

# INFORUM

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

## :: WHAT'S NEW ::

---

### Society News

- [Society and Lexum to maintain Nova Scotia Annotated Civil Procedure Rules website](#)
- [Invitation to the 2012 Recognition Reception](#) – September 14 at 4:00 pm
- [Notice of Referral to Hearing: Philip Whitehead](#)
- [Changes in Category](#) – August 7 to 20, 2012
- [In Memoriam](#)

### NSBS Continuing Professional Development

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

### COLUMNS

- [Current Issues in Gender Equity: I'm a statistic and I love it!](#), by Sanaz Gerami, Member, Gender Equity Committee, (Tenth in a GEC series highlighting issues raised in the postcard campaign, "It will be our little secret ...")

### Library & Information Services

- [CanLII, Maritime Law Book, and Slaw collaborate on case summaries](#)
- [Westlaw Canada's LawSource Training in County Libraries](#)
- [Canadian Forms & Precedents volume missing](#)
- [New books at the library](#)
- [New decisions](#)

### From LIANS

- [Mobility resources for summertime travel](#) – a new Risk and Practice Management Tip from the Risk and Practice Management Program, LIANS
- [Computer access scam via telephone](#) – a new Fraud Alert from the RPM Program, LIANS
- [Getting adequate sleep](#) – a new Wellness Tip from NSLAP

### From the Province

- [Call for nominations and applications: Queen's Counsel Appointments 2012](#)
- JUSTICE: Find all DOJ announcements at <http://www.gov.ns.ca/just/communications/>
  - [Province considers merging Halifax, Dartmouth provincial courts](#) (Aug. 14)
  - [Assault at Central Nova Scotia Correctional Facility](#) (Aug. 11)
- ABORIGINAL AFFAIRS: [Investing in Membertou First Nation brings regional benefits](#) (Aug. 15)
- LABOUR/ADVANCED EDUCATION: [Province consults with construction sector](#) (Aug. 9)
- SIRT: [Bridgewater RCMP officer under investigation](#) (Aug. 8)
- SNSMR: Find all news releases at <http://www.gov.ns.ca/snsmr/>
  - [Nova Scotia, Isle of Man sign driver's licence agreement](#) (Aug. 20)
- ECONOMIC/RURAL DEVELOPMENT/TOURISM: [Province seeks online input on tourism strategy](#) (Aug. 17)
- ENVIRONMENT: [New online system improves service delivery](#) (Aug. 15)
- NATURAL RESOURCES: [Natural Resources strategy marks year of progress; introduces clear-cutting definition](#) (Aug. 15)
- [Error & Omission notices](#)

### Other notices

- [Patterson Law launches new blog on expropriation law](#)

### Awards & appointments

- [New Vice-President of the Law Reform Commission of Nova Scotia: Professor Robert J. Currie](#)
- [New Acting Court Administrator for the Halifax Law Courts: Lara Morris](#)

# INFORUM

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

- [Province appoints new Associate Deputy Minister of SNSMR](#)
- [Cape Breton Crown Attorney receives national CBA award](#)
- [Barbara Campbell: 2012 Denis Marshall Memorial Award for Excellence in Law Librarianship](#)

## Events of Interest

- [The 1st Southeast Asia Pro Bono Conference – September 2012](#)
- [Forum 2012: “Revitalizing Courts with Enhanced Technology and Thought-Provoking Reforms: The Modernization Challenge” – October 24 - 25](#)
- [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*
- [APTLA's Information Conference: Modern Litigation & the Art of Intelligence Gathering – November 2](#)
- [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

- [Cornerstone Occupational Therapy Consultants](#)

## Career Opportunities

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

# INFORUM

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

## :: NOTICES ::

---

### SOCIETY NEWS

#### **Society and Lexum to maintain Nova Scotia Annotated Civil Procedure Rules website**

In the year leading up to the introduction of a completely new set of civil procedure rules, the Nova Scotia Barristers' Society contracted with [Lexum](#) to develop an online, full-text, searchable version of the rules accessible to lawyers, judges, self-represented litigants and the general public. This work was made possible through the generous funding of the Law Foundation of Nova Scotia.

The Society is pleased to announce that hosting of the *Nova Scotia Annotated Civil Procedure Rules* has been renewed for one year with Lexum, effective September 1, 2012. Library & Information Services will continue to maintain the site while seeking its transition to another information provider in the long term.

While other online versions of the rules exist, the award-winning [Nova Scotia Annotated Civil Procedure Rules](#) has become the resource of choice for lawyers in Nova Scotia, as it provides annotations, advanced search options, an index and a system for tracking amendments.

A substantial investment of resources and time has gone into the development of the *Nova Scotia Annotated Civil Procedure Rules*. Site traffic statistics show it continues to be well used, with an average of almost 1,700 unique site visitors per month (65 per day) – primarily from Nova Scotia but also users from as far away as Australia, India and Brazil.

For the foreseeable future, staff will continue to maintain the site, updating contents as amendments are made to rules and forms and adding annotations of decisions that have considered the Rules. Annotations are drafted by a contract lawyer and reviewed by a volunteer subject specialist before being added to the website.

To assist lawyers with the transition to using the new rules back in 2008, Society staff had produced educational notes providing commentary on how a rule works, and what has changed or remained the same. These educational notes, previously incorporated into the site, are now outdated and have been removed.

As site contents are updated, an updated complete PDF version is also generated. Check the date given at the bottom of the site's homepage for date of last update.

Please contact Library & Information Services at 425 2665 or [nsbslib@nsbs.org](mailto:nsbslib@nsbs.org) with any questions or comments.

#### **Invitation to the 2012 Recognition Reception – September 14 at 4:00 pm**

**Friday, September 14, 2012, 4:00 – 5:30 pm**  
**Nova Scotia Barristers' Society, Cogswell Tower – 8th Floor**

The Nova Scotia Barristers' Society cordially invites you to attend the [2012 Recognition Reception](#) on September 14, 2012 at the Society's offices in Cogswell Tower.

Please join the Society in celebrating excellence in Nova Scotia's legal profession, as we present the **2012 Distinguished Service Award to Edwin C. Harris QC**. An outstanding lawyer, scholar and teacher, Mr. Harris is a nationally recognized leader in the areas of corporate, estate and tax law. A former Chair of the Canadian Tax Foundation, he has served on numerous public bodies advising in such diverse areas as education, transit, industrial development and oversight of the economy.

