

# INFORUM

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

## :: WHAT'S NEW ::

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### Society News

- Memorandum: [Revised Trust Account Regulations; Society seeks further input](#)
- [Council Highlights from Friday, September 14, 2012](#)
- Technical upgrades: [Member login on Society website temporarily unavailable](#)
- [Changes in Category](#) – September 4 to 17, 2012
- [In Memoriam](#)
- [Bringing it Home: The First Annual Professional Development Conference of the Cape Breton Barristers' Society](#)
- NSBS in the news: [Halifax catches consolidation wave in courts, Lawyers Weekly](#)

### Professional Responsibility: Decisions & Dispositions

- [Settlement Agreements – Permission to Resign](#)

### NSBS Continuing Professional Development

- [New dates for online LRA course: Next course, November 14 to 21, 2012](#)

**COLUMN:** [Current Issues in Legal Ethics: Managing risk through trust audits](#) (latest column in a series on ethical responsibilities, by Elaine Cumming, Professional Responsibility Counsel)

### Library & Information Services

- [Over 100 years of Supreme Court of Canada judgments now available on CanLII](#)
- [New decisions](#)

### From LIANS

- [REGISTRATION NOW OPEN: Earn 6 CPD hours at LIANS Risk and Practice Management Conference, November 23; 9:00 am to 4:15 pm](#)
- [The value of the ListServ – a new Risk and Practice Management Tip from the Risk and Practice Management Program, LIANS](#)
- [Business representation scam: “Yamanaka Muraki” – a new Fraud Alert from the RPM Program, LIANS](#)
- [Caring for aging parents and loved ones: Employees as caregivers – a new Wellness Tip from NSLAP](#)

### From the Province

- JUSTICE: Find all DOJ announcements at <http://www.gov.ns.ca/just/communications/>
  - Province, Halifax Regional Police, Dalhousie Launch Restorative Justice Program (Sept. 12) <http://novascotia.ca/news/release/?id=20120912003>
- JUSTICE/SENIORS: [Applications open for Senior Safety Grant](#) (Sept. 5)
- HUMAN RIGHTS COMMISSION: [First Restorative Justice Human Rights Board of Inquiry](#) (Sept. 14)
- OMBUDSMAN: Annual Report 2011-12 released [www.gov.ns.ca/ombu](http://www.gov.ns.ca/ombu)
- ENERGY: [New law means road lighting in Nova Scotia must be LED](#) (Sept. 12)
- ABORIGINAL AFFAIRS: [Province contributes to Purdy Crawford Chair in Aboriginal Business](#) (Sept. 6)
- SNSMR: Find all news releases at <http://www.gov.ns.ca/snsmr/>
  - [Organizations receive funds to improve accessibility](#) (Sept. 7)
- Reminder: [Queen's Counsel Appointments 2012 – nominations and applications due October 31, 2012](#)
- [Error & Omission notices](#)

### Other notices

- [CCH 2.0: An article about the recent intervention by CanLII and the FLSC in the Bell decision at the Supreme Court of Canada](#)
- [Notice from the Actuarial Standards Board: Exposure Draft for Revised Standards of Practice](#)
- [The launch of Halifax's Vital Signs: Community Foundation of Nova Scotia](#)

# INFORUM

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

## Awards & Appointments

- Public Prosecution Service: [Crown Attorney appointed in Liverpool](#)
- [Thomas McInnis appointed to Canada's Senate](#)

## Volunteer & Pro Bono Opportunities

- [Stepping Stone seeks board members](#)

## Events of Interest

- [Dalhousie Health Law and Policy Seminar Series 2012-2013: First seminar – September 28](#)
- [Upcoming events from CBA-NS](#)
  - *Online programs starting September 28*
  - *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*
- [The 1st Southeast Asia Pro Bono Conference – September 2012](#)
- [42nd Annual Workshop on Commercial & Consumer Law – October 12-13, 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](#)
- [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

- [Office for rent in modern downtown Halifax building](#)

## Career Opportunities

- Visit our website for the latest [career postings](#)
  - [Schulich School of Law – Instructors](#)
  - [Strengthening Access to Justice for Children and Youth in Eastern Africa Project](#)

# INFORUM

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

## :: NOTICES ::

### SOCIETY NEWS

#### **Memorandum: Revised Trust Account Regulations**

Following the work of the Trust Account Regulation Review Working Group, introduction to Council in January 2012, and general consultation with practising lawyers and law firms, the attached regulations are proposed to replace the current Part 10 of the Society's regulations.

They were introduced to Council on September 14 and will be available for final comments by members until October 22. They will be voted on by Council in November with a **plan that they take effect after January 1, 2013.**

Please follow this link to the proposed [Revised Trust Account Regulations](#).

#### **The Work of the Working Group**

The Trust Account Regulation Review Working Group (TARRWG) met in August, September, and November of 2011 to review the Society's current regulations, identify issues, and recommend changes. During the September meetings, staff of both the Law Society of New Brunswick and the Law Society of Newfoundland and Labrador were in attendance. When the Trust Account Regulations were last over hauled, the work was done in conjunction with the Atlantic Law Societies in an attempt to harmonize the regulations across the region. Though they have not met as a group to review this final draft, prior to introduction, a copy has gone to them and their final signoff will be received before Council is asked to vote on them.

The Working Group was made up of a number of volunteers including lawyers and individuals who interacted with lawyers' trust accounts. Lawyers in the Working Group were; Alan MacNeil (Truro), Frederick Angus (Halifax), and Brian MacLellan (Halifax). Non-lawyers from law firms were; Diane Norris and Peter Duggan (Boyne Clarke), Jose Poirier (Weldon McInnis), Victoria Morrison (Walker Law), and Deanna Severyns (Stewart McKelvey). Other participants were; Stephen Shupe, CA (an accountant involved in a number of Trust Account Report filings), Graham Dennis (the Society's Auditor), and Society Staff from Professional Responsibility and Administration Departments

The Working Group was committed to simplifying the regulations, getting rid of the "nit-picky" stuff, and ensuring that the regulations did not contain conflicting concepts. The Working Group identified that it would be necessary to get the regulations "right" before the Society could develop additional explanatory materials (a revised Trust Accounts Manual) or make changes to its method of ensuring compliance (the trust Account Report).

From the outset, the Working Group identified that trying to develop and enforce regulations which defined all types of financial transactions and the methods to deal with them would be difficult, if not impossible, given the rate of change occurring in how financial transactions take place. The Working Group determined that it would be far more effective to develop regulations that prescribed a standard and required Lawyers and Law Firms to meet that standard. The cited example is what would happen if someone wanted to email money into a lawyer's trust account. In the current circumstance that would be a violation of the regulations. Under the proposed regulations, it could happen, provided the deposit was properly identified and confirmed.

