

# INFORUM

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

## :: WHAT'S NEW ::

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### Society News

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- [Memorandum to lawyers practising outside HRM: Opportunity for recruitment of articulated clerks and associates](#)
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- REMINDER: [A comprehensive new resource for family law information – nsfamilylaw.ca](#)

### NSBS Continuing Professional Development

- [Register for online LRA course: January 23 to 30, 2013](#)

### COLUMNS

- [Current Issues in CPD: Planning for success – your professional development plan](#) (First in a new series on continuing professional development, by Jennifer Pink, Officer, Education & Credentials)
- [Current Issues in Legal Ethics: Ethical risk management](#) (Latest column in a series on ethical responsibilities, by Victoria Rees, Director, Professional Responsibility)

### Library & Information Services

- [Westlaw Canada's LawSource Training in Halifax Barristers' Library](#)
- [Finding Point-in-time Legislation](#)
- [New decisions](#)
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- [Proclamations update](#)

### From LIANS

- [REGISTER SOON: Earn 6 CPD hours at LIANS Risk and Practice Management Conference](#) – November 23; 9:00 am to 4:15 pm
- [Watching for orