

# INFORUM

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

## :: WHAT'S NEW: :

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### Society News

- [A significant new tool for improving access to justice: nsfamilylaw.ca](http://nsfamilylaw.ca)
- [Council Highlights from Friday, July 20, 2012](#)
- [Changes in Category](#) – July 6 to 23, 2012
- [Reminder: 10<sup>th</sup> Annual Pride Reception](#) on Thursday, July 26

### NSBS Continuing Professional Development

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

### Library & Information Services

- [CanLII: Lancaster House e-text on Wrongful Dismissal and Employment law updated](#)
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- [New books at the Library](#)
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### From LIANS

- [July 2012 edition of LIANSwers now online](#)
- [Effective documentation](#) – a new Risk and Practice Management Tip from the Risk and Practice Management Program, LIANS
- [Protect yourself from online hiring scams](#) – a new Fraud Alert from the RPM Program, LIANS
- [How to tell your child about your separation or divorce](#) – a new Wellness Tip from NSLAP

### From the Courts

- [SCC Notice to the Profession: Applications for Leave to Appeal – filing of electronic documents](#)

### From the Province

- JUSTICE: See all Department of Justice announcements at <http://www.gov.ns.ca/just/communications/>.
  - Family Law Nova Scotia website launched (July 17)
  - Groundbreaking ceremony marks jail's construction in Pictou County (July 16)
  - Firearm businesses get clarity on new federal legislation (July 10)
- SIRT:
  - [Incident reported by Halifax Regional Police under investigation](#) (July 23)
  - [Incident reported by Musquodoboit Harbour RCMP under investigation](#) (July 10)
- ENERGY: [Public consultation on draft regulations for NSURB review of Maritime Link](#) (July 16) NATURAL RESOURCES: [Charges under the Wildlife Act result in guilty pleas in Cape Breton](#) (July 10)
- ELECTORAL BOUNDARIES COMMISSION: [Revised interim report released to Minister of Justice](#) (July 20)
- ECONOMIC AND RURAL DEVELOPMENT/TOURISM:
  - [Province initiates independent review of Regional Development Authority model](#) (July 19)
- SNSMR: See all announcements under “NEWS RELEASES” at <http://www.gov.ns.ca/snsmr/>
  - Second webcast on municipal elections for persons with disabilities (July 23)
  - Nova Scotia Annual Gaming Report now online at [www.accessns.ca/alcohol-gaming/publications.asp](http://www.accessns.ca/alcohol-gaming/publications.asp) (July 12)
  - Province provides equalization grants to municipalities (July 12)
  - Town of Bridgetown hires new Chief Administrative Officer as a step toward stable government (July 12)
- [Error & Omission notices](#)

### Volunteer & Pro Bono Opportunities

- Alex's Safe Harbour Society – seeking members for Board of Directors

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## Other notices

- [Amendments to CEPA following coming into force of \*Environmental Enforcement Act\* provisions](#)
- [Modifications à la LCPE suite à l'entrée en vigueur des dispositions contenues dans la Loi sur le contrôle d'application des lois environnementales](#)
- [LISNS newsletter: Spring-Summer 2012 edition now online](#)
- [BOYNECLARKE LLP welcomes Jessica D. Chapman & Margaret J. George](#)

## Events of Interest

- [10<sup>th</sup> Annual Pride Reception](#) – July 26
- [Summer Civil Trial Advocacy College](#) – July 26 & 27
- [The 1st Southeast Asia Pro Bono Conference](#) – September 2012
- [The Seventh Annual Halifax Rock for Dimes](#) – October 25
- [Upcoming events from CBA-NS](#)
  - *Tax Law: Tips and traps for Non-Tax 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
  - *Online programs*
- [Ambiguous Crossroads: Persons with Mental Health Problems and the Criminal Justice System](#), presented by the Canadian Institute for the Administration of Justice – February 1, 2013

## Classifieds

- [Therapy, consultation and more](#)

## Career Opportunities

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

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## :: NOTICES ::

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### SOCIETY NEWS

#### **A significant new tool for improving access to justice: [nsfamilylaw.ca](http://nsfamilylaw.ca)**

The Society is pleased to announce the launch of the Family Law Nova Scotia website: [nsfamilylaw.ca](http://nsfamilylaw.ca).

"This website and the range and depth of information it provides Nova Scotians is a game changer," said the Society's President Tim Daley QC. "It affords everyone an excellent source of information on the law and processes around family matters, and will benefit many Nova Scotia families as they deal with the difficult issues arising out of separation and divorce."

The new website represents a significant achievement of the Access to Justice Working Group and an unprecedented collaborative effort by many organizations within the province's justice sector.

Family Law Nova Scotia will be an excellent resource for those who are self-represented, as well as family law practitioners. It is designed to assist Nova Scotians who are experiencing a family breakup, domestic violence or other legal issues to be better informed about the law, processes and services that make up family law in the province.

"We should be very proud of this site and the commitment it represents to improving access to justice in this province," said Mr. Daley.

Justice Minister Ross Landry officially launched the new website on July 17, during the Federation of Law Societies National Family Law Program in Halifax.

"A family breakup is a challenging and emotional time," he said. "Our hope is that this website will help families be better informed and make this difficult time a little easier."

#### **Refer clients to new site**

If you are a service provider or law practitioner who works with Nova Scotians experiencing family troubles, or who need basic information about family law, refer them to [nsfamilylaw.ca](http://nsfamilylaw.ca).

Whether they are facing a family breakup or want to know more about child custody and visitation, child support, child protection, divorce, common-law relationships, or get information for grandparents, [nsfamilylaw.ca](http://nsfamilylaw.ca) will be a valuable resource for them – and for you.

While it doesn't replace legal advice, it's a good starting point for practical information and instructions. The website also offers helpful videos and links to many family law forms, plus contact information for organizations in Nova Scotia that offer family-related services.

#### **Request for feedback – and assistance in spreading the word**

As part of this significant new initiative, an evaluation strategy has been developed to ensure the website meets the needs of families and professional stakeholders involved with family justice services throughout the province. Once you complete your session on the website, please take a moment to fill out a short [stakeholder survey](#). Your feedback and comments will assist in making any necessary changes and to better understand how the website can be customized to best reflect the needs of families and stakeholders.

Please continue to share the important information contained on the website by passing on the link to other organizations and members of the public. A poster and rack card are available for downloading on the homepage, in the section titled "Get the Word Out". Posters can be printed out for placement in waiting rooms, offices and on bulletin boards, and the rack cards may be useful to hand out to clients, customers, friends and colleagues. We also encourage you to add the link to your own websites: [nsfamilylaw.ca](http://nsfamilylaw.ca).