The proposed regulations include additional definitions of terms and clarify others. Two key changes are the definition of "sole signing authority and control" and "overdraft".

- In the proposed regulations, sole signing authority and control exists anytime a lawyer has the ability to access money or property without the need for a co-signer, whether or not another person may also access the money or property.
- The concept of overdraft is expanded to mean that the lawyer or law firm does not have sufficient funds in trust to meet his/her obligations, whether or not a bank account is actually overdrawn.

# INFORUM

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

The proposed regulations define “sole practitioner” for the purpose of trust account responsibilities. This definition was implied in the existing regulations with regard to disbursements from trust accounts. The existing regulations require two signatures for disbursements unless the lawyer “...practices alone and without another practising lawyer...” By defining a sole practitioner, the regulations can refer to the definition rather than cite an exception each time.

Some working group members pushed for an allowance for a “float” in the trust account to allow for coverage in the case of errors. It was determined that the tolerance for accounting for trusts would continue to be zero variance and it is noted that there are provisions within the regulations to allow for timely corrections of errors. Other members looked to remove estates and guardianship accounts from the definition of trust money. After deliberation it was determined that these accounts should remain as trust money and that some definitions (as described above) needed to change to increase clarity for lawyers.

## **Input from lawyers**

The regulations were made available for lawyers' comments during March and April of 2012. Eleven lawyers/law firms responded (responses attached). Aside from some typographical errors (which have been corrected), practitioners' concerns are the definition of “sole practitioner” and the enhanced definition of “sole signing authority and control”.

While “sole practitioner” is now defined, its meaning or intent relative to trust account activities has not changed. Therefore, the proposed regulations have not changed. The current regulations require two signatures on all cheques (and other forms of withdrawal) and allow a sole practitioner to be the sole signatory in regulation 10.4.6

“**10.4.6** Notwithstanding subregulation 10.4.5(d), a practising lawyer may be the sole signatory on a cheque drawn on a trust account if that lawyer practises alone and without another practising lawyer who is;

- (i) a partner or an employee of the practising lawyer or that practising lawyer's law corporation,
- (ii) associated in the practice of law with such practising lawyer or law corporation; or
- (iii) represented or held out to the public to be a partner or person associated in the practice of law with such practising lawyer or law corporation whether or not there is in fact a partnership or association

With regard to the enhanced definition of “sole signing authority and control” this was discussed extensively by the Working Group during its deliberations. The Working Group felt strongly that if a lawyer had access to money or property that s/he could control with a single signature, that money should be subject to the same level of scrutiny as trust money. As such, the proposed regulation was not changed.

Any further comments should be directed to the Executive Director at [dpink@nsbs.org](mailto:dpink@nsbs.org), no later than **Monday, October 22, 2012**.

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## **Council Highlights from Friday, September 14, 2012**

For details about other matters discussed at Council's meeting on Friday, September 14, please see the Council Highlights and Documents, available on the Council materials page of the Society's website: <http://nsbs.org/council-materials>.

The next regular meeting of Council is scheduled for Friday, November 23, 2012 at the Society's offices.

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## **Technical upgrades: Member login on Society website temporarily unavailable**

Please note, the Society is conducting extensive technical upgrades on its membership database and members' intranet site.

The [members' area](#) of the website is unavailable during these major server and software upgrades, which began on September 14. Members will not be able to access their eCommunities or register online for events until further notice. The Society will notify each member of the eCommunities when the new eCommunities sections are accessible again.

These upgrades will lead to significant improvements. The Society appreciates your patience, and all efforts are being made to minimize disruptions to the membership. Watch this space for further updates.

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# INFORUM

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

## **Changes in Category – September 4 to 17, 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:*

James Michael Haughn

Nicole Ann Rovers

*The Society welcomes the following lawyers, called to the Nova Scotia Bar since September 4*

Susanne Marie Dixon

Ivan George Cecil Nault

Rick James Eng

Sarah Ann Robicheau

Jennifer Elaine Knebel Reid

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## **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.

- Daniel Joseph McGrath QC, Berwick – September 8, 2012 Obituary

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## **Bringing it Home: The First Annual Professional Development Conference of the Cape Breton Barristers' Society**

The Cape Breton Barristers' Society is pleased to announce its First Annual Professional Development Conference. This conference includes eight hours of eligible study under the NSBS CPD requirement.

## **SAVE THE DATE!**

**November 9, 2012**

**Delta Sydney**

**8 hours of eligible CPD**

For more details/registration, contact [jill.perry@nslegalaid.ca](mailto:jill.perry@nslegalaid.ca) and/or watch the [Upcoming events](#) page of the Nova Scotia Barristers' Society website for further details and registration links as they become available shortly.

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## **NSBS in the news**

### **Halifax catches consolidation wave in courts: Municipality aims to modernize, cut costs**

*Lawyers Weekly*, September 14, 2012

Nova Scotia is exploring the feasibility of consolidating its two provincial courthouses in the Halifax Regional Municipality.

The Department of Justice has issued a request for proposals to investigate the consolidation and modernization of the Dartmouth and Halifax provincial courts at the latter's existing Spring Garden Road site. In addition, the successful consultant will look at related issues such as access to justice, cost and ability to deliver service.

"Efficiencies would be created. There is a logic to having one place," said Darrel Pink, executive director of the Nova Scotia Barristers' Society in Halifax. "Victims, accused, and lawyers are all in one space. The study will look at reconfiguring Spring Garden Road so it would be a modern facility." (*Read more in the [original article](#).*)

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## **Barristers' Library in Halifax moving to temporary location at Summit Place – October**

Due to renovations to upgrade the heating, ventilation and air conditioning systems at The Law Courts on Upper Water Street, the Barristers' Library will be moving to temporary quarters on the fifth floor of Summit Place (1601 Lower Water Street).

# INFORUM

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

The move is anticipated to happen in mid-October 2012. The Society will do its utmost to minimize disruption to services and access to the library collection during the move.

It is anticipated the Barristers' Library and Library & Information Services staff will remain at Summit Place for approximately one year. The Society will provide further details on the website and in *InForum* as they become available.

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## **Notice of Referral to Hearing: Michael Iosipescu**

The Hearing Committee of the Nova Scotia Barristers' Society will hold a hearing respecting charges against Michael Iosipescu, 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 28, 2012 on the [Public hearings](#) page of the Society's website.

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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**

### **Notices to the Bar**

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

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

- **Decisions of the Courts:** Receive Tweets when the Courts post new decisions on the website. The Tweet will link you directly to the decision itself. Choose to receive Tweets about decisions released by one or all of the Courts. [http://www.courts.ns.ca/decisions\\_recent/decisions\\_weekly\\_list.htm](http://www.courts.ns.ca/decisions_recent/decisions_weekly_list.htm)
- **Notices To The Bar:** These Tweets include notices about Court schedules, the Prothonotary's "Hints And Tips", amendments to the *Civil Procedure Rules*, and changes to the online dockets of the Court of Appeal, Supreme Court in Kentville/Windsor, and the Bankruptcy Court. <http://www.courts.ns.ca/General/bar.htm>

# INFORUM

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

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

*Other notices to the Bar:*

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

## Notice from the Nova Scotia Office of Immigration: Proposed regulatory changes to Federal Immigration Categories

On Saturday, August 18, the Government of Canada pre-published [proposed regulatory changes](#) to the Federal Skilled Worker Class (FSWC), the Canadian Experience Class (CEC), and the new Federal Skilled Trades Class (FSTC).

Pre-publication in Part I of the Canada Gazette provides the public an opportunity to review and comment on a proposed regulation.

- It is proposed that the language threshold would be set by the Minister in all three classes (FSWC, CEC, FSTC) based on criteria listed in the regulations. The threshold would be applicable across all four language abilities (speaking, listening, reading and writing). Initially, the thresholds are likely to be set at:
  - FSWC - Canadian Language Benchmark (CLB) 7
  - CEC - current levels will continue to apply:
    - Applicants in National Occupation Code (NOC) 0 and A occupations - CLB7
    - Applicants in NOC B occupations - CLB 5
  - FSTC - CLB 5
- A provision is also being proposed in the FSWC regulations that would require applicants in certain regulated occupations to have their educational credentials assessed by a professional body, should one be designated by the Minister to perform Educational Credential Assessments.
- Proposed changes to CEC would also merge the two streams of the CEC. Applicants would now be able to qualify under a single stream in the CEC (requiring 12 months of work experience).

You are invited to review the draft proposal and provide your feedback on the regulatory changes. The proposed Regulations were pre-published in the Canada Gazette on Saturday, August 18, 2012, and will be posted for 30 days.

The following background materials explaining the proposals under consideration and a copy of the regulatory changes are attached for your reference:

- [Proposed FSWP Grid Changes](#)
- [Propositions de changements à la grille de sélection du PTQF](#)
- [FSWP Package](#)

Please send your comments to [Selection@cic.gc.ca](mailto:Selection@cic.gc.ca).

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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 Cumberland, Halifax and Kings County Land Registration Offices. To view these notices in full, refer to the Errors & Omissions page on the [Property Online](#) (PO) website.

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## 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:

# INFORUM

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

- 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

## **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).

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.

# INFORUM

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

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](#).

## OTHER NOTICES

### CCH 2.0

*CanLII and the FLSC intervened in the recent Bell decision at the Supreme Court of Canada and they couldn't have imagined a better result.*

By Ava Chisling (published in *InForum* at the request of CanLII)

Copyright law is rarely black and white. It is a domain filled with gray areas, mostly because technology changes at breakneck speed whereas Canada's copyright laws do not. Technology that has been a part of our everyday lives for years, like streaming radio and online song previews, can be considered "new" in the eyes of the law and can exist in a legal limbo of sorts. However, on July 12, 2012, the Supreme Court of Canada (SCC) ruled on five copyright cases, tackling very 2012 issues like streaming, music embedded in video games and audio previews offered by music download services. And with this collection of landmark decisions, the SCC has taken a lot of the gray out of copyright law and solidified the concept of user rights.

One of the five copyright cases on appeal to the SCC was of particular interest to CanLII, the largest provider of free online legal documents in Canada, and its owner, the Federation of Law Societies of Canada (FLSC), which coordinates the national initiatives of all legal societies in the country. The case was *Society of Composers, Authors and Music Publishers of Canada v. Bell Canada [Bell]*, which dealt with whether or not previews of music you buy online can be subject to copyright fees. At first glance, a case about music previews has little to do with legal documents, but Colin Lachance, the President of CanLII, saw things differently. "On the encouragement of outside counsel, I started to dig into the facts of the case and it became apparent quite quickly how a change or restriction on the way Courts define "research" for purposes of fair dealing could have a negative impact on CanLII over the long term, and affect free access to legal information in general."

According to a 2012 national study undertaken by CanLII, its website, [canlii.org](http://canlii.org), is the most consulted source of legal information for the majority of lawyers in Canada. It is accessed between 20,000 and 30,000 times per day by professionals and the public at large. Therefore, it is critical that its content – 1.1 million court judgments, tribunal decisions, statutes and regulations – continue to benefit from a supportive copyright environment now and in the future in order to remain accessible and free for everyone. CanLII and the FLSC decided that the *Bell* case was important enough for them to act as joint interveners at the SCC level. "Once we took that decision," says Lachance, "the next stage was figuring out how we were going to do it."

CanLII and the FLSC had to find a team of experienced intellectual property lawyers willing to put in the hard work and long hours for no pay. CanLII is a not for profit organization and does not have the budget to pay for many months of legal services. Putting out some feelers, Lachance found no shortage of interested legal talent among the top tier of the Canadian intellectual property bar. CanLII and the FLSC ultimately selected intellectual property specialists Dimock Stratton LLP of Toronto.

"We were approached by the FLSC and CanLII once the appeal process was under way at the SCC," says partner Ronald Dimock, who, along with his colleague Sangeetha Punniyamoorthy had been to the SCC on copyright matters once before, with the 2006 *Robertson v. Thomson Corp.* case. "The SCC was expecting interveners to present their perspective on things and the FLSC wanted to participate because of CanLII. They approached us to act on their behalf and we were delighted to do it."

CanLII and the FLSC had concerns about how a case dealing with commercial exploitation of online music could influence the debate. Lachance explains, "The facts that were before the Court didn't appear to be sympathetic to the larger issue of fair dealing. From our perspective, there were principles set down in 2004 [*CCH Canadian Limited v. Law Society of Upper Canada*] that needed to be enshrined in a content and technologically neutral way."

# INFORUM

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

Dimock hoped the court would see copyright as it exists in this decade. "Our goal was to make *CCH* carry over into this new electronic world and to say that the *Copyright Act* should be interpreted as media neutral, whether it's a paper process or an internet distribution process. We were saying that this case was really *CCH 2.0*." Says Punniyamoorthy, "It was vital that people have access to CanLII's legal material online. The scope of fair dealing should be maintained and research should not be narrowed down."

In the end, the legal team got everything they wished for, something that greatly pleased their client, the President of the FLSC. "The broad interpretation of research was reaffirmed. The SCC made it clear that research was to be analyzed from the perspective of the users and not the service provider. This decision will assist CanLII in bringing a full range of legal research products to the public in order to help members of the public understand their rights and responsibilities," says John J.L. Hunter, Q.C.

The impact of the five SCC copyright rulings on CanLII and others cannot be overstated. "The court's definition of research and private study in the five rulings creates opportunities not only for individuals but for those who facilitate their access to information," says Lachance. "It is user-focused for fair dealing and technologically neutral." Equally important, says Punniyamoorthy, "is that if one member of the public uses information for an unfair purpose, it doesn't affect other individuals' rights to use the materials."

Dimock sums up the impact of the cases this way: "People who facilitate research will not be so concerned anymore. In the future, the courts will look at individual use – how one deals with the copyrighted material, if he or she is using it for research, is it fair and are they taking too much or not. This is a beneficial approach to CanLII because they service tens of thousands of customers and users. This is a very important outcome, and I could not have imagined a better result."

*Ava Chisling is a media lawyer and editor based in Montreal. She is the former Executive Editor of enRoute Magazine whose work has appeared in Canadian Lawyer, The National, and Time Out London, among many others. She received a Gold Kenneth R. Wilson Award in 2011, a National Magazine Award merit prize in 2009, and the Leon Levinson Award from McGill's Faculty of Law in 2004. [www.avachisling.com](http://www.avachisling.com).*

## **Notice from the Actuarial Standards Board: Exposure Draft for Revised Standards of Practice**

September 7, 2012

Dear Stakeholder:

The mission of the Actuarial Standards Board (ASB) is to develop, establish and maintain Standards of Practice governing actuarial practice in Canada. An important part of the ASB's role is to communicate effectively and efficiently with people or organizations that have, or may have, an interest in the work of the ASB. Your organization has been identified as one of these stakeholders.

On August 30, 2012 the ASB approved an exposure draft which proposes revised Standards for Actuarial Evidence and several related changes to the General Standards of Practice. These revisions are pertinent for actuaries working in Canada as expert witnesses and performing other actuarial evidence work.

In accordance with our due process, we are forwarding the exposure draft to stakeholders that may wish to review and comment on the proposed changes. Both the exposure draft and the current Actuarial Evidence Standards are attached.

We would be very grateful if you would distribute the documents, as appropriate, within your organization. Comments are invited **by November 30, 2012** and may be sent to Nancy Yake at [nancy.yake@sympatico.ca](mailto:nancy.yake@sympatico.ca), with a copy to Chris Fievoli at [chris.fievoli@actuaries.ca](mailto:chris.fievoli@actuaries.ca).

We look forward to receiving any feedback that you may wish to provide.

Dave Pelletier  
Nancy Yake

# INFORUM

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

Find this document on the Actuarial Standards Board website at [www.asb-cna.ca](http://www.asb-cna.ca), under the Discussion Documents heading:

- Exposure Draft for Revised Standards of Practice – Part 4000 Practice-Specific Standards for Actuarial Evidence and Relevant Paragraphs of Part 1000 General Standards

## **The launch of Halifax's Vital Signs**

A signature product of the  
**COMMUNITY FOUNDATION OF NOVA SCOTIA**  
Tuesday, October 2, 2012 from 8:00 am - 9:00 am  
Commonwealth Room A, The Westin Nova Scotian  
1181 Hollis Street, Halifax, Nova Scotia

Discover important and surprising facts about the Halifax Regional Municipality as we provide an interactive portrait in numbers of how we are doing in the HRM across several key indicators including safety, health and wellness, economy, housing, getting started and belonging, getting around, learning, arts and culture, environment, and youth.

For more information contact Allison Kouzovnikov at 902-490-5907, email [ak@cfns.ca](mailto:ak@cfns.ca), or visit the Community Foundation of Nova Scotia at [www.cfns.ca](http://www.cfns.ca).

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## **AWARDS & APPOINTMENTS**

### **PUBLIC PROSECUTION SERVICE: Crown Attorney appointed in Liverpool**

Sharon Goodwin has been appointed a Crown attorney in the Liverpool office of the Public Prosecution Service.

The appointment was announced Sept. 10, by Martin Herschorn, Director of Public Prosecutions.

"I am very pleased to have Ms. Goodwin join our team of Crown attorneys," said Mr. Herschorn. "Her experience in criminal law will be an asset to the Nova Scotia Public Prosecution Service."

A native of Port Hastings, Inverness Co., Ms. Goodwin graduated in 2003 from Dalhousie University with a bachelor of science with an advanced major in biology. She graduated from Dalhousie Law School in 2006.

Ms. Goodwin articulated with Creighton Shatford and Drysdale in Amherst and was admitted to the Nova Scotia bar in 2007. She was appointed an associate with the firm in 2007. In 2009, Ms. Goodwin joined the Antigonish office of Nova Scotia Legal Aid as a staff lawyer. Her practice included criminal, family and poverty law.

### **Thomas McInnis appointed to Canada's Senate**

The Hon. Thomas Johnson McInnis is Nova Scotia's newest senator. Prime Minister Stephen Harper made the announcement on Friday, September 7, along with four other new Senate appointments.

Mr. McInnis has been a member of the Nova Scotia Bar since 1976 and holds a law degree from Dalhousie University. Over the years, he has practised property and commercial law and public-private partnering with a number of firms, including the Weldon McInnis Law Firm (1996 -2005) the Boyne Clark Law Firm (1993 -1996) and the McInnis Mont & Randall Law Firm (1976 -1978). He was also co -owner of Halifax Water Tours (1974 -1986) and the Maritime Travel Agency (1975 -1979).

Mr. McInnis is currently President of the Sheet Harbour & Area Chamber of Commerce, President of the Association for the Preservation of the Eastern Shore and a Member of the Nova Scotia Barristers' Society. He was appointed to the Halifax Port Authority in 2008.

# INFORUM

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

He was the federal Progressive Conservative candidate for Dartmouth in 2000. He was also elected to the Nova Scotia House of Assembly (1978 -1993).

His Senate appointment is effective immediately.

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## **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.

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).

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## **VOLUNTEER & PRO BONO OPPORTUNITIES**

### **Stepping Stone seeks board members and other volunteers**

Stepping Stone is a charitable not-for-profit organization that offers supportive programs and outreach to women, men and transgender sex workers and former sex workers.

The Board has recognized that our greatest resource is our grass roots support and is implementing a plan to mobilize it. As part of this plan, we seek applicants for a number of volunteer positions – descriptions are available online in the [Stepping Stone Call for Volunteers](#).

Previous experience is valued, but not essentially. Our focus is to tap into and strengthen our network of passionate supporters, forward the goals of the organization and foster a results-heavy and meeting-light environment where volunteer contributions are easy and enjoyable.

To offer your help, please fill in our online [Stepping Stone Volunteer Form](#) prior to September 30, 2012. If the link to the form does not work, please contact Jeff Liberatore [jeff@stepping-stone.org](mailto:jeff@stepping-stone.org). Board and committee members will be selected by middle October.

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### **Nova Scotia College of Early Childhood Education looking for new Directors**

The Nova Scotia College of Early Childhood Education is a non-profit institution located on Quinpool Road, which offers courses leading to an Early Childhood Education diploma and also operates daycare centres at the three Halifax campuses of the Nova Scotia Community College.

We are looking for new members for our dynamic Board of Directors. If you would like to find out more about helping with the direction of an organization that trains many of the daycare workers in the province, please contact Jane Cawley (Executive Director) by phone at 423-7114 or by email at [janecawley@nscece.ca](mailto:janecawley@nscece.ca).

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### **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.

# INFORUM

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

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.

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

# INFORUM

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

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](#).

# INFORUM

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

## :: CONFERENCES & SEMINARS ::

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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](#)

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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:

- 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

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### Dalhousie Health Law and Policy Seminar Series 2012-2013

Weldon Law Bldg, Room 104, 6061 University Ave, Hfx, NS  
12:10 - 1:30 PM

Light lunch served at noon in the Faculty Lounge (Rm 312)

No registration required. No fee. Call 902.494.6881 for more information

[http://hli.law.dal.ca/Seminar\\_Series.php](http://hli.law.dal.ca/Seminar_Series.php)

#### Series schedule

- **Friday, September 28**  
**The Legal Scope and Limits of Conscientious Objection by Health Care Providers**  
Bernard Dickens, Emeritus, Faculty of Law, University of Toronto
- **Friday, October 12**  
**Discriminatory Effects of Criminal Abortion Laws: Prejudices, Stereotypes and Stigma**  
Rebecca Cook, Faculty of Law, University of Toronto
- **Friday, October 26**  
**Legislating for Catastrophic Risk**  
Evelyn Fox Keller, Emerita, History and Philosophy of Science, Massachusetts Institute of Technology  
(co-sponsored by *Situating Science Strategic Knowledge Cluster*, [www.situsci.ca](http://www.situsci.ca))
- **Friday, November 23**  
**The Medical Non-Necessity of In Vitro Fertilization**  
Carolyn McLeod, Department of Philosophy, University of Western Ontario
- **Friday, January 18**  
**HIV Testing and Disclosure: Public Health or Legal Matters?**

# INFORUM

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

Jacqueline Gahagan, Gender and Health Promotion Studies Unit, Dalhousie University

- **Friday, February 8**  
**Nonexcludability and the Limits of Patents in Furthering Health**  
Amy Kapczynski, Yale Law School  
(co-sponsored by the Law and Technology Institute, Dalhousie Schulich School of Law)
- **Friday, March 8**  
**The Culture and Context of Frequent Marijuana Use in Teens: Accounting for Gender, Diversity and Place**  
Joy Johnson, Scientific Director, Institute of Gender and Health, Canadian Institutes of Health Research  
(co-sponsored by the Faculty of Health Professions, Dalhousie University)
- **Friday, March 22**  
**Is There a Constitutional Right to Die?**  
Joseph Arvay QC, Arvay Finlay Barristers, British Columbia

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## 42<sup>nd</sup> Annual Workshop on Commercial & Consumer Law, October 12-13

The 2012 Annual Workshop on Commercial & Consumer Law will be held at the Dalhousie Schulich School of Law on October 12-13. The Workshop is the only academic business law conference regularly held in Canada and this will be the first time it has been held in Atlantic Canada in its 42 year history. The Workshop will include an interesting and varied selection of panels and has attracted a distinguished roster of presenters and discussants from across the country. Full information about the Workshop, including registration details, is available on our [website](#).

Please note that registration will close October 5<sup>th</sup>.

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## 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

# INFORUM

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

## **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).

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## **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!

# INFORUM

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

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>.

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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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## **Leadership for Women Lawyers: Practicing law in today's fast-paced environment**

### *Why participate?*

- Identify and overcome barriers to communicating difficult issues, resistance to change and gaining buy-in
- Find out if you have what it takes to be an effective project manager
- Learn how to read a financial statement - the key considerations regardless of the accounting or auditing principles used
- Get to know the five huge traps in negotiating and the strategies to deal with them
- Explore the principles of ethical behaviour and the challenges faced by women lawyers
- Find out what the art of successful delegation requires
- Hear the perspective of a lawyer in a large private firm on the imperatives of quality client service
- Get to know the nuts and bolts of what technology can offer the legal profession
- Understand the role of the Barristers' Society in retaining women in private practice]

# INFORUM

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

[Further information](#)

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## **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.

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](#).

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## **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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## **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](#)

# INFORUM

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

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...](#)

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# INFORUM

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

## :: LIBRARY & INFORMATION SERVICES ::

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### Over 100 years of Supreme Court of Canada judgments now available on CanLII

[News release](#) issued Sept. 11, 2012

The Canadian Legal Information Institute (CanLII) is very pleased to announce that through a joint initiative of the Supreme Court of Canada and Lexum Inc., Canadians and legal researchers across the globe can now access on CanLII a nearly complete collection of over 9,000 decisions of the Supreme Court of Canada dating back to 1907. As with all Canadian court and tribunal decisions available on CanLII (over 1M and growing at a rate of over 2,000 per week), these decisions are fully integrated and cross-linked to any subsequent case on CanLII in which they are referenced.

CanLII's Supreme Court of Canada collection previously encompassed approximately 7,400 decisions, including complete coverage between 1948 and the present as well as partial coverage in all prior years dating back to 1876. The addition of a further 1,600 cases ensures CanLII users will have access to all judgments published in the Supreme Court Reports since 1907. Researchers interested in a more comprehensive collection of 1876-1907 cases are encouraged to visit the Supreme Court of Canada website where they will find all British Columbia and Ontario-originated matters as well as many others that were decided by the Court during that time period.

The Supreme Court of Canada, Lexum and the University of Montreal are Canada's pioneers in making law freely available on the internet having collaborated since 1993 to provide free, web-based access to Supreme Court of Canada judgments. Their efforts, along with a 1997 federally-promulgated statutory instrument authorizing royalty and permission-free reproductions of federal law and the judgments of federally constituted courts and tribunals, laid much of the groundwork that made CanLII possible. Indeed, Lexum itself has also served continuously as CanLII's publisher and technology supplier since CanLII was launched by the Federation of Law Societies of Canada as a "project" in August of 2000.