Several other achievements will also be honoured:

- **Presentation of 50-Year Practising Certificate to Lawrence Hayes QC**

# INFORUM

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

- **The 2012 NSBS Presidents' Leadership Award:** Presented to a graduating law student, this annual award recognizes substantial involvement in the law school and the community. Currently articling with Patterson Law, **Alayna Kolodziechuk** co-founded the Dalhousie Women and the Law Society's Better Practices Program and co-chaired the Canadian Bar Association's newly created student section, among other efforts.
- **The 2012 Race and the Law Paper Prize:** **Jalana D. Lewis** received the fourth annual prize, sponsored by Stewart McKelvey, for her paper, "Contextualizing 'Nine Sneaky Words': Situating s. 718.2(e) of the Criminal Code in the Past, Present and Future of Aboriginal Offenders in Canada." Jalana is going into her third year at Schulich School of Law.

Please RSVP by September 4: Shirley Shane, [sshane@nsbs.org](mailto:sshane@nsbs.org)

----

### Notice of Referral to Hearing: Philip Whitehead

The Hearing Committee of the Nova Scotia Barristers' Society will hold a hearing respecting charges against Philip Whitehead, a member of the Society, at a date and time yet to be determined.

For more details, see the Notice of Referral to Hearing, posted August 17, 2012 on the [Public hearings](#) page of the Society's website.

----

### Changes in Category – August 7 to 20, 2012

This feature is now available in every edition of *InForum*, for timely updates on changes of category.

*The following member has changed to the Practising Lawyer category:*

Karin Dawn McLay

----

### In Memoriam

The Society wishes to advise members of the recent death of the following colleague. We extend our condolences to his friends and family.

- Bruce M. Nickerson QC, Halifax – August 9, 2012 [Obituary](#)

----

### Code of Professional Conduct – Conflicts of Interest amendment notice

The Society's *Code of Professional Conduct* Committee made recommendations to Council regarding the adoption of amendments to Rule 2.04(1) through (11). These recommendations were considered by Council at its June 2012 meeting and on July 20, 2012, the amendments were adopted. The rule now begins with a general prohibition on acting where there is a conflict of interest, and the commentary that follows makes it clear that the rule applies to all situations, including those involving conflicts of interest between current clients.

Some of the changes to note include the definition of conflict of interest, which is referred to in the commentary to Rule 2.04 (1), which has been amended to make specific reference to the duty of loyalty. The revised definition recognizes that the duties flowing from the lawyer-client relationship require prohibition of both conduct that would have an adverse impact on the representation of the client, and conduct that might impair the relationship between a lawyer and the client. The commentary to Rule 2.04(1) (the general prohibition on acting in situations of conflict of interest) also highlights the importance of the duty of loyalty, and includes a list of examples of areas where conflicts may occur.

The general rule prohibiting a lawyer from acting where there is a conflict of interest is followed by an exception permitting a lawyer to act where there is express or implied consent from clients and the lawyer reasonably believes that he or she is able to represent each client without there being any material adverse effect upon either the representation of or the loyalty to the clients. The rule on consent and the commentary that follows it contain important clarifications on the use of

# INFORUM

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

implied consent and consent obtained in advance in order to provide reasonable, principled relief from the strict prohibition. The ability to obtain consent in advance and, in certain circumstances, to infer consent would permit a lawyer to act in situations otherwise proscribed by the general prohibition on acting when there is a conflict of interest.

The amendments to Rule 2.04 are now available on the Society's website in the [Code of Professional Conduct](#). If you have any questions about these amendments, please contact Elaine Cumming, Professional Responsibility Counsel, at 422 1491 or [ecumming@nsbs.org](mailto:ecumming@nsbs.org).

## **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.

## **Follow the Society on Twitter.com/NSBS**

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

---

## **FROM THE COURTS**

### **Notices to the Bar**

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

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

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

# INFORUM

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

## FROM THE PROVINCE

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

----

### Call for nominations and applications: Queen's Counsel Appointments 2012

Dear Member:

In the fall of this year the Advisory Committee on Queen's Counsel Appointments, chaired by the Honourable Justice Peter Bryson, will consider candidates for the next Queen's Counsel appointments.

The criteria for these appointments are:

- a. fifteen years or more as a member of the Bar of Nova Scotia as of October 31, 2012 and eligible to practise law in Nova Scotia;
- b. demonstrated professional integrity, good character and outstanding contributions to the practice of law through one or more of:
  - i. recognition by other members of the profession as an exceptional barrister or solicitor,
  - ii. exceptional contributions through legal scholarship, teaching or continuing legal education,
  - iii. demonstration of exceptional qualities of leadership in the profession, and
  - iv. (iv) engaging in activities of a public or charitable nature in such a way as to raise the esteem in which the legal profession is held by the public;
- c. the Advisory Committee on Queen's Counsel Appointments is asked to consider regional, gender and minority representation among the persons recommended for appointment as Queen's Counsel.

In order to be considered as a candidate for a Queen's Counsel appointment, you must apply pursuant to this request. The Committee will not consider applications or nominations from previous years.

A complete application or nomination package must consist of an original and 12 copies of the following documents:

- a. application or nomination form;
- b. authorization for disclosure of information and release; and
- c. Information form. Ordinarily the information will be confined to the form provided. However, if you find the space on the form insufficient, additional material that you may wish to provide (not exceeding two pages in length), will be considered by the Committee. Material exceeding two pages will not be forwarded to the Committee.

These forms are available on the [Queen's Counsel process](#) page of the Nova Scotia Barristers' Society website. In addition, please ensure you have provided with your application materials a current telephone number where you can be reached. If you wish, you may include two letters of reference for consideration by the Committee. The inclusion of reference letters is optional.

Persons may either apply personally or may nominate a member of the Bar. All applicants will be treated equally by the Committee whether they are nominated, or whether they apply personally.

Your complete application or nomination must be received by Justice Bryson **no later than 4:00 pm, Wednesday, October 31, 2012**. It may be mailed or delivered to:

**Advisory Committee on Queen's Counsel Appointments  
c/o The Honourable Justice Peter Bryson  
The Law Courts, 1815 Upper Water Street  
Halifax, NS B3J 1S7**

Thank you for your attention to this matter.  
Judith F. Ferguson, Deputy Minister of Justice

----

# INFORUM

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

## **JUSTICE: Province considers merging Halifax, Dartmouth provincial courts**

(August 14, 2012) The province is studying a proposal to merge the Halifax and Dartmouth provincial courts, which would reduce costs and wait times while improving accessibility, safety and efficiency.

The new provincial court would consolidate the two provincial courts into the Spring Garden Road location.

A request for proposals, released Aug. 14, will look at whether it is possible to expand the Spring Garden Road courthouse and move the Dartmouth court program there. The tender can be found at [www.gov.ns.ca/tenders/](http://www.gov.ns.ca/tenders/).

“One consolidated provincial court in Halifax Regional Municipality would reduce costs to the taxpayer, reduce wait times for cases, enhance safety of all participants and improve court access and efficiency,” Justice Minister Ross Landry said in this [August 14 announcement](#).

“There is increasing pressure on the two courts to meet the demand of the justice system. Over the past five years, there has been a substantial increase in the number and complexity of court hearings at both locations. Without changes, these two courthouses will have difficulty continuing to meet this demand.”

The Spring Garden Road courthouse has six courtrooms housed in the 160-year-old, provincially owned heritage building. Court cases at Dartmouth provincial court's five courtrooms are held in leased space on Pleasant Street.

A study in 1996 found that a renovation at Spring Garden Road and construction of an accompanying new building to accommodate additional courtrooms was feasible. The current request for proposal will update and improve on that study by looking at all aspects of having a consolidated provincial courthouse on that site.

“This is the first step in the process, and we're simply gathering information and doing our homework,” said Mr. Landry. “We still have a long way to go before a decision is made on whether there will be one consolidated provincial courthouse in HRM.”

### *Related media links:*

- [Thumbs up for possible Halifax, Dartmouth courthouse merger](#)  
BLOG/ Legal Feeds/ by Heather Gardiner, Aug.16, 2012
- [Court consolidation could cost \\$25 million](#)  
Metro Halifax, Aug. 16, 2012
- [Province looking at combining Halifax, Dartmouth courts](#)  
Chronicle Herald, August 14, 2012
- [NS considers merging Halifax, Dartmouth courts](#)  
CTV Atlantic, August 14, 2012
- [Province considers merging Halifax and Dartmouth courts](#)  
CBC.ca, August 14, 2012
- [Province looking at mashing Halifax, Dartmouth courthouses into super-courthouse](#)  
OpenFile Halifax, August 14, 2012
- [Prosecutors will boycott Mental Health courtroom starting September 1, top prosecutor says](#)  
OpenFile Halifax, August 15, 2012

## **LABOUR/ADVANCED EDUCATION: Province consults with construction sector**

(August 9, 2012) The province is asking builders, architects, engineers, municipal building officials and other interested parties for input on 24 recommendations prepared for the Building Advisory Committee.

A discussion paper, in English and French, and the complete Review of Obligations under Letters of Undertaking are posted at [www.gov.ns.ca/lae/policy/BuildingCodeLettersofUndertaking.asp](http://www.gov.ns.ca/lae/policy/BuildingCodeLettersofUndertaking.asp).

# INFORUM

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

Letters of undertaking, provided by architects and engineers, help municipal building officials confirm that a building's design meets or exceeds the minimum standards of the Nova Scotia Building Code and that the construction conforms to the design.

The department will review comments that are received by Dec. 14. Responses will be reviewed by staff and summarized for the Building Advisory Committee in early 2013, and the committee will make its final recommendations to government later in the year. See the [August 9 announcement](#).

----

## **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. Close date: August 31, 10<sup>1</sup>

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

----

## **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.

---

## **OTHER NOTICES**

### **Patterson Law launches new blog on expropriation law**

Robert Pineo and Jeremy Smith of Patterson Law have launched a blog dealing with issues related to expropriation law.

The blog is intended to be informative on various issues, including general information about expropriation matters, case law updates and commentary and the provision of resources for the public and profession. Patterson Law intends for the blog to objectively present expropriation issues without bias to landowners or expropriating authorities.

As this area of practice is relatively discrete, Patterson Law wishes to share its experience and knowledge with the profession and public with a view to assisting parties to expropriations to understanding their rights and obligations.

The blog can be accessed at: [expropriationblog.ca](http://expropriationblog.ca), on Twitter at <https://twitter.com/ExpropLaw>, or by visiting the Patterson Law website at [www.pattersonlaw.ca](http://www.pattersonlaw.ca).

---

## **AWARDS & APPOINTMENTS**

### **New Vice-President of the Law Reform Commission of Nova Scotia: Professor Robert J. Currie**

The members of the Law Reform Commission of Nova Scotia have appointed Professor Robert J. Currie as Vice-President of the Commission.

A member of the Commission since January 2010, Professor Currie is an Associate Professor at the Schulich School of Law, Dalhousie University, and Director of Dalhousie's Law & Technology Institute. He is a specialist in the area of international and transnational criminal law, and is the author of numerous books, articles and comments in that field. In 2008, Professor Currie was awarded the Dalhousie Law Students' Society and Alumni Association Award for Excellence in Teaching. He has been a member of the Nova Scotia Bar since 2000.

The Commission is an independent agency under the *Law Reform Commission Act*, SNS 1990 c17. The Commission makes recommendations for the improvement, modernization and reform of Nova Scotia laws and their administration. Commission publications are available at [www.lawreform.ns.ca](http://www.lawreform.ns.ca).

----

# INFORUM

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

## **New Acting Court Administrator for the Halifax Law Courts: Lara Morris**

Lara Morris has joined the Halifax Law Courts on Upper Water Street as Acting Court Administrator. She commenced her duties on August 13 for a period of six months, until the position is filled on a permanent basis.

Ms. Morris has a BA in Political Science and an LLB from Dalhousie University. She has worked as a lawyer in private practice, a project manager with Court Services, and in several roles in the Policy and Planning Division at Labour and Advanced Education, most recently as Acting Director. Lara has completed the Middle Manager Leadership Training program with the Public Service Commission and is trained as a professional coach and facilitator.

Previous Court Administrator Peter James has relocated to the DOJ head office to oversee the policy portfolio.

----

## **Province appoints new Associate Deputy Minister of SNSMR**

Dan McDougall will be the new Associate Deputy Minister of Service Nova Scotia and Municipal Relations, effective October 15.

Mr. McDougall has significant experience in municipal administration. He was chief administrative officer for the County of Colchester, a position he previously held with the Municipality of the District of Guysborough. From 1994 to 1999, Mr. McDougall worked for the province as a municipal advisor and director for Service Nova Scotia and Municipal Relations.

Mr. McDougall is a board member with the Union of Nova Scotia Municipalities, a current executive member of the Nova Scotia Association of Municipal Administrators and has a master's degree in public administration from Dalhousie University. See the [August 8 announcement](#) from the Premier's Office.

----

## **Cape Breton Crown Attorney receives national CBA award**

(August 10, 2012) Cape Breton Region Chief Crown Attorney Daniel MacRury QC is the 2012 recipient of the Canadian Bar Association Louis St-Laurent Award of Excellence for distinguished and exceptional service.



"We are delighted that a very dedicated and deserving Nova Scotia Crown attorney has been awarded this honour," said Martin Herschorn, Director of Public Prosecutions. "Dan's commitment and service to the Bar Association matches his commitment and service to this province as a prosecutor. We are very proud of him."

A native of Sydney, Mr. MacRury has been involved in more than 30 Supreme Court judge and jury cases including several murder cases. As a member of the Appeals division of the Nova Scotia Public Prosecution Service, he has often appeared in the Nova Scotia Court of Appeal. He has also represented the Attorney General of Nova Scotia in the Supreme Court of Canada on three occasions, including the case of *R. v. Sharpe*, which established the current child pornography law.

Mr. MacRury has participated extensively in CBA activities, including serving for the past four years on the executive of the National Criminal Justice Section, and as its Chair since 2011. In that position, he has led the Association's advocacy efforts surrounding Bill C-10 (the omnibus crime bill), appearing before the Senate Committee on Legal and Constitutional Affairs to express the CBA's concerns with the bill's objectives. He is also a member of the CBA's Fetal Alcohol Syndrome Disorder (FASD) Advisory Committee, and has pushed for a review of the law dealing with FASD offenders.

Incoming President of the CBA Nova Scotia Branch, he has chaired numerous sections and committees, including the Nova Scotia Criminal Justice Section and the Law Week Committee. He sits on the organizing committee for the Branch's first Mid-winter Meeting, set to take place in January 2013.

# INFORUM

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

"Dan is an exemplary CBA member whose dedication to both his profession and the criminal justice system knows no bounds," says CBA President Trinda L. Ernst QC, of Kentville. "He is well known throughout the association as an effective, personable leader of high integrity whose work demonstrates an enthusiastic commitment to the CBA's goals."

In 2010, Mr. MacRury was the recipient of the association's John Tait Award of Excellence, presented to an outstanding Canadian public sector lawyer.

The Louis St-Laurent Award, in the form of a bronze statue of the former Prime Minister, recognizes distinguished and exceptional service to the goals and objectives of the CBA. The award was presented to Mr. MacRury on Saturday, August 11 in Vancouver at the Canadian Bar Association's 2012 Canadian Legal Conference.

## **Barbara Campbell: 2012 Denis Marshall Memorial Award for Excellence in Law Librarianship**

Barbara Campbell is this year's recipient of the prestigious Denis Marshall Memorial Award for Excellence in Law Librarianship, presented by the Canadian Association of Law Libraries/Association canadienne des bibliothèques de droit.

Ms. Campbell, longtime Director of Library & Information Services for the Nova Scotia Barristers' Society, retired at the end of April after nearly 30 years with the Society. She received the award during the Association's annual conference held in Toronto May 6 to 9, and was chosen due to her strong service ethic, her mentoring, her innovation and her contribution to leadership in the profession.

Read the [complete announcement and testimonials](#) posted August 14 on the CALL website.

Barbara is also very active professionally as a volunteer. In the Canadian Association of Law Libraries, she served as treasurer on the executive board for four years (1993-1997) and was responsible for the establishment of a financial advisory committee to assist the treasurer in making wise decisions about the investment of CALL's money. In addition to a number of volunteer posts with CALL committees and advisory boards, she was also very active regionally as Chair of the Atlantic Provinces Law Society Directors Group (1998-2012), and as a founding member and active participant in the Halifax Area Law Libraries association.

To quote from several letters of those who nominated her for the award:

"Denis Marshall was an accomplished law librarian and scholar, but [what] really stood him apart was his quiet encouragement of others, and especially newer law librarians, by his calm and sensible approach to working together, and his always present enthusiasm. ... The same is [true] for Barbara. It is not always in the record of achievements and accomplishments that you value and recognize a colleague. It is in the quiet and unheralded contributions to others and to the profession that matter the most."

"In Atlantic Canada, alone, Barbara has encouraged and nurtured not only her own staff but those in other law society, law firm and government libraries. She has persuaded a number of us to strive harder and go further in accomplishing our own professional goals and those of our organizations. Barbara has inspired us to believe that although small, we can be mighty."

"A tireless supporter of cooperation among librarians and libraries ... [s]he has always seen that the whole is greater than the sum of the parts."

The Denis Marshall Memorial Award for Excellence in Law Librarianship award is an honour bestowed upon a current member of CALL/ACBD who has provided outstanding service to the Association and/or enhanced the profession of law librarianship in the recent past. The deadline for nominations for the next recipient will be January 2013. Complete details are available in the [awards section](#) of the CALL website.

## **Call for nominations in Nova Scotia: Human Rights Awards 2012**

(August 2, 2012) Nova Scotians are encouraged to nominate people and organizations that promote human rights in the province for the 2012 Human Rights Awards. The awards are presented by the Human Rights Commission and Partners for Human Rights.

# INFORUM

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

The awards will be presented to recipients at the International Human Rights Day celebration, Monday, December 10 at Millwood High School in Lower Sackville. The theme this year is Voice It! Change It! Award winners in 2011 were Tringa Rexhepi, Dartmouth and Doreen Crick, Halifax, and the Halifax Refugee Clinic.

The deadline for nominations is Friday, September 28. For more information and nomination forms go to [www.gov.ns.ca/humanrights](http://www.gov.ns.ca/humanrights).