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The website is the result of a collaborative effort involving the Nova Scotia Department of Justice, the Executive Office of the Nova Scotia Judiciary, the Nova Scotia Barrister's Society, the Legal Information Society of Nova Scotia, Nova Scotia Legal Aid, the Department of Community Services, the Canadian Bar Association – Nova Scotia Branch, and the Capital District Health Authority (Mental Health Program). It was developed with financial support from Justice Canada.

See Slaw.ca for Simon Fodden's [July 19 review](#) of the new Family Law Nova Scotia website.

## **Council Highlights from Friday, July 20, 2012**

For details about matters discussed at Council's meeting on Friday, July 20, please see the Council Highlights and Documents, available on the Council materials page of the Society's website: <http://nsbs.org/council-materials>.

At the meeting, Council approved amendments to the Conflict of Interest Rule 2.04 in the *Code of Professional Conduct*, approved amendments to Election Regulations and the Internal Review process, clarified acceptable CPD activities, approved Committee Work Plans, delegated authority to the Federation to approve new law schools, and welcomed Marie Paturel as Acting Equity Officer during Emma Halpern's parental leave. See the Council Highlights and documents at the link above for complete details.

The next regular meeting of Council is scheduled for **Friday, September 14, 2012** at the Society's offices.

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## **Society Committees for 2012-2013**

At its meeting on June 25, Council amended and approved the **Society Committees List 2012-2013**, which can be accessed on the [Committees](#) page of the website.

The current [Schedule of Meetings – 2012-2013](#) is also available on the website, subject to changes that will be posted as required.

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## **Last chance to RSVP: 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).

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## **Changes in Category – July 6 to July 23, 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:*

Ashley Dawn Anne Dutcher  
Mary Jane Hyslop

Ethan Shi-Eun Kim  
Amber Natasha Penney

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*The following members have resigned:*

John Robert Morton Akerman QC  
Crystal Ann Lawrence  
Paul Maurice Ledroit  
Georgina Clare Murphy  
Darren Charles Osborne

Duane Anthony Praught  
John Burnham Sedgwick  
Heather Ann Shields  
Douglas Brian Skinner  
Matthew Harry Duncan Walker

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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**.

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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## **FROM THE COURTS**

### **SCC Notice to the Profession: Applications for Leave to Appeal – filing of electronic documents**

Please take note that for every application for leave to appeal filed on or after August 1, 2012, counsel will be required to file an electronic version of the memorandum of argument on the application for leave, the response and the reply. Until further notice, this requirement will not apply to parties who are not represented by counsel.

View the original [July Notice](#) on the Supreme Court of Canada website, under the Acts and Rules heading.

The electronic document must be filed in PDF format on a CD-ROM, or as an attachment to an e-mail sent to [registry-greffe@scc-csc.gc.ca](mailto:registry-greffe@scc-csc.gc.ca), no later than five (5) working days after the filing of the printed version prepared in accordance with the requirements of the Rules of the Supreme Court of Canada and the Guidelines for Preparing Documents to be Filed with the Supreme Court of Canada (Print and Electronic). The deadlines for service and filing of printed documents remain the same. Service of the electronic version is not required.

The electronic version of a document must be a true representation of the printed version. The original printed version is considered the official version.

These electronic versions of memorandums of argument will assist the Court in its deliberations. They will not be posted on the Court's Web site. The Court appreciates your co-operation.

For further information, or if you have any questions, please contact Joanne Laniel, Manager, Registry Branch, at 613-996-7810.

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Mary McFadyen, Deputy Registrar  
July 2012

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## Avis à la communauté juridique

À tous les abonnés aux communiqués de presse de la Cour suprême du Canada

Un récent Avis à la communauté juridique, daté de juillet 2012, peut maintenant être consulté à l'adresse suivante : <http://www.scc-csc.gc.ca>. Cliquez sur « Loi et Règles », puis sur « Avis à la communauté juridique ».

## 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>
- **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*.

### Serving persons in custody after hours – Central Nova Scotia Correctional Facility (CNSCF)

Persons from professional agencies (lawyers, process servers) are required to call reception staff to schedule an appointment for a contact visit with an offender.

Between the hours of 1700 and 0800, please call reception staff before attending the facility to allow the Officer in Charge to facilitate service.

Contact information can be found at: <http://novascotia.ca/just/Corrections/CNSCF.asp>

### Workers' Compensation Board: RFP for External Legal Services

The Workers' Compensation Board of Nova Scotia is seeking responses to its Request for Proposal for External Legal Services, including provision of advice on all matters referred by internal legal counsel of the WCB or other specific WCB personnel in a timely and cost effective manner.

To download full tender document, please visit [www.gov.ns.ca/tenders](http://www.gov.ns.ca/tenders) tender #wcb2012-015.

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## **LABOUR AND ADVANCED EDUCATION: Applications invited – Minister's List of Arbitrators**

The Minister of Labour and Advanced Education is seeking applications for the Minister's List of Arbitrators under Parts I and II of the *Trade Union Act*.

Applicants will be assessed on the following:

- *Ability to act in an impartial and neutral manner as an arbitrator in labour relations matters;*
- *Experience in labour relations dispute resolution (chairing boards of arbitration or acting as a sole arbitrator, acting as a nominee for a party in an arbitration case, presenting cases to Labour Tribunals, etc.)*
- *Knowledge of labour law, employment law and/or human rights law; and*
- *Demonstration of judgment, impartiality and objectivity, integrity, and a commitment to hold hearings and render decisions in a timely manner.*

Applications will be reviewed by the Arbitration Advisory Committee. Details on assessment of qualifications and further information are available at: <http://gov.ns.ca/lae/conciliation/arbitrat.asp>.

Interested applicants are asked to submit a cover letter and resume detailing their qualifications, including samples of adjudicative decisions, **by August 17, 2012**, to:

Minister Marilyn More  
Labour and Advanced Education  
c/o Conciliation and Labour Tribunals Division  
P.O. Box 697, Halifax NS B3J 2T8  
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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 **Halifax County** Land Registration Office. To view these notices in full, refer to the Errors & Omissions page on the [Property Online](#) (PO) website.

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## **OTHER NEWS & NOTICES**

### **Amendments to CEPA following coming into force of *Environmental Enforcement Act* provisions**

I am writing to inform you of recent changes to the *Canadian Environmental Protection Act*, 1999 (CEPA 1999) that are a part of our ongoing process of bringing the provisions of the *Environmental Enforcement Act* (EEA) into force.

The EEA is omnibus legislation that creates new enforcement tools, amends the fine regimes and strengthens the sentencing provisions in nine environmental acts. The combined effect of these measures is to help achieve greater compliance with federal environmental legislation. A more **detailed description of the EEA** can be found on the Enforcement website at: <http://www.ec.gc.ca/alef-ewe/default.asp?lang=En&n=A72F150D-1>

While the bulk of the EEA came into force on December 10, 2010, the provisions amending the fine regime under CEPA 1999 required an Order in Council (OIC) to bring them into force. That OIC was passed on June 22, 2012.

The passage of the OIC means that the [revised fine scheme](#) created by the EEA applies to **offences under CEPA 1999**. Under the revised fine scheme, certain designated offences will be subject to mandatory minimum fines and higher maximum fine levels. These offences are designated in the Act itself.

The mandatory minimum fines and higher maximum fine levels also apply to designated offences of regulations that are made pursuant to CEPA 1999. Regulations designating the offences [under 25 CEPA regulations](#) that are subject to the [revised fine scheme](#) came into effect on July 4, 2012.

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A list of the offences designated under each of the **25 CEPA regulations** is provided on the page for each regulation in the **CEPA Registry website**. However should further information be required, please contact the [Legislative Governance Division](#) at [legis.gov@ec.gc.ca](mailto:legis.gov@ec.gc.ca).

Sincerely,  
John Moffet

## **Modifications à la LCPE suite à l'entrée en vigueur des dispositions contenues dans la Loi sur le contrôle d'application des lois environnementales**

J'aimerais vous mettre courant des récentes modifications qui ont été apportées à la *Loi canadienne sur la protection de l'environnement, 1999* qui s'inscrivent dans le cadre de notre processus continu consistant à mettre en vigueur les dispositions de la *Loi sur le contrôle d'application de lois environnementales*.

La *Loi sur le contrôle d'application de lois environnementales* est une loi omnibus qui crée de nouveaux outils d'application de la loi, modifie les régimes d'amendes et renforce les dispositions relatives aux peines pour neuf lois environnementales. Ces mesures ont pour effet combiné de contribuer à améliorer la conformité à la législation fédérale en matière d'environnement. **Une description plus détaillée** des dispositions prévues par la *Loi sur le contrôle d'application de lois environnementales* est disponible sur le site Web d'Application de la Loi: <http://www.ec.gc.ca/alef-ewe/default.asp?lang=Fr&n=A72F150D-1>.

Bien que la majorité des dispositions de la *Loi sur le contrôle d'application de lois environnementales* aient pris effet le 10 décembre 2010, un décret a été nécessaire pour faire entrer en vigueur les dispositions modifiant le régime d'amendes en vertu de la *Loi canadienne sur la protection de l'environnement (1999)*. Ce décret a été adopté le 22 juin 2012.

L'adoption du décret signifie que le **régime d'amendes révisé** créé par la *Loi sur le contrôle d'application de lois environnementales* s'applique aux infractions en vertu de la *Loi canadienne sur la protection de l'environnement (1999)*. En application du régime d'amendes révisé, certaines infractions désignées seront soumises à des amendes minimales obligatoires et à des niveaux d'amendes maximales plus élevés. Ces infractions sont désignées dans le texte même de la loi.

Les **amendes minimales obligatoires et les niveaux d'amendes maximales plus élevés** s'appliquent aussi aux infractions désignées dans les règlements pris en vertu de la *Loi canadienne sur la protection de l'environnement (1999)*. Le règlement désignant ces infractions dans 25 règlements pris en vertu de la *Loi canadienne sur la protection de l'environnement* est entré en vigueur le 4 juillet 2012.

Une liste des infractions désignées dans chacun des **25 règlements pris en vertu de la Loi canadienne sur la protection de l'environnement** est fournie sur la page de chaque règlement sur le **site Web du registre environnemental de la Loi canadienne sur la protection de l'environnement**. Toutefois, pour obtenir des renseignements supplémentaires, veuillez communiquer avec la Division de la gouvernance législative à [legis.gov@ec.gc.ca](mailto:legis.gov@ec.gc.ca).

Veillez agréer l'expression de mes sentiments les meilleurs,  
John Moffet

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## **LISNS newsletter: Spring-Summer 2012 edition now online**

Four times a year the Legal Information Society of Nova Scotia (LISNS: pronounced like "listens") creates a newsletter around a theme of legal information. For example, we have produced newsletters about family law, privacy online, etc.

**Hot off the press is the newest issue!** This one is double size and is themed around LISNS' 30th Anniversary, how we got started as a charity, some common misconceptions about the law in Nova Scotia and more.

Read the new **Spring-Summer 2012** issue and learn more about LISNS at [www.legalinfo.org](http://www.legalinfo.org). If you have questions about the newsletter, email [development@legalinfo.org](mailto:development@legalinfo.org).

Follow us on Twitter @LegalInfoNS | Like us on Facebook <https://www.facebook.com/LegalSeagull>

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**BOYNECLARKE LLP welcomes Jessica D. Chapman**

July 16, 2012 – Halifax, Nova Scotia: BOYNECLARKE LLP, one of Atlantic Canada's largest law firms, is pleased to announce that Jessica D. Chapman has joined us in the practice of law with a focus on Family Law.

Jessica, from St. Margaret's Bay, received her B.A. (Honours) in Psychology from Mount Allison University in 2008. Prior to completing her J.D. at Dalhousie University in 2011, Jessica worked for a term at the Dalhousie Legal Aid Clinic, was the coordinator of Dalhousie's Pro Bono program and volunteered in New Orleans with Habitat for Humanity.

During her legal studies, Jessica conducted research for the Nova Scotia Restorative Justice Community University Research Alliance. In 2010, Jessica received the Honorable Gordon S. Cowan Court of Appeal Internship and had the privilege of conducting research under the supervision of Chief Justice Michael MacDonald on the issue of contempt in family proceedings.

Following the completion of her law degree, Jessica traveled and volunteered in South East Asia for four months before commencing her articles at BOYNECLARKE LLP in June 2011. We invite you to visit our website for more information on Jessica as well as our Family Law team. [www.boyneclarke.com/](http://www.boyneclarke.com/)

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**BOYNECLARKE LLP welcomes Margaret J. George**

July 16, 2012 – Halifax, Nova Scotia: BOYNECLARKE LLP, one of Atlantic Canada's largest law firms, is pleased to announce that Margaret J. George has joined us in the practice of law with a focus on Business Law.

Raised in Fredericton, Margaret received her Bachelor of Arts degree from St. Thomas University in 2007, majoring in Economics and Psychology. She completed her J.D. at Dalhousie University's Schulich School of Law in 2011, and was called to the Nova Scotia Bar on June 8, 2012.

Margaret is an Executive Member of LEAF (Women's Legal Education and Action Fund), Halifax Branch. She is also the former Secretary for the Dalhousie Law Students Society and former member of the Dalhousie Association of Women & the Law Mentorship Program.

We invite you to visit our website for more information on Margaret as well as our Business Law team. [www.boyneclarke.com/](http://www.boyneclarke.com/)

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**VOLUNTEER & PRO BONO OPPORTUNITIES****Alex's Safe Harbour Society – seeking members for Board of Directors**

Alex's Safe Harbour Society is a registered charity in Halifax Regional Municipality that provides grief support to children, teens and families at a time when they need it the most, when someone they love has died.