CanLII is extremely grateful to the Court and to Lexum for their efforts over the past two decades in building and making their Supreme Court decisions database a treasured public asset as well as for the present contribution facilitating the integration of these additional 1,600 decisions into CanLII.

About CanLII: The Canadian Legal Information Institute was officially founded in 2001 by the Federation of Law Societies of Canada. Funded by Canada's lawyers and notaries for the benefit of all,

CanLII provides free access to legal information. In 2011, CanLII received nearly 7 million site visits and delivered over 81 million page views to users. According to a 2012 survey of Canadian lawyers and notaries, nearly 90% of lawyers have used CanLII within the past year; with 56% reporting that CanLII is the first place they turn to research Canadian case law. Now with over one million documents across over 200 collections, CanLII is closer than ever to achieving the dreams of its founders to become the best place for lawyers and all Canadians to consult Canadian law.

For all CanLII news and announcements, visit the News section at <http://canlii.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 DECISIONS ::

**BUILDING CONTRACTS** *Omer Deveau Construction v. Foster*, Digby No. 235334, Muise, J., August 23, 2012. [2012 NSSC 313](#)

**CIVIL RIGHTS** *Robinson v. Nova Scotia Power Inc.*, C.A. No. 371423, Saunders, J.A., September 5, 2012. [2012 NSCA 93](#)

**CONTRACTS** *Earth-Water Concepts Inc. v. Myres*, S.C.C.H. No. 403679, August 29, 2012. [2012 NSSM 29](#)

**CONTRACTS** *GFI Solutions PME Inc. v. Jewelpop Inc.*, S.C.T. No. 370964, Parker, Adjudicator, August 13, 2012. [2012 NSSM 30](#)

**CONTRACTS** *Kelly-Massey v. Austin Contracting Ltd.*, Claim No. S.C.C.H. No. 373005, July 16, 2012. [2012 NSSM 34](#)

**CONTRACTS** *Wyn Re Network LP v. Dudka*, S.C.C.H. No. 351939, Parker, Adjudicator, November 23, 2011. [2011 NSSM 68](#)

**CONTRACTS** *Boyd v. Wawanese Mutual Insurance Company*, S.C.C.H. No. 343810, Parker, Adjudicator, December 8, 2011. [2011 NSSM 69](#)

**CONTRACTS** *Shree Ganesh Ltd. v. Perks Coffee*, S.C.C.H. No. 355480, Parker, Adjudicator, November 4, 2011. [2011 NSSM 70](#)

**CONTRACTS** *Ocean Mechanical Inc. v. Solid Homes Construction Ltd.*, S.C.C.H. No. 347897, Parker, Adjudicator, January 23, 2012. [2012 NSSM 36](#)

**CONTRACTS** *Allain v. J.L. Clements Construction Ltd.*, S.C.C.H. No. 349623, Parker, Adjudicator, March 6, 2012. [2012 NSSM 40](#)

**CREDITOR AND DEBTOR** *Fadelle v. Hoeg et al.*, S.C.A.M. No. 352416; 352417; 352418, Parker, Adjudicator, August 7, 2012. [2012 NSSM 31](#)

**CRIMINAL LAW** *R. v. S. (M.)*, No. 2257974, Derrick, J.P.C., August 31, 2012. [2012 NSPC 77](#)

**CRIMINAL LAW** *R. v. Murphy*, C.A.C. No. 359739, MacDonald, M. C.J., September 6, 2012. [2012 NSCA 92](#)

**CRIMINAL LAW** *R. v. Feltmate*, C.R.P. No. 392464, Scanlan, J., September 5, 2012. [2012 NSSC 319](#)

**CRIMINAL LAW** *R v. B. (D.)*, No. 2303974; No. 2303975, Lenehan, J.P.C., September 13, 2012. 2012 NSPC 78

**FAMILY LAW** *Clark v. Saberi*, No. 1201-062662; S.F.H.D. No. 058718, MacDonald, B. J., August 22, 2012; July 20, 2012 (orally). [2012 NSSC 310](#)

**FAMILY LAW** *Dodman v. Chiola*, No. 1201-64429; S.F.H.D. No. 69333, Jollimore, J., July 23, 2012. [2012 NSSC 272](#)

**FAMILY LAW** *Beck v. Driscoll*, S.C.C.H. No. 357532, Parker, Adjudicator, March 24, 2012. [2012 NSSM 35](#)

**FAMILY LAW** *Armoyan v. Armoyan*, H.F.D. No. 1201-065036; S.F.H.C.I.V. No. 070342; S.F.H.M.C.A. No. 068981, Campbell, J., September 5, 2012. [2012 NSSC 317](#)

**INCOME TAX** *Redden v. Telcap Communications Inc. et al.*, S.C.C.H. No. 347542, Parker, Adjudicator, January 3, 2012.

# INFORUM

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

## [2012 NSSM 37](#)

**INSURANCE** *Ribahi v. Sovereign General Insurance Co.*, S.C.C.H. No. 338993, Parker, Adjudicator, March 19, 2012.

## [2012 NSSM 33](#)

**MAINTENANCE** *Grandy v. Grandy*, S.F.H.M.C.A. No. 081753, Jollimore, J., September 6, 2012. [2012 NSSC 316](#)

**OCCUPATIONAL HEALTH AND SAFETY** *Guild Contracting Specialties (2005) Inc. v. Nova Scotia (Occupational Health and Safety Appeal Panel)*, C.A. No. 368539, Farrar, J.A., September 6, 2012. [2012 NSCA 94](#)

**PRACTICE** *Mid Valley Construction (1997) Ltd. v. Colchester County (Municipality)*, Hfx. No. 284285, Scanlan, J., September 4, 2012. [2012 NSSC 307](#)

**PRACTICE** *Frenette v. Biron et al.*, S.C.C.H. No. 336948, Parker, Adjudicator, July 5, 2012. [2012 NSSM 38](#)

**SALE OF GOODS** *Maloney v. Hoyeck et al.*, S.C.C.H. No. 372040, Parker, Adjudicator, August 9, 2012. [2012 NSSM 32](#)

**SALE OF GOODS** *Jacklin v. Used Car Factory 21*, S.C.C.H. No. 356702, Parker, Adjudicator, March 8, 2012. [2012 NSSM 39](#)

**WORKERS' COMPENSATION** *Bishop v. Nova Scotia (Workers' Compensation Appeals Tribunal)*, C.A. No. 338678, Hamilton, J.A., September 7, 2012. [2012 NSCA 95](#)

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## **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*.