---

## **VOLUNTEER & PRO BONO OPPORTUNITIES**

### **Register soon: 4<sup>th</sup> Annual Play in a Day fundraiser**

STAGE CALL! Spaces are limited to participate in the popular Fourth Annual Play in a Day fundraiser in support of the Legal Information Society of Nova Scotia ([www.legalinfo.org](http://www.legalinfo.org)). This year's production is the original "**The Godmother Part 7: Gangstas Gone Wild**", to be performed at the Bella Rose Arts Centre on Saturday, October 20.

This unique event involves a group of fearless participants producing a play in just 24 hours. Teams from all over HRM fundraise in support of LISNS then come together on October 19 at the Bella Rose Arts Centre to see the top secret original script for the first time, before being divided equally into cast and crew and getting to work. Participants have less than 24 hours to learn the script, create the set, make costumes, create props and rehearse! The accomplished actor/director/producer, [Jeremy Webb](#) and his team of theatre professionals will guide participants in the production of this year's play.

Jane's on the Common provides catering throughout rehearsals and at the pre and post curtain parties on October 20<sup>th</sup>. This is a fun event and a fantastic way to meet others in the legal community and beyond. If you would like to register a team (minimum of 2) or find out more, email: [philanthropy@legalinfo.org](mailto:philanthropy@legalinfo.org) or visit our website: <http://www.legalinfo.org/events/5-play-in-a-day-2012.html>.

IF YOU WANT TO JOIN A TEAM: "The Legal Gangsters" are looking for one more gangster to join their Play in a Day team! Email [philanthropy@legalinfo.org](mailto:philanthropy@legalinfo.org) for more information.

### **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).

### **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.

# INFORUM

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

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).

## **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).

## **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>.

## **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.

---

## **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 ::

---

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

### NSBS ADMISSIONS & PROFESSIONAL DEVELOPMENT

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

---

#### Land Registration Act Training

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

Dates for next LRA course:

- 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](#)

---

## OUTSIDE CONFERENCES & SEMINARS

---

### 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 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).

---

# INFORUM

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

## Forum 2012: "Revitalizing Courts with Enhanced Technology and Thought-Provoking Reforms: The Modernization Challenge"

October 24 - 25, 2012 | Montréal, Québec

*Extension of Early Bird Registration deadline to August 15, 2012, and Webcasting Opportunity!*

The Canadian Centre for Court Technology and the Association of Canadian Court Administrators are pleased to announce an extension of the Early Bird Registration deadline for the Canadian Forum on Court Technology ("Forum 2012"), which is being held October 24 - 25, 2012 in Montréal, Québec. The theme for Forum 2012, "*Revitalizing Courts with Enhanced Technology and Thought-Provoking Reforms: The Modernization Challenge*", is designed to challenge attendees with leading edge sessions, including *Enhancing Access to Justice Using Technology and Going Beyond Technology: Revisiting Fundamental Assumptions About Traditional Litigation*.

Another highlight of Forum 2012 will be the *Canada Showcase - How Technology is Enhancing Access to Justice in Four Canadian Jurisdictions*.

Forum delegates will have the chance to visit the Montréal Cyberjustice Lab during the event – this unique experience is available on a "first registered, first served" basis for up to ninety (90) forum delegates. Other Forum 2012 delegates will have the opportunity to be part of this visit by way of a remote presentation provided by the transportable courtroom - the McGill Mobile unit - which is connected to the Cyberjustice Lab at Montreal University.

Conference registration is now open, so register early for the opportunity of experiencing the Montreal Cyberjustice Lab and to take advantage of the special Early Bird Registration conference rate – the special registration rate ends August 15, 2012!

For those who are unable to attend Forum 2012 in person, we are providing a unique alternative - the opportunity to attend as a remote participant via webcast at two sessions of the Canada Showcase on the afternoon of October 25, 2012, and for Forum 2012 closing address.

We encourage you to take advantage of this unique opportunity – you can watch live from within your own office, along with your colleagues! Registration for webcasting will be available in the near future:

Cost - Single: \$150; Group of two or more: \$250.

To find out more about the forum, the exciting discussion and presentations planned and about the opportunity to experience the Montréal Cyberjustice Lab, go to the Forum 2012 website at <http://www.modern-courts.ca>.

---

## 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.

# INFORUM

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

*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.*

---

## Upcoming events from CBA-NS

### Conferences:

#### 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

---

## APTLA's Information Conference: Modern Litigation & the Art of Intelligence Gathering

Friday, November 2, 2012 | Delta Halifax, Halifax, NS

Information wins cases. More information is now available to litigants than ever before. But what exactly is available and where? How can I get? What information is protected from disclosure? Find out the answers to these and other questions at APTLA's Intelligence Officer Training School for Litigators.

Learn from national policing instructors, engineering experts and leading lawyers about:

- the uses and limitations of freedom of information requests in securing information vital to your case;
- what crash data secrets lie within the "little black box" and how you can use it for your client;
- how your client's footsteps can be retraced using GPS and other data located in their "smart phones";
- how to preserve electronic data from cell phones, computers and more;
- protecting your client's right to privacy in their own medical records;
- recognizing and advancing claims for solicitor/client, litigation, spousal and settlement privilege;
- ensuring you have received all of your client's information from the insurance adjuster's file; and why you and your client need to pay attention to Facebook and other social media or suffer the consequences.

# INFORUM

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

You will also hear directly from the Bench about the latest in eDiscovery. APTLA's *Modern Litigation & the Art of Intelligence Gathering* is open to APTLA Members and Non-Members, lawyers and non-lawyers. [Complete conference information and registration.](#)

---

## 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).

---

## 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**

[Brochure and Registration](#)

This conference is intended to bring together many of the actors responsible for ensuring equitable treatment for persons with mental health problems who come into contact with the criminal justice system. As many challenging cases have revealed and as the ratification by Canada of the Convention on the Rights of Persons with Disabilities mandates, this is a time for change. Persons with lived experience and their advocates, police officers, lawyers and judges, among others, will collaborate to present and discuss the latest developments and preferred practices at the often difficult intersection of criminal justice and mental health. The goals of the conference include updating attendees, fostering discussion and enabling participants to emerge with better tools and firmer links to other justice, health and social service professionals and to the community. [More information...](#)

---

# INFORUM

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

## :: LIBRARY & INFORMATION SERVICES ::

---

### **CanLII, Maritime Law Book, and Slaw collaborate on case summaries**

For the last year, Maritime Law Book (MLB) and Slaw have collaborated to provide the [MLB-Slaw Selected Case Summaries](#). This Slaw-hosted service provides posts of excerpted MLB case summaries, a link to the full summary in PDF, and a link to the full judgment on the MLB web site.