We are presently seeking individuals to enhance our Board of Directors who may have expertise in the following fields: Legal, Business Management, Accounting, Banking, Insurance, Public Relations, Advertising, Technology, Fundraising, Medical, Social Work and Community Services.

Would you, or someone you know, be willing to donate some time and expertise to help us help others?

Our organization has received funding from private and corporate donors, the IWK Health Foundation, local Community Health Boards and the Mental Health Foundation of Nova Scotia.

If you would like more information, please call our Bereavement Coordinator, Trish Dominie at 902-448-8396 and visit our website [www.alexssafeharbour.com](http://www.alexssafeharbour.com).

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## **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 through 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).

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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 members of the legal community by completing our online lawyer volunteer form at: <http://reachability.org/legal/vla>

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

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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](#).

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## :: CONFERENCES & SEMINARS ::

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

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

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

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

Dates for next LRA course:

- 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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#### **Invitation to the 10<sup>th</sup> 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).

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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 1st Southeast Asia Pro Bono Conference to be held in September 2012**

The 1st Southeast Asia Pro Bono Conference will bring together lawyers, academics, students, policy makers and representatives from non-profit organisations to develop pro bono initiatives to strengthen access to free legal advice in

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Southeast Asia. Organised by BABSEA CLE in cooperation with the National University of Laos Faculty of Law and Political Science, the Conference will take place on 28 and 29 September 2012 in Vientiane, Laos.

*"Greater access to justice is crucial to improving the situation of millions of people across Southeast Asia," said Bruce Lasky, Co-founder and Director of BABSEA CLE. "Lawyers, academics and students are uniquely placed to offer pro bono legal assistance. This Conference will provide legal professionals with the skills, knowledge and expertise they need to do just that. But more than that, the Conference will include decision-makers from regional non-profit organisations, including non-government organisations and law faculties, looking to form partnerships to work on meaningful pro bono projects."*

The two-day Conference will consider a range of topics, including the role of pro bono as a form of legal assistance to socially excluded persons, professional excellence and how to manage working pro bono partnerships, and the current situation of pro bono in Southeast Asia. Interactive workshops will look at how lawyers can develop a pro bono culture at their firms and how to incorporate pro bono into the curriculum of law students through clinical legal education.

Bridges Across Borders Southeast Asia Community Legal Education Initiative (BABSEA CLE) is an international access to justice, legal education organisation that focuses on legal-capacity development and community empowerment. BABSEA CLE has been working with universities, law faculty, law students, lawyers, members of the legal community and justice-related organisations to develop clinical and community legal education programmes across the region. These clinics provide pro bono services while educating the next generation of social justice, pro bono champions. For further information on BABSEA CLE see [www.babseacle.org](http://www.babseacle.org).

For further information contact Laura Milne at [probono@babseacle.org](mailto:probono@babseacle.org) or on (+84) 0919982812 (Vietnam).

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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 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**

### **Conferences:**

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## Tax Law: Tips and traps for Non-Tax 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

## Online CLE:

- September 28, 2012 – Procedural Notice Quirks Suing the Provincial/Federal Crown
- October 12, 2012 – Rule 62
- November 30, 2012 – Snowbirds: Cross Border Planning
- December 14, 2012 – Fracking/Windmills/Mining Projects
- January 18, 2013 – Being an Executor: How to Stay Out of Court
- February 22, 2013 – Technology - 45 Tips in 90 Minutes
- March 22, 2013 – Property Condition/Disclosure Statements/Home Inspecting
- April 12, 2013 – Immigration law: Impact of Criminal Charges
- April 26, 2013 – The Status of Pension and Disability in Wrongful Dismissal Claims
- June 7, 2013 – Small Claims Court

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## **Ambiguous Crossroads: Persons with Mental Health Problems and the Criminal Justice System**

Presented by the Canadian Institute for the Administration of Justice

**Friday, February 1, 2013**

**Schulich School of Law, Dalhousie University, Halifax, Nova Scotia**

*[More information...](#)*

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## **Upcoming Events from the Atlantic Provinces Trial Lawyers Association**

### **APTLA ONLINE LEGAL EDUCATION**

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

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

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

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## :: LIBRARY & INFORMATION SERVICES: :

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### **CanLII: Lancaster House e-text on Wrongful Dismissal and Employment law updated**

When CanLII and legal publisher Lancaster House launched the first open access electronic text on CanLII, [eText on Wrongful Dismissal and Employment Law \(1st edition\)](#), content updates two to four times per year were promised.

The first additions – commentary including analysis of recent appellate decisions – were loaded July 3, 2012. For details, see [CanLII's recent news posting](#).

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### **One-minute CanLII training videos on YouTube**

CanLII has had Université de Sherbrooke law student Ryan Sanft produce several one-to-two-minute training videos on different aspects of searching and tools on CanLII, including using RSS feeds and techniques to refine your search results.

View the training videos on CanLII's YouTube channel at <http://www.youtube.com/user/CanLIIdotORG>

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### **New books at the Library**

#### **ADMINISTRATIVE LAW**

ADMINISTRATIVE LAW IN CANADA / Blake, Sara — 5th ed. — Markham, Ont. LexisNexis Canada, 2011. [KB 32 B636 2011]

#### **ADMINISTRATIVE TRIBUNALS**

STANDARDS OF REVIEW OF FEDERAL ADMINISTRATIVE TRIBUNALS / deBeer, Jeremy; Drake, Michael; Hoole, Warren; McGraw, Neil; Regimbald, Guy — 4th ed. — Markham, Ont. LexisNexis Canada, 2012. [KB 36.A2 D286 2012]

#### **BUILDING LAW**

REVIEW OF CONSTRUCTION LAW : RECENT DEVELOPMENTS / Glaholt LLP; Borden Ladner Gervais LLP — Toronto: Carswell Thomson Reuters, 2012. [KB 42 G541 2012]

#### **CONTRACTS**

BEHIND AND BEYOND BOILERPLATE : DRAFTING COMMERCIAL AGREEMENTS / Elderkin, Cynthia L; Shin Doi, Julia S — 3d ed. — Toronto: Carswell Thomson Reuters, 2011. [KB 130 E37 2011]

INTRODUCTION TO CONTRACTS / MacDougall, Bruce — 2d ed. — Markham, Ont. LexisNexis Canada, 2012. [KB 130 M137 2012]

#### **CORPORATE GOVERNANCE**

GOVERNANCE OF PUBLICLY LISTED CORPORATIONS / Dorval, Thierry — 2d ed. — Markham, Ont. LexisNexis Canada, 2012. [KB 109 D718 2012]