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## **:: 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 ::**

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

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

NS Gaz Pt 2, [09/07/2012](#)

NS Reg 160/2012

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

# INFORUM

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

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 ::

**REGISTRATION NOW OPEN: Earn 6 CPD hours at LIANS Risk and Practice Management Conference, November 23; 9:00 am to 4:15 pm**

The 4<sup>th</sup> annual LIANS' Risk and Practice Management Conference will be held on November 23 from 9:00 am to 4:15 pm at the Westin Nova Scotian in Halifax. **Earn 6 hours of CPD** with featured sessions on The Art of Negotiation; Research in the Digital Age; Cultural Competence; Workload Management and more ...

Confirmed speakers include Ray Wagner, Paul Saunders, Naiomi Metallic, Kendrick Douglas, Kathryn Dumke, Tony Mancini of Priority Management consulting, and a health and wellness session with Homewood Human Solutions™.

Online registration is now available through LIANS' *News & Alerts* at [www.lians.ca](http://www.lians.ca).

**Early Bird Rate: \$200+tax; after Nov.2<sup>nd</sup>: \$250+tax**

All-day parking available to all participants for \$6.

Sessions will appeal to lawyers, office managers, paralegals and legal assistants from across Atlantic Canada. Lawyers and staff from all sized firms are welcome.

We look forward to seeing you there!

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### **RISK AND PRACTICE MANAGEMENT TIP: The value of the ListServ**

Before Facebook, Twitter, and LinkedIn, ListSers were the original social network tool that allowed lawyers to share information with their counterparts from the comfort of their own computers; it still remains one of the best ways to ask questions, conduct surveys and monitor developments in your field. For many solo and small firm practitioners, it also provides the added opportunity to network and connect with those who are not local. Some available ListSers include those offered by the Canadian Bar Association, the Criminal Lawyers' Association, and the Real Estate Lawyers Association of Nova Scotia.

LIANS is currently designing its own discussion forum – content coming soon! To register, go to the LIANS website at: [http://www.lians.ca/forums/member\\_settings/register/](http://www.lians.ca/forums/member_settings/register/) Continue to follow us on Facebook (“Lawyers’ Insurance Association of Nova Scotia”) and Twitter (“@LIANS\_RPM”) for information and updates.

*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.*

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### **FRAUD ALERT: Business representation scam: “Yamanaka Muraki”**

We have received a fraud report from a Nova Scotia lawyer who had been targeted in an attempted business representation scam from “Yamanaka Muraki”. A brief Google search using the “client’s” name and company resulted in scam reports from several sources. Here is the first email received:

*From: Yamanaka Muraki [mailto:ymuraki11@gmail.com]  
Sent: August-31-12 7:51 AM  
To: [redacted]  
Subject: [lawyer's name – redacted],*

*Dear Counsel,*

# INFORUM

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

*I need a Business/Commercial litigation lawyer who can handle a collection issue. Please let me know if you can be of assistance to me or If not a referral could be helpful, Thanks and i await your mail.*

*Best Regards  
Yamanaka Murak*

In his second email the proposed defendant was disclosed as a small business operation for installation of air exchangers, who would not contract for the volume suggested by the 'client'.

*Dear Counsel*

*Since your last mail, we have not gotten any update from you regarding your interest. First I want to thank you for indicating in your response your interest in knowing more about our corporate needs and one of it been collecting/recovering payments from delinquent accounts owed to Chan Industries Pte Ltd which details was forward to your firm.*

*However, we will appreciate your response toward this mail to your firm in your Reconfirming interest to Chan Industries Pte Ltd. with your retainer agreement ASAP which should include your costs and other charges.*

*Please if you are not interested do indicate it here.*

*Sincerely,  
Yamanaka Muraki.  
President  
Chan Industries Pte Ltd  
Blk 3012 Bedok Industrial  
Park E #03-2052 Singapore  
Tel:(03)3201-0800*

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

If you do decide to proceed with a transaction, be sure to go to the bank website to verify branch transit number, address and phone number on the cheque. Wait until the bank confirms that the funds are legitimate and are safe to withdraw from the deposit. Where possible, use the [Large Value Transfer System \(LVTS\)](#), an electronic funds transfer system that allows large payments to be exchanged securely and immediately.

*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: Caring for aging parents and loved ones – Employees as caregivers**

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

Caregiving by its nature is not usually something that can be added on top of your daily activities in a neat, stress-free package. It must be integrated with your many other responsibilities and for that you must acquire new knowledge and a different set of skills.

As a starting point, it is important to recognize that each situation is different. You will need to learn as much as you can about your loved ones' circumstances and requirements, so you can take clear, decisive action when necessary. Whether you're planning ahead or on the fly, it's essential to determine exactly where and how you, as a caregiver, fit in. You need

# INFORUM

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

to understand your strengths and weaknesses, what other family members will contribute and what resources you'll need to be able to manage the eldercare situation, your own family and your job successfully.

It used to be that caregivers received little help or recognition in the workplace. While there's still more learning and work to be done, the good news for those facing caregiving today is that:

- Employers coast to coast are beginning to recognize the challenges of eldercare, the risks of caregiver burnout, and the impact on productivity at the workplace. Employers are much more supportive and many provide educational materials and programs to help ease the burden.
- Our governments have also recognized the value and importance of family caregivers and have prioritized the introduction of programs like caregiver leave, tax credits and health promotion and prevention programs for Canadians.

## Advance preparations

If we know a time will come when we have caregiving responsibilities for an elderly person, then the more we do in advance to prepare, the easier it will be for everyone concerned. Here are some things you can do in advance to prepare for a time when you may need to intervene:

- **Talk with your employer.** Find out what the caregiver policies are and what options might be available should you need them. Would they consider staggered hours, job sharing, a shorter work week, a temporary leave of absence or the option to work from home?
- **Get educated.** Ask professionals for advice and assistance; you will get the information and support you need more rapidly and accurately. Read relevant books and magazines and attend educational sessions for workers with aging relatives.
- **Have the paperwork in order.** Arrange to have power of attorney for personal care and property, as well as wills (including wishes for end-of-life care), financial information, keys and contact information for friends and family readily available. You should also have a record of your parents' Social Insurance Numbers, medical insurance numbers and contact information for medical insurance providers.
- **Home safety.** Consider having a safety assessment of your loved one's home by a trained health professional.
- **Keep track of medications.** Keep a record of all medications and encourage use of the same pharmacy for all prescriptions. Watch for drug interactions and compliance-related issues.
- **Be vigilant.** Monitor your parents' situation by watching for subtle changes in their mental, physical and emotional health.
- **Be prepared.** Agree on the responsibilities for family members and friends if an emergency occurs.
- **Contact your EFAP.** Find out what services are available through your Employee and Family Assistance Program and use them.