Now CanLII users viewing cases for which an MLB-Slaw Selected Case Summary exists can access the summary via a "See also" link from the case result page on CanLII.

See the [Slaw posting of August 14, 2012](#), for details and a screen shot of this new feature on CanLII.

----

### **Westlaw Canada's LawSource Training in County Libraries**

Library & Information Services (L&IS) provides Westlaw Canada's *LawSource*, a comprehensive online legal research product, in county barristers' libraries throughout the province.

Free training in this product will be available at the **Yarmouth County Barristers' Library** on **Wednesday, August 22** and **Thursday, August 23**.

Please call L&IS toll-free at **1 866 219 1202** to book a one-hour session at a time that is convenient for you. You can bring members from your firm; please let us know at the time of booking.

Legal resources accessible through *LawSource* include:

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

L&IS is pleased to offer training sessions on *LawSource* with Thomson Carswell's Executive Learning Consultant, Sam MacKenzie.

L&IS will offer training sessions in barristers' libraries in other areas of the province in 2012-2013. Contact L&IS to request training in your area.

For ongoing *LawSource* support – assisting with search strategy, advanced search query syntax or troubleshooting – contact Library & Information Services at 1 866 219 1202 or [nsbslib@nsbs.org](mailto:nsbslib@nsbs.org).

----

### **Canadian Forms & Precedents volume missing**

Library & Information Services subscribes to several forms and precedents collections for the use of lawyers, some for use in the library only. One such updated title in LexisNexis Canada's *Canadian Forms & Precedents* series, **Commercial Transactions – Corporations**, has gone missing from the library.

We ask that this volume be returned to the library immediately. Thank you.

----

# INFORUM

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

## New books at the library

### ADMINISTRATIVE TRIBUNALS

ADMINISTRATIVE TRIBUNALS: A LEGAL HANDBOOK / Braverman, Lisa S -- Aurora, Ont. Canada Law Book, 2001. [KB 36.A2 B826 2001]

### CRIMINAL EVIDENCE

WATT'S MANUAL OF CRIMINAL EVIDENCE 2012 / Watt, David -- Toronto: Carswell Thomson Reuters, 2012. [KB 192 W344 2012]

### FAMILY LAW

CHILD SUPPORT GUIDELINES IN CANADA 2012 / Payne, Julien D; Payne, Marilyn A -- Toronto: Irwin Law, 2012. [KB 139.D4 P346 2012]

### JURISDICTION

STATUTORY JURISDICTION: AN ANALYSIS OF THE COURT JURISDICTION AND PROCEEDINGS TRANSFER ACT / Black, Vaughan; Pitel, Stephen G.A; Sobkin, Michael -- Toronto: Carswell Thomson Reuters, 2012. [KB 199 .J9 B627 2012]

### NEGOTIATION

NEGOTIATION: THE ART OF MUTUAL GAINS BARGAINING / Corry, David J; Mercier, Courtenay M -- 2d ed. -- Aurora, Ont. Canada Law Book, 2010. [KB 60 C823 2010]

### PERSONAL PROPERTY

PROPERTY IN THINGS IN THE COMMON LAW SYSTEM / Welling, Bruce -- 2d ed. -- Queensland, Aus. Scribblers Publishing, 2008. [KB 165 W452 2008]

## :: NEW DECISIONS ::

**ARBITRATION (LABOUR)** *MacKinnon v. Nova Scotia (Dept. of Justice)*, Hfx. No. 355681, Wood, J., August 16, 2012. [2012 NSSC 302](#)

**BARRISTERS AND SOLICITORS** *R. v. Clarke*, C.R.H. No. 346068, Hood, J., June 28, 2012; June 7, 2012 (orally). [2012 NSSC 243](#)

**CRIMINAL LAW** *Blais v. Canada (Attorney General)*, C.A. No. 373199, Bryson, J.A., August 7, 2012. [2012 NSCA 81](#)

**CRIMINAL LAW** *R. v. Budge*, No. 2155316, Whalen, J.P.C., August 8, 2012; June 15, 2012 (orally). [2012 NSPC 69](#)

**CRIMINAL LAW** *R. v. Currie*, No. 2305450, Whalen, J.P.C., August 8, 2012; August 3, 2012 (orally). [2012 NSPC 70](#)

**CRIMINAL LAW** *R. v. E. (D.H.)*, C.R.P. No. 346270, Scaravelli, J., July 9, 2012. [2012 NSSC 260](#)

**CRIMINAL LAW** *R. v. K. (W.P.)*, C.R.K. No. 344603, Moir, J., August 3, 2012; July 30, 2012 (orally). [2012 NSSC 299](#)

**CRIMINAL LAW** *R. v. Rahman*, C.R.H. No. 330049, Cacchione, J., August 9, 2012; August 7, 2012 (orally). [2012 NSSC 303](#)

**ENVIRONMENTAL LAW** *Margaree Environmental Association v. Nova Scotia (Minister of Environment)*, Hfx. No. 371459, MacAdam, J., August 3, 2012. [2012 NSSC 296](#)

# INFORUM

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

**EVIDENCE** *Lees v. Casorso*, Pic. No. 287028, Scaravelli, J., August 8, 2012. [2012 NSSC 301](#)

**FAMILY LAW** *Blois v. Blois*, STD. No. 070974, Wright, J., August 3, 2012. [2012 NSSC 273](#)

**FAMILY LAW** *Boutilier-Robar v. Robar*, S.F.S.N.M.C.A. No. 078980; S.F.S.N.M.C.A. No. 079455, Forgeron, J., August 8, 2012. [2012 NSSC 279](#)

**FAMILY LAW** *Nova Scotia (Minister of Community Services) v. (S.) S.*, S.F.H. C.F.S.A. No. 079394, Jollimore, J., August 3, 2012. [2012 NSSC 293](#)

**INCOME TAX** *R. v. Martin*, No. 2276770 - 2276795, Atwood, J.P.C., August 10, 2012. [2012 NSPC 73](#)

**LANDLORD AND TENANT** *Cragg v. Southwest Properties Ltd.*, Hfx. No. 389764, Hood, J., August 9, 2012; June 26, 2012 (orally). [2012 NSSC 298](#)