#### **CRIMINAL LAW**

CANADIAN CRIMINAL LAW : A TREATISE / Stuart, Don — 6th ed. — Toronto: Carswell Thomson Reuters, 2011. [KB 90 S93 2011]

LEARNING CANADIAN CRIMINAL LAW / Stuart, Don; Delisle, Ronald Joseph; Coughlan, Steve — 12th ed. — Toronto: Carswell Thomson Reuters, 2012. [KB 92 D354L 2012]

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## **CRIMINAL PROCEDURE**

CRIMINAL PROCEDURE / Coughlan, Stephen — 2d ed. — Toronto: Irwin Law, 2012. [KB 92 C853 2012]

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CRIMINAL PROCEDURE IN CANADA / Penney, Steven; Rondinelli, Vincenzo; Stribopoulos, James — Markham, Ont. LexisNexis Canada, 2011. [KB 92 P412 2011]

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## **DISCOVERY**

E-DISCOVERY IN CANADA / Wortzman, Susan; Nickle, Susan — 2d ed. — Markham, Ont. LexisNexis Canada, 2011. [KB 199.D7 B959 2011]

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## **EVIDENCE**

THE LAW OF EVIDENCE / Paciocco, David M; Stuesser, Lee — 6th ed. — Toronto: Irwin Law, 2011. [KB 192 P114 2011]

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## **FAMILY LAW**

CANADIAN FAMILY LAW / Payne, Julien D; Payne, Marilyn A — 4th ed. — Toronto: Irwin Law, 2011. [KB 135 P346 2011]

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## **GOVERNMENT LIABILITY**

LIABILITY OF THE CROWN / Hogg, Peter W; Monahan, Patrick; Wright, Wade K — 4th ed. — Toronto: Carswell Thomson Reuters, 2011. [KB 183 .G7 H716 2011]

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## **INTERPRETATION AND CONSTRUCTION**

THE INTERPRETATION OF LEGISLATION IN CANADA / Cote, Pierre-Andre; Beaulac, Stéphane; Devinat, Mathieu — 4th ed. — Toronto: Carswell Thomson Reuters, 2011. [KB 29.S8 C843 2011]

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## **JOINT VENTURES**

JOINT VENTURES / Alberta. Law Reform Institute — Edmonton, Alta. The Institute, 2012. [KB 107 A333 2012 no.99]

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## **JUDICIAL REVIEW**

BOUNDARIES OF JUDICIAL REVIEW : THE LAW OF JUSTICIABILITY IN CANADA / Sossin, Lorne — 2d ed. — Toronto: Carswell Thomson Reuters, 2012. [KB 29.J9 S715 2012]

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## **LAW FOUNDATIONS**

LAW FOUNDATION OF NOVA SCOTIA ANNUAL REPORT 2011-2012 / Law Foundation of Nova Scotia — Halifax, N.S. The Foundation, 2012. [KB 7.2 N935A 2012]

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## **LEGAL RESEARCH**

FINDING AND MANAGING LEGAL INFORMATION ON THE INTERNET / Whelan, David P — 2d ed. — Toronto: Canada Law Book, 2012. [KB 15.3 W556 2012]

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UPDATING STATUTES AND REGULATIONS FOR ALL CANADIAN JURISDICTIONS / McCormack, Nancy; Leonard, Nathalie — 5th ed. — Toronto: Carswell Thomson Reuters, 2012. [KB 15 S616 2012]

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## **LIFE INSURANCE**

CANADIAN TAXATION OF LIFE INSURANCE / Marino, Florence — 6th ed. — Toronto: Carswell Thomson Reuters, 2012. [KB 144 .L5 C974 2012]

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## **MERGERS**

MERGERS, ACQUISITIONS, AND OTHER CHANGES OF CORPORATE CONTROL / Nicholls, Christopher C — 2d ed. — Toronto: Irwin Law, 2012. [KB 41 N613 2012]

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## **NATIVE PEOPLES**

ABORIGINAL LAW HANDBOOK / Olthuis, Kleer, Townshend LLP; Imai, Shin — 4th ed. — Toronto: Carswell Thomson Reuters, 2012. [KB 79.I6 I31A 2012]

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## NEGLIGENCE

ECONOMIC NEGLIGENCE : THE RECOVERY OF PURE ECONOMIC LOSS / Feldthusen, Bruce — 6th ed. — Toronto: Carswell Thomson Reuters, 2012. [KB 181 F312 2012]

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## SECURITIES

SECURITIES LITIGATION AND ENFORCEMENT / Groia, Joseph; Hardie, Pamela — 2d ed. — Toronto: Carswell Thomson Reuters, 2012. [KB 65 G873 2012]

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## SENTENCES

SENTENCING / Ruby, Clayton C; Chan, Gerald J; Hasan, Nader R — 8th ed. — Markham, Ont. LexisNexis Canada, 2012. [KB 92.S47 R897 2012]

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## TORTS

CLERK AND LINDSELL ON TORTS / Clerk, J.F — 20th ed. — London: Sweet & Maxwell, 2010. [KB 180 C631 2010]

THE LAW OF TORTS IN CANADA / Fridman, G.H.L — 3d ed. — Toronto: Carswell Thomson Reuters, 2010. [KB 180 F898 2010]

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## WITNESSES

WITNESSES AND THE LAW / Fraser, Ian; Bond-Fraser, Louise; Houlihan, Michael; Fenwick, Kimberley; Korotkov, David; Morrison, Barry R — Toronto: Canada Law Book, 2011. [KB 192 F841 2011]

## :: NEW DECISIONS ::

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**BUILDING CONTRACTS** *Norman Bushell House Moving v. Carlson*, Claim No. 350247, Ripley, Adjudicator, April 11, 2012. [2012 NSSM 26](#)

**CONTRACTS** *Huckle v. Spencer*, Claim No. 389000, Slone, Adjudicator, June 1, 2012. [2012 NSSM 13](#)

**CONTRACTS** *Floors Plus v. Cleveland*, Claim No. 370612, Slone, Adjudicator, April 26, 2012. [2012 NSSM 15](#)

**CONTRACTS** *2066108 Nova Scotia Ltd. v. United Cleaning Services Ltd. et al.*, Claim No. 373580, Slone, Adjudicator, March 1, 2012. [2012 NSSM 17](#)

**CONTRACTS** *Odim Export v. Doucet*, Claim No. 376439, Slone, Adjudicator, June 1, 2012. [2012 NSSM 18](#)

**CONTRACTS** *Premiere Van Lines v. Romeril*, Claim No. 387758, Slone, Adjudicator, June 1, 2012. [2012 NSSM 20](#)

**CONTRACTS** *L'Heureux v. Purdy*, Claim No. 390360, Slone, Adjudicator, May 24, 2012. [2012 NSSM 22](#)

**CRIMINAL LAW** *R. v. F. (T.C.)*, C.A.C. No. 379999, Oland, J.A., July 6, 2012. [2012 NSCA 74](#)

**CRIMINAL LAW** *R. v. Maloney et al.*, C.R.Am. No. 346625, MacAdam, J., July 4, 2012; June 20, 2012 (orally). [2012 NSSC 250](#)

