosenberg at Ms. Calder's trial were provided to the Hearing Panel to support the proposed Settlement Agreement. Dr. Rosenberg's evidence indicated that Ms. Calder had been suffering from a major depressive disorder and personality disorders and at the time of her arrest in July 2009 was unfit to practise law.

The Hearing Committee approved the settlement agreement reached between Ms. Calder and the Society, resulting in Ms. Calder being permitted to resign and ineligible to apply for readmission to practice for a period of two years. If she reapplies, Ms. Calder will have to demonstrate to a Credentials Committee that her mental health will not interfere with her ability to practise. If readmitted, Ms. Calder will be required to abide by any conditions the Credentials Committee may place on her practising certificate and make arrangements with the Society for repayment of \$5,000 in costs.

*Nova Scotia Barristers' Society v. Calder*, [2012 NSBS 2](#)

### **Settlement Agreements – Suspension** **Raymond Jacquard - Suspension – May 9, 2012**

The lawyer was charged with numerous breaches of the *Legal Ethics Handbook* relating to his practice of real estate law. He admitted to all charges against him and admitted that this constituted professional misconduct, conduct unbecoming and professional incompetence.

From 2006 through 2008, over 35 property transactions of a suspicious nature were processed through Raymond Jacquard's office. These included quick property flips for increased value; non-arm's length transactions between clients; backdated agreements of purchase and sale; use of non-standard private agreements of purchase and sale; real estate commission and deposit issues; and the representation to lenders that purchases were refinances. The property flips involved purchases and sales in rapid succession, some within one day, with mortgage amounts increasing with each subsequent transaction. These transactions typically involved the same core group of people, most of whom were represented by Mr. Jacquard. Where Mr. Jacquard represented multiple parties, including lenders, he failed to ensure each party gave informed consent. In some cases, Mr. Jacquard himself was a party to the property transaction.

A practice review conducted by the Society in August 2009 found that Mr. Jacquard shared his Property Online private password with his property paralegal; failed to monitor his property practice or supervise his property paralegal; and acted with respect to mortgage transactions that were suspicious.

A follow up practice review was conducted in October 2010, which confirmed that Mr. Jacquard had taken steps to correct all identified breaches, and was by that time practising in compliance with the Act, Regulations, Standards and the *Legal Ethics Handbook*.

# INFORUM

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

Mr. Jacquard admitted to all charges and that his effective abdication of his real estate practice in this manner between 2006 and 2008 constituted professional misconduct, conduct unbecoming and professional incompetence.

The Hearing Committee approved the settlement agreement reached between Mr. Jacquard and the Society, resulting in a 12-month suspension of his practising certificate to be served from July 1, 2012 to June 30, 2013; on his reinstatement, a one-year restriction on his practice requiring that he only practise with one or more members of the Society in good standing; and, payment of costs in the amount of \$65,000 plus HST, with 25 per cent of this amount due on or before the earlier of June 30, 2013 or reinstatement of his practising certificate, and the balance in increasing monthly installments between January 1, 2014 and December 1, 2016.

*Nova Scotia Barristers' Society v. Jacquard*, [2012 NSBS 1](#)

# INFORUM

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

## :: CLASSIFIEDS ::

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

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

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

#### **Contact information:**

Kathy Temple

Director of Leasing – Boris Holdings Inc.

300 Prince Albert Rd., Suite 120

Dartmouth NS B2Y 4J2

Cell: 902 817 1194

[ktemple@borisholdings.com](mailto:ktemple@borisholdings.com)

[www.borisholdings.com](http://www.borisholdings.com)

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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, which is approximately 16 feet by 12 feet, a large secretarial/assistant's workstation is also available. Photos of the available office space and our offices can be found at this [link](#).

Our offices are also equipped with a kitchen. The base rent for the available office space is \$1,200.00 per month, plus a share of office expenses (photocopier, cable, etc.)

If interested, kindly forward an email with your contact information to David G. Barrett at [dgbarrett@eastlink.ca](mailto:dgbarrett@eastlink.ca). All enquiries will be held in the strictest confidence.

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

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