**MORTGAGES** *Eisener v. Cragg*, Hfx. No. 343755, Hood, J., August 3, 2012; January 25, 2012 (orally). [2012 NSSC 290](#)

**PRACTICE** *Raymond v. Brauer*, C.A. No. 375964, Bryson, J.A., August 8, 2012. [2012 NSCA 82](#)

**PRACTICE** *Canadian National Railway Co. v. Halifax (Regional Municipality)*, Hfx. No. 358564, LeBlanc, J., August 8, 2012. [2012 NSSC 300](#)

**PRACTICE** *Coltsfoot Publishing Ltd. v. Foster-Jacques*, C.A. No. 367939, Fichaud, J.A., August 16, 2012. 2012 NSCA 83

**REAL PROPERTY** *Chisholm v. Yuille*, Hfx. No. 311195, Wood, J., August 2, 2012. [2012 NSSC 297](#)

**TORTS** *Trout Point Lodge Ltd. et al. v. Handshoe et al.*, Yar. No. 353654, Hood, J., August 7, 2012; February 1, 2012 (orally). [2012 NSSC 245](#)

---

## **SUPREME COURT of CANADA — recent decisions**

*Library & Information Services - Keeping you informed*

No new decisions have been released on the [Supreme Court of Canada Judgments](#) website since the last *InForum*.

---

# INFORUM

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

## :: NOVA SCOTIA BILLS ::

---

There are no new bills at this time.

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

## :: PROCLAMATIONS UPDATE ::

---

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

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

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

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

# INFORUM

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

## :: LIANS TIPS ::

---

### **RISK AND PRACTICE MANAGEMENT TIP: Mobility resources for summertime travel**

In the last *InForum*, we provided tips on how to stay on the grid while travelling this summer. Below are some mobile app-based tools that might be helpful during your travels:

- Dropbox is a service that allows you to sync and access your files across multiple machines, including your laptop, desktop and mobile devices;
- Evernote is a note-taking and digital organization system that can be used on your laptop, desktop or mobile devices. Clip and archive websites for future viewing, capture audio files and take pictures – very useful for receipts and expenses!
- Ditch the yellow legal pad and consider using note-taking, audio recording and handwriting apps such as the iPad's Notability or Soundnote, Evernote (mentioned above), or the Android's PenSupremacy, Handrite Note Pro or TabNotes;
- Another essential piece in your mobile toolkit should be a portable scanner, such as Fujitsu's ScanSnap or the Kodak ScanMate;
- Consider combining a portable scanner with an online fax service such as Myfax or Efax, and send and receive faxes as PDF documents;
- Lastly, consider using Skype, an inexpensive way to call, instant message and videoconference;

These resources will allow you to roam free and paperless, wherever you happen to be this summer.

*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: Computer access scam via telephone**

There have been recent reports of a computer scam via telephone that we've warned about in the past. A caller purporting to work for Microsoft, PC Law or another software company inquires about the proper functioning of your computer and your personal account information. They offer to repair your computer or update your information using an internet-based software installation or by accessing your computer remotely after you've provided your passwords. They request credit card information at that point as payment for the software or repair service charges, typically ranging from \$35 to \$470 per call.

Between 70 and 80 per cent of frauds reported daily to the Canadian Anti Fraud Centre (CAFC) since September 2011 concern phone calls claiming to be able to protect your computer from viruses. The RCMP and the CAFC advise that if you receive one of these scam attempts, simply hang up the phone. **Never provide an unsolicited third party with your computer passwords, credit card numbers or any personal information whatsoever, nor allow an unsolicited third party to download software or remotely access your computer.**

Harmful software can be installed to capture personal financial data such as online banking user names and passwords and bank account information. This information can be used to empty your bank accounts and charge your credit cards. **Your computer can then be accessed at any time by the perpetrators without your knowledge or participation to send spam, spread viruses to your contacts or overload computer networks.** Once the criminals have your credit card information, it can be used to make purchases without your consent.

Overall, if you receive an unsolicited phone call or email offering to provide a service for a fee, it is likely a scam. Protect yourself by hanging up or deleting the email – these criminals are trying to steal your money and other valuable personal information.

*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".*

# INFORUM

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

## **NSLAP WELLNESS TIP: Getting adequate sleep**

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

If you are one of the millions of workers in Canada who work at times other than the normal daytime hours between 7:00 am and 6:00 pm, you know first-hand the challenge of fighting the body's natural wake-sleep pattern and the strain shift work can put on your health, well-being, family and social life.

If you work a compressed work week, shifts that rotate, shifts that are split apart by several hours, or permanent afternoon, evening or night shifts, then you will know first-hand how challenging it can be to get enough sleep, ensure a consistent sleep schedule and be able to remain alert and productive while at work.

Here are some tips to help you out, based on the latest research in this area:

### **Get quality sleep**

In addition to making your bedroom as dark as possible and as quiet as possible, ensure the room temperature is comfortable as your sleep pattern is very sensitive to temperature. This is especially true during rapid eye movement (REM) sleep, the stage when you dream. REM sleep is reduced if you are either too warm or too cool.

### **Best sleep times for night shifts**

The latest studies show that taking a nap just before starting the night shift really helps staying alert at night. For example, if you start work at 7:00 pm, you could eat dinner early, say at 4:30 pm, and then nap from 5:00 to 6:00 pm until it is time to leave for work. It is best to get to sleep soon after returning home from the night shift. Having a light snack and shower followed by a short period of relaxation is useful, but delaying sleep for too long will reduce your total sleep time. On the day following your last night shift, try this: sleep for no more than four or five hours when you get home from work and avoid napping later that day. This reduced amount of sleep will be enough to get you through the day and make it easier to fall asleep at a reasonable hour in the evening.

### **Recharge with bright light**

To prevent drifting of the clock, you need to see bright light each morning. Artificial light sources may be helpful. To be effective, the light must be very bright – at least 5,000 lux (which is 10 times brighter than a typical well-lit room) and can be purchased at specialty health stores.

### **Eat a healthy diet**

A healthy, balanced diet helps buffer your body against dramatic swings in chemical and physiological changes, which can keep your moods even and your sleep more satisfying. Experts recommend you eat a high-protein meal prior to work, a mixed protein and carbohydrate meal for your "midnight lunch" and a light carbohydrate meal before you go to sleep.