**CRIMINAL LAW** *R. v. Marriott*, C.A.C. No. 352265, Fichaud, J.A., July 16, 2012. [2012 NSCA 76](#)

**CRIMINAL LAW** *R. v. E. (B.R.)*, CR. BWT. No. 352141; CR. BWT. No. 351587, Coughlan, J., July 11, 2012. [2012 NSSC 253](#)

**CRIMINAL LAW** *R. v. Thompson*, CR. H. No. 350857, Robertson, J., July 17, 2012; June 22, 2012 (orally). 2012 NSSC 263

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- CRIMINAL LAW** *R. v. Howell*, CR. H. No. 325847, Robertson, J., July 18, 2012; May 31, 2012 (orally). 2012 NSSC 264
- CRIMINAL LAW** *R. v. Mayo*, No. 2273051; 2273050, Burrill, J.P.C., July 20, 2012; June 11, 2012 (orally). 2012 NSPC 53
- DAMAGES** *Burke v. Bryan Perrier Contracting*, Claim No. 300780, Slone, Adjudicator, February 29, 2012. [2012 NSSM 14](#)
- DAMAGES** *Cole et al. v. Mark Lively Welding Ltd. et al.*, Claim No. 390831, Slone, Adjudicator, May 24, 2012. [2012 NSSM 23](#)
- DAMAGES** *Cape Breton Flooring Ltd. v. MacLeod*, Claim No. 379942, Ripley, Adjudicator, May 14, 2012. [2012 NSSM 25](#)
- FAMILY LAW** *Parsons v. Parsons*, No. 1206-5452, Forgeron, J., July 5, 2012; May 1, 2012 (orally). [2012 NSSC 239](#)
- FAMILY LAW** *M. (J.) v. Nova Scotia (Minister of Community Services)*, C.A. No. 384102, Bryson, J.A., July 10, 2012. [2012 NSCA 72](#)
- FAMILY LAW** *Kelly v. Aitken*, Claim No. 371845, Slone, Adjudicator, June 21, 2012. [2012 NSSM 16](#)
- FAMILY LAW** *B. (C.) v. M. (T.)*, C.A. No. 390624, Fichaud, J.A., July 13, 2012. [2012 NSCA 75](#)
- FAMILY LAW** *Manuele v. O'Connell*, Amh No. 075558, LeBlanc, J., July 19, 2012. 2012 NSSC 271
- LANDLORD AND TENANT** *El Rassi v. Tucker*, Claim No. 394999, Slone, Adjudicator, June 20, 2012. [2012 NSSM 24](#)
- LANDLORD AND TENANT** *Allen et al. v. Black*, S.C.C.H. No. 393484, Parker, Adjudicator, June 1, 2012. [2012 NSSM 27](#)
- LANDLORD AND TENANT** *Fotherby et al. v. Cowan et al.*, C.A. No. 392849, Fichaud, J.A., July 17, 2012. [2012 NSCA 77](#)
- MOTOR VEHICLES** *R. v. Wen*, No. 2423685, Chewter, Justice of the Peace, June 26, 2012. [2012 NSPC 57](#)
- NEGLIGENCE** *Coady v. Burton Canada et al.*, Tru. No. 302023, Warner, J., July 9, 2012. [2012 NSSC 257](#)
- PRACTICE** *King v. RBC Dominion Securities Inc. et al.*, Syd. No. 246513, Bourgeois, J., July 9, 2012; July 6, 2012. [2012 NSSC 259](#)
- PRACTICE** *Wiles Welding Ltd. v. Solutions Smith Engineering Inc.*, Hfx. No. 363640A, Pickup, J., July 12, 2012. [2012 NSSC 255](#)
- PRACTICE** *Levine v. Roots Canada Ltd.*, Hfx. No. 206532, Rosinski, J., July 18, 2012. [2012 NSSC 268](#)
- PRACTICE** *Bank of Nova Scotia v. 985810 Ontario Ltd.*, Hfx. No. 356479, Rosinski, J., July 18, 2012. [2012 NSSC 269](#)
- PRACTICE** *Sydney Steel Corp. et al. v. MacQueen et al.*, C.A. No. 393200, Fichaud, J.A., July 19, 2012. 2012 NSCA 78
- SALE OF GOODS** *Randolph v. Tibbs*, Claim No. 379465, Slone, Adjudicator, June 25, 2012. [2012 NSSM 19](#)
- SALE OF GOODS** *Norton v. Leon's Furniture Ltd.*, Claim No. 388802, Slone, Adjudicator, May 14, 2012. [2012 NSSM 21](#)
- SALE OF GOODS** *Hearns v. Rizzolo*, Hfx. No. 356703A, Pickup, J., June 12, 2012. [2012 NSSC 256](#)
- WORKERS' COMPENSATION** *Boddy v. Nova Scotia (Workers' Compensation Appeals Tribunal) et al.*, C.A. No. 342364, Bryson, J.A., July 10, 2012. [2012 NSCA 73](#)

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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.

July 20, 2012

### *R. v. Punko*

Neutral Citation: [2012 SCC 39](#) (CanLII)

File Nos.: 34135, 34193.

2012: March 21; 2012: July 20.

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

On Appeal from the Court of Appeal for British Columbia

*Criminal law — Issue estoppel — Application — Crown seeking to prove that Hells Angels is criminal organization — Whether doctrine of issue estoppel applies on basis that issue was decided adversely to Crown in prior multi-issue jury trial.*

J.P. and R.P. were charged with several offences, some falling within the prosecutorial jurisdiction of the provincial Crown and others falling within the jurisdiction of the federal Crown. The provincial prosecutions proceeded first to trial. It was alleged that some of the offences were committed for the benefit of, at the direction of, or in association with a criminal organization, namely the Hells Angels. A jury found J.P. and R.P. guilty of a number of offences, but acquitted them on all the criminal organization counts. Meanwhile, J.P. and R.P. were charged with various federal drug-related offences. It was again alleged that they had acted for the benefit of, at the direction of, or in association with the Hells Angels. In pretrial motions, J.P. and R.P. contended that the Crown should be estopped from leading evidence that the Hells Angels was a criminal organization, because the issue had already been decided by the jury in the provincial prosecution. Applying the standard of proof on a balance of probabilities and considering the general circumstances of the case, the judge granted the motions. The Court of Appeal allowed the appeals on the ground that it could not be said that the only rational explanation for the verdict of acquittal was that the jury had found that the Hells Angels was not a criminal organization. It ordered a new trial.

*Held:* The appeals should be dismissed.