## Getting started as a caregiver

For employees who find they've taken on additional demands looking after elderly loved ones, there are several steps they should consider:

- **Ask for help.** Be prepared for the fact that being the adult child of an aging parent or a caregiver to a loved one can be stressful. Sometimes during the caregiving journey, energy changes to fatigue, and motivation changes to feelings of being overwhelmed. Thinking you can do it all can lead to burnout after a few months.
- **Be open and honest with the people in your life.** Don't hide your feelings or your eldercare concerns. Be honest and clear, and open to work out a solution that will keep you, your elderly loved one, your family and your employer happy.
- **Learn to balance your time.** Just helping a loved one with simple tasks like grooming, bathing or dressing can take up to nine hours a week. Escorting your mother or father to medical appointments can take a whole afternoon. Effective time management is essential. Here are a few tips that often help:
  - **Be open to do different things at different times.**
  - **Evaluate your priorities on a weekly basis.**
  - **Divide tasks into what you can do versus what you can delegate.** Recognize that just like childcare, formal caregivers can provide care and homemaking assistance for a loved one, and organize your hours so they cover for you when it helps you out.
  - **Have a back-up plan for emergency help.**

# INFORUM

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

## **Take care of yourself**

When faced with caregiving, it's important to set limits and let others know where you stand, and what eldercare responsibilities you are prepared to accept.

- **Be aware of your own philosophy on caregiving.** What is your level of comfort with the situation?
- **Are you missing meals, losing sleep, or getting stressed?** Getting respite and/or counsel from professionals is wise.
- **Talk to your doctor, your loved one's doctors, your lawyer, and your accountant.** Contact your EFAP to speak with a counsellor.
- **Consider working with a geriatric care manager** or a case manager to help you arrange care for your elders.
- **Keep yourself in shape,** exercise and make sure you set aside some official 'me' time.

*For more information and support on being a caregiver, 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

## :: PR DIGESTS ::

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### Settlement Agreements – Permission to Resign

#### R. Ritchie Wheeler – Permission to Resign – July 5, 2012

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

At the request of both Counsel for the member and for the Society, the Hearing Panel ordered a publication ban pursuant to Section 44 of the *Legal Profession Act*. The ban covered Appendices B (trust audit report) and C (practice review report) to the Settlement Agreement, the content of the medical reports of Dr. Theriault, Dr. Seaman and Ms. McGrath, and the names of the member's clients. The Hearing Panel unanimously found that the prejudice to the member in having the details of his personal and medical information disclosed outweighed the importance of the transparency of the process.

The Hearing Panel approved the Settlement Agreement reached between Mr. Wheeler and the Society. They found that Mr. Wheeler's admissions to the very serious charges was to his credit and agreed that there were mitigating circumstances that supported the proposed sanction. As a result, Mr. Wheeler was permitted to resign and is ineligible to reapply until he is able to demonstrate that he is no longer substantially impaired by a physical, mental or emotional condition, disorder or addiction that would impact his ability to practise law with reasonable skill and judgment.

If he reapplies, Mr. Wheeler will have to demonstrate to a Credentials Committee that he has addressed the mental health and addiction issues that led to his present incapacity; will continue to follow any prescribed treatment plans; and is no longer substantially impaired by a physical, mental or emotional condition, disorder or addiction. If readmitted, Mr. Wheeler will be required to abide by any conditions the Credentials Committee may place on his practising certificate. Mr. Wheeler must pay \$5,000 plus HST of the \$19,913.00 plus HST in costs ordered against him prior to his application for readmission being considered. If he is readmitted, Mr. Wheeler must make arrangements with the Society for repayment of the remaining costs.

Nova Scotia Barristers' Society v. Wheeler, [2012 NSBS 3](#)

# INFORUM

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

## :: CURRENT ISSUES IN LEGAL ETHICS ::

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### Managing risk through trust audits

The Society's Trust Audit Program has been in existence since 1993. It is a key component of the compliance and risk management program in relation to the operation of trust accounts and handling of trust monies by lawyers.

Each year at this time, a list is produced from our membership database of those lawyers or firms who have not been recently audited by the Society as part of this program, and who will be audited in the coming year. The Trust Audit Program is authorized under Regulation 10.6 of the *Legal Profession Act*, and the selections for audit are based on various criteria, including exceptions reported in an annual Trust Account Report.

If you are contacted by the auditor, Graham Dennis CA, don't panic. These are routine audits and should not be cause for concern. The auditor will provide you with a letter from the Director of Professional Responsibility, explaining the purpose of the audit and his authorization to conduct one in your firm. He will work with your firm to schedule the audit for a mutually convenient time.

The purpose of the Trust Audit Program is to carry out audits of a lawyer's or law firm's general and trust books, records and accounts with a view to:

- a) providing further education about the proper handling and maintenance of trust accounts;
- b) monitoring adherence by members to Part 10 of the Regulations regarding trust accounts; and
- c) allowing for early detection and correction of trust account problems in the interests of protection of the public and the reputation of the legal profession.

During the audit, any areas of concern or exceptions to the trust account Regulations that are discovered by the auditor are brought to the lawyer's and/or firm's immediate attention and suggestions are made for correction or rectification. The audit provides lawyers and their staff the opportunity to ask the auditor any questions they may have regarding trust account procedures and the Regulations governing them. It is also a great opportunity for the auditor to share with lawyers any new risks respecting the handling of trust monies that we have learned about, some of which are published for members through the LIANS Fraud Alerts. The lawyer or firm is sent a copy of the report along with any recommendations for follow-up or corrections to be made for improvement or compliance.

The Trust Audit Program is intended to offer advice and assistance to lawyers in the appropriate management of their trust accounts. It is an educational tool that we hope lawyers will appreciate for its educational value. To date, the feedback received from lawyers and firms that have been audited under this program has been very positive, and we have received no reports from our auditor to suggest that lawyers and firms have been anything but cooperative.

# INFORUM

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

## :: CLASSIFIEDS ::

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### **Office for rent in modern downtown Halifax building**

The law firm of Singleton & Associates has a vacant office for rent in its new premises at Suite 604, Cogswell Tower in Halifax. Great views of Halifax Harbour and downtown. Use of a conference room and other services can be negotiated.

To inquire, please contact Tom Singleton at [tsingleton@singleton.ns.ca](mailto:tsingleton@singleton.ns.ca) or telephone (902)492-7000.

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### **Office for rent in historic downtown Halifax building**

One office for rent in the St. Paul's Building, a historic downtown building located at 1684 Barrington Street, Halifax. Located on the fifth floor, with elevator and stair access. Great light, lovely views. Use of shared conference room included.

Available October 1.  
\$600/month plus HST.

To view or inquire, please contact [ewozniak@nsimmigration.ca](mailto:ewozniak@nsimmigration.ca).