### **Be kind to your stomach**

Digestion is less efficient and slower at night than in the daytime and the stomach is less well protected from the effects of acidic, spicy or fatty foods. Be kind to your stomach when eating at night or you may experience indigestion and heartburn. Try to eat small, frequent meals and avoid high-fat food and sugary snacks at night.

### **Keep physically active**

The value of physical fitness cannot be overstated. In addition to waking you up, regular physical activity enhances cardiovascular fitness and muscle tone, improves the ability to tolerate stress and combat fatigue and improves sleep. Studies have shown that the more physically fit you are, the easier it is to adapt to shift work.

### **Stay alert with caffeine**

Caffeine is a stimulant and can improve alertness and performance at night. The effects of caffeine typically begin 30 minutes after consumption, peak at about two hours and last for about five hours. Caffeine activates the arousal centers in the brain, raises body temperature and inhibits the secretion of melatonin, which is a sleep-promoting hormone. It is important to restrict your caffeine intake to the first half of the night so it will not disrupt your daytime sleep.

# INFORUM

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

## **Look after yourself as you age**

Studies show that shift work becomes less tolerable beyond the age of 40. That means the older you are, the more you need to do to look after yourself if you continue to work shifts.

*For more information and support on getting adequate sleep, 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 NSLAP 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*

## :: CLASSIFIEDS ::

---

### **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](http://culturalclinicalconsultants.ca) link at <http://culturalclinicalconsultants.ca>.

Jacqueline Barkley, MSW, RSW

[barkley@ns.sympatico.ca](mailto:barkley@ns.sympatico.ca)

902 454 5784

----

### **Cornerstone Occupational Therapy Consultants**

Have you heard of occupational therapy but are not sure how it can enhance your practice? Occupational therapists are health care professionals who work with clients with both physical and mental health concerns. Cornerstone OT provides consulting and intervention services that can assist your clients to improve their day to day function, and can assist with progression of your claim.

Cornerstone therapists, Ruth Duggan & Lisa Saunders-Green, have extensive experience and are able to provide comprehensive services to assist with progression and resolution of personal injury claims by:

- Completing a file review to gain understanding of the client's past and present medical conditions and treatment
- Completing an in-person objective assessment of the client's functional abilities
- Consulting with other health professionals involved in the client's care
- Providing a thorough and objective opinion regarding current and future rehabilitation needs
- Providing Case Management to facilitate and coordinate rehabilitation services for the injured client to ensure optimal progression of the client's rehabilitation
- Providing Vocational Consultation regarding the client's potential for employment in their own or any occupation
- Preparing a Life Care Plan for the injured client.

A **Life Care Plan** is a medical legal document describing the costs of future care and services required for an individual, as a consequence of their accident or injuries. The LCP assists in determining the impact of a disability on all aspects of a client's life, and utilizes documented professional guidelines and current best practice standards to prepare a comprehensive, defensible report. We can also provide an objective critique of existing life care plans, also known as cost of future care reports.

We work with clients with all types of injuries, including amputation, soft tissue injuries, chronic pain, spinal cord injury and brain injury.

For more information, visit our web site [www.CornerstoneOT.com](http://www.CornerstoneOT.com)

Ruth Duggan & Lisa Saunders-Green

902 446 4660 | [email@CornerstoneOT.com](mailto:email@CornerstoneOT.com)

# INFORUM

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

## :: CURRENT ISSUES IN GENDER EQUITY ::

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

### **I'm a statistic and I love it!**

**By Sanaz Gerami, Member, Gender Equity Committee**

When my mom was pregnant with me, my parents were at a conference in Scandinavia. During a dinner banquet, the head of the church in Sweden told my mom that she was blessed with a son. Welllll ... I hope he's not reading this but had he been right, I wouldn't be a statistic!

It is strange and shocking to realize that had this man been correct, I wouldn't be the statistic that I am; I would not be yet another female lawyer who left private practice for government or, as it has been said to me, "lost" to government. I am definitely not lost, but I'm pretty sure I'm a statistic. A number of lawyers are in the same statistical group as me and also those who have the "audacity" to have children—or, as one partner in a firm said to the female associate who was pregnant at the time, "You are starting to look more and more like a housewife than a lawyer." What does that even mean?!?!

Truth is, with the fabulous variety of female lawyers in our profession comes a variety of statistical groups. There are fewer women who become partners. Women leave well-established firms to start their own. Many women leave private practice for in-house or government because they believe it will allow them more time with their family. You can perceive these statistics as either a negative or a positive. I don't mean for them to be taken as a negative at all and certainly not as having given in, but instead as having adapted to make it work for you ... and if that's the case, wear your statistic with pride!

I've only grazed the subject of categorizing, but one unfortunate statistical category is the number of women compared to men who leave the profession entirely. As a brilliant colleague once said, "We all lose when women leave our profession." I love being a lawyer and I enjoy what I do, but that only started when I left private practice and joined government. And if that makes me a statistic, I love it!

*In case you missed the previous articles:*

- [They're not all knee-slappers](#), by Meghan E. Russell, Member, Gender Equity Committee, July 9, 2012
- [Confidence = Cojones?](#) by Heidi Schedler, Co-Chair, Gender Equity Committee, June 11, 2012
- [What just happened here?](#) by Jennifer A. MacLellan, Member, Gender Equity Committee, April 30, 2012
- [Be nice ... but not too nice](#), by Katherine Salsman, Member, Gender Equity Committee, April 16, 2012
- [Heros in our own lives: Janie Justice, Gloria Steinem and Wonder Woman](#), by Dale Darling, GEC Member, February 20, 2012
- ["Killer Instinct" v. Compassion](#), by Catherine A. Cogswell, GEC Member, January 23, 2012
- [Mom, LLB](#), by Amy Sakalauskas, GEC Member, December 19, 2011
- [Closing the pay equity gender gap: a task made for lawyers](#), by Kathleen Lumsden, GEC Member, November 21, 2011
- [Come on, honey, just laugh it off](#), by Candee McCarthy, Co-Chair, Gender Equity Committee, October 24, 2011

*If you are interested in receiving more information about the postcard campaign or having postcards sent to you or your workplace, please contact the Equity Officer at [equity@nsbs.org](mailto:equity@nsbs.org).*