July 12, 2012

### *Alberta (Education) v. Canadian Copyright Licensing Agency (Access Copyright)*

Neutral Citation: [2012 SCC 37](#) (CanLII)

File No.: 33888.

2011: December 7; 2012: July 12.

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

On Appeal from the Federal Court of Appeal

*Intellectual property — Copyright — Infringement — Exception — Fair dealing — Teachers making photocopies of excerpts of textbooks and other copyrighted works to distribute to students as part of class instruction — Collective society seeking to collect royalties for photocopies of excerpts — Whether elementary and secondary schools can claim the benefit of “fair dealing” exception for copies of works made at the teachers’ initiative with instructions to students that they read the material — Copyright Act, R.S.C. 1985, c. C-42, s. 29.*

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*Administrative law — Judicial review — Standard of review — Copyright Board deeming that photocopies of excerpts of textbooks and other copyrighted works did not constitute fair dealing — Whether decision reviewable on standard of reasonableness or correctness — Whether Board made reviewable error.*

Access Copyright represents authors and publishers of printed literary and artistic works. It filed a proposed tariff with the Copyright Board with respect to the reproduction of its repertoire for use in elementary and secondary schools in all the provinces and territories other than Quebec. The Copyright Board concluded that copies made at the teachers' initiative with instructions to students that they read the material were made for the allowable purpose of "research or private study" under s. 29 of the *Copyright Act*. They did not, however, constitute fair dealing and were therefore subject to a royalty. On judicial review, the Federal Court of Appeal upheld the Copyright Board's conclusion that the copies were not fair dealing.

*Held* (Deschamps, Fish, Rothstein and Cromwell JJ. dissenting): The appeal should be allowed and the matter remitted to the Board for reconsideration.

July 12, 2012

[Entertainment Software Association v. Society of Composers, Authors and Music Publishers of Canada](#)

Neutral Citation: [2012 SCC 34](#) (CanLII)

File No.: 33921.

2011: December 6; 2012: July 12.

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

On Appeal from the Federal Court of Appeal

*Intellectual property — Copyright — Right to communicate a work to the public by telecommunication — Copyright Board certifying tariff for communication rights in copyrighted music contained in video games sold for download on Internet — Whether transmission of musical works contained in a video game through an Internet download is a communication to the public — Copyright Act, R.S.C. 1985, c. C-42, s. 3(1)(f).*

The appellants ESA represent a coalition of video game publishers and distributors who enable customers to download copies of video games from the Internet. These copies are identical to copies purchased in stores or shipped to customers by mail. The video games contain copyrighted musical works. The royalties for the reproduction of those musical works are negotiated before the games are sold to the public. The respondent SOCAN, which administers the right to "communicate" musical works on behalf of copyright owners, applied to the Copyright Board for a tariff covering downloads of musical works over the Internet. The Copyright Board concluded that the download of a file containing a musical work is a communication to the public by telecommunication within the meaning of s. 3(1)(f) of the *Act*, entitling SOCAN's members to compensation in accordance with an approved tariff. On judicial review, the Federal Court of Appeal upheld the Copyright Board's decision.

*Held* (LeBel, Fish, Rothstein and Cromwell JJ. dissenting): The appeal should be allowed.

July 12, 2012

[Re:Sound v. Motion Picture Theatre Associations of Canada](#)

Neutral Citation: [2012 SCC 38](#) (CanLII)

File No.: 34210.

2011: December 7; 2012: July 12.

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

On Appeal from the Federal Court of Appeal

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*Intellectual Property — Copyright — Whether pre-existing recording incorporated into soundtrack of cinematographic work constitutes a sound recording subject to payment of tariff — Whether soundtrack of cinematographic work consists of aggregate of sounds or component parts — Copyright Act, R.S.C. 1985, c. C-42, ss. 2 “sound recording”, 19.*

The *Copyright Act* provides that performers and makers of sound recordings are entitled to remuneration for the performance in public or the communication to the public by telecommunication of their published sound recordings. The appellant filed two tariff proposals claiming royalties for the use of sound recordings embodied in a movie shown by motion picture theatres and other establishments exhibiting movies and in television programs broadcast by commercial over-the-air, pay, specialty and other television services. The respondents objected to the proposed tariffs on the ground that the definition of “sound recording” excludes soundtracks of cinematographic works. The Copyright Board refused to certify the tariffs and the Federal Court of Appeal upheld that decision on an application for judicial review.

*Held:* The appeal should be dismissed.

July 12, 2012

[Rogers Communications Inc. v. Society of Composers, Authors and Music Publishers of Canada](#)

Neutral Citation: [2012 SCC 35](#) (CanLII)

File No.: 33922.

2011: December 6; 2012: July 12.

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

On Appeal from the Federal Court of Appeal

*Intellectual property — Copyright — Right to communicate a work to the public by telecommunication — Copyright Board certifying tariff for communication rights in copyrighted music downloaded and streamed from the Internet — Meaning of “to the public” — Whether a point-to-point transmission from the website of an online music service to an individual customer is a private communication — Whether streaming of files from the Internet triggered by individual users constitutes communication to the public of the musical works contained therein by online music services who make the files available for streaming — Copyright Act, R.S.C. 1985, c. C-42, s. 3(1)(f).*

*Administrative law — Judicial Review — Standard of review — Copyright Board certifying tariff for communication rights in copyrighted music downloaded and streamed from the Internet — Whether decision reviewable on standard of reasonableness or correctness.*

The appellants are online music services that offer downloads and on-demand streams of files containing musical works. A stream is a transmission of data that allows the user to listen to or view a work at the time of the transmission, resulting in a temporary copy of the file on the user’s hard drive. In 1995, the respondent proposed tariffs for various uses of musical works over the Internet for the years 1996 to 2006. When the Copyright Board proceeded to establish a tariff for the communication of musical works over the Internet, it held that a stream of a copyrighted work of music comes within the creator’s right to communicate to the public by telecommunication provided by s. 3(1)(f) of the *Copyright Act* and a claim for communication royalties was well-founded. The Board proceeded to establish a tariff for the communication of musical works over the Internet for the years 1996 to 2006. The Federal Court of Appeal dismissed the appellant’s application for judicial review of the Board’s decision.

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

July 12, 2012

[Society of Composers, Authors and Music Publishers of Canada v. Bell Canada](#)

Neutral Citation: [2012 SCC 36](#) (CanLII)

File No.: 33800.

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2011: December 6; 2012: July 12.

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

On Appeal from the Federal Court of Appeal

*Intellectual property — Copyright — Infringement — Exception — Fair dealing — Online music service providers giving customers the ability to listen to free previews of musical works prior to purchase of musical works — Collective society seeking to collect royalties for use of previews — Whether the use of previews constitutes “fair dealing” — Copyright Act, R.S.C. 1985, c. C-42, s. 29.*

S represents composers, authors and music publishers and administers their performing and communication rights. S filed proposed tariffs with the Copyright Board for the determination of royalties to be paid when musical works are communicated to the public over the Internet. The Board agreed that S was entitled to collect royalties for the downloading of musical works but not for previews, which consist of 30- to 90-second excerpts of musical works that can be listened to by consumers prior to purchasing the work. In the Board's view, the use of previews was not an infringement of copyright since it was “fair dealing” for the purpose of research under s. 29 of the *Copyright Act*, and, accordingly, no royalties were required to be paid to S. The Federal Court of Appeal upheld the Board's decision.

*Held:* The appeal should be dismissed.

## :: 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/>

## :: PROCLAMATIONS UPDATE: :

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

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

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

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

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## :: LIANS TIPS: :

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### July 2012 edition of *LIANSwers* now online

Visit the [LIANSwers](#) newsletter page on the LIANS website. In the new edition, read claims arising in matrimonial law, why we use Client ID regulations, LRA pitfalls, improving Nova Scotia mailing address information, latest and greatest apps for lawyers, searching judgments, avoiding online hiring scams using Google Alerts, and more.

### RISK AND PRACTICE MANAGEMENT TIP: Effective documentation

The consistent message from the LIANS Risk and Practice Management team to lawyers has always been to document your file. Retainer letters, advice given to clients, instructions received – these are all examples of file material that would be needed in order to answer a claim that has been filed against you. For example: The last policy year has seen a significant increase of claims that contain allegations of ineffective trial counsel in criminal conviction appeals.

We recognize there are inherent challenges when documenting your files in areas such as civil litigation, family and criminal law; decisions are made quickly and oftentimes not while sitting in your office in front of your computer. Smartphone applications such as Pocket Dictate and DictaNet allow you to dictate on the go, and using template letters will assist you with properly documenting your file.

Resources available to assist you with documenting your file can be found on the LIANS website at: [www.lians.ca/rpm/resources/](http://www.lians.ca/rpm/resources/).

*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: Protect yourself from online hiring scams

Online hiring scams are making a comeback. Around the time of the 2008 recession, individuals who were unemployed and desperate found themselves unknowingly applying to phony jobs at a legitimate company or law firm advertising in print, online or through unsolicited emails.

In this type of scam, the job responsibilities described are fairly basic – most individuals would find themselves eligible, and proceed to apply and successfully acquire the position. The scammers then send substantial cheques to new "employees", only to turn around and give the potential "employees" reason to wire a portion of the money back. The victims soon find that are actually transferring their own money back to the thieves as the original cheques were fakes that ultimately bounce.

Recently, lawyers have reported receiving email from individuals who had responded to ads for a local office assistant to run an office, book flights, etc. As the ads offered a Hotmail address instead of a proper law office domain name, some applicants grew suspicious and contacted the lawyer directly. It is generally difficult for lawyers know that their name or law office is being used in this type of scam until they are contacted directly.

What can you do to help protect your name and reputation? A simple and effective way to track how your name and law office are being referenced online is to sign up for [Google Alerts](#). You will receive an email when your name, your firm name, or any search term you indicate appears online.

*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: How to tell your child about your separation or divorce

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

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When parents agree to separate, one of their more difficult tasks is telling the children. No matter how uncomfortable this makes you feel as parents, it is a vital step in providing children the support they need to deal with the confusion such news may create for them.

## **Tell the children together**

When both parents together tell the children, it lets them know that despite the separation, they will not be abandoned. Their father will still be their father and their mother will still be their mother.

## **Don't wait until the last minute**

Tell the children of the separation as soon as you have decided the date on which the parent who is leaving will move out. This allows the children time to adjust to the fact that one of their parents will no longer be living with them. However, telling the children too far in advance and before any final decisions have been made only prolongs the transition and children may come to think it will never happen.

## **Tell the truth but keep it simple**

Children don't need to know everything. Give them the basic reasons for your separation, whether it is that you have grown apart, or no longer love each other or if one or both of you have met someone else.

Remember, you have the right to protect your intimate life from questions, from older children in particular. Point out to your children that they enjoy the same right of privacy in their intimate life.

## **Provide direct and honest answers**

Whatever the reasons for your separation, your children will want to know more and will ask questions. Let them know they are welcome to ask questions and that they will get honest answers. Remember, it is easier in the long run for them to come to terms with the truth than it is for them to live with their fantasies which are usually more frightening than reality.

Be patient if your children ask the same question over and over again. This may express a real need for information, but it may also be their way of processing the information. It helps them accept the situation and their feelings about it. Keep your answers short and simple.

## **Give them the specifics**

Understanding the practical consequences of your separation is important for the child's sense of security. Among other things, they need to know:

- which parent will no longer be living in the home;
- when the parent is leaving;
- where the parent will live;
- where the children will live; and
- what the custody and visiting arrangements will be.

## **Acknowledge the child's feelings**

For children, separation or divorce means the loss of their intact family, and therefore it affects their sense of security. In addition to sadness, children may feel anger, guilt and abandonment. Be sensitive to your children's emotional reactions. Encourage them to express their feelings. Let them know you understand and that it's OK to have those feelings.

## **Avoid conflict in front of the children**

Research shows that children of divorced parents are often as emotionally and psychologically healthy as children in a stable relationship, as long as they are not exposed to parental conflicts. It is important that you as parents do not bring the children into your quarrels and disagreements. This is often difficult, but worth the effort. While separation and divorce are painful for children, it is an emotional wound that can be healed. On the other hand, seeing their parents in frequent conflict can leave more lasting scars.

## **Reassure the children**

Children need a lot of reassurance at a time like this. Make sure they understand:

- the separation is not their fault, that they are not responsible and they did nothing to cause it;

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- even if the parents no longer love one another, they still love the children and will always be there for them;
- their mother and father loved each other when they married and very much wanted the children; and
- their mother and father still love them and will always keep them safe and secure.

## **Professional help**

If your child's behaviour changes in significant ways after the separation, for example, if they no longer want to see their friends, develop eating disorders, have sleeping problems or other behavioural difficulties, you should seek professional help.

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

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## :: CLASSIFIEDS ::

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### **Therapy, consultation and more**

I am available to provide individual, family and group therapy, for adults and adolescents. As well, I provide consultation, education and facilitation regarding issues of parenting, anger management and substance abuse.

I have more than 35 years' experience in social work and counselling. My professional experience includes work on the IWK Child Abuse Team, therapist with Choice Adolescent Treatment Program, family and individual counselling with clients of the Department of Community Services, nine years with the CDHA Mental Health program, and as a continuing member of the IWK Mental Health Crisis Team.

My fee schedule is available upon request. Evening hours are available, and I am covered by some EAP programs.

For more information, visit the [Jacqueline Barkley](#) link at <http://culturalclinicalconsultants.ca>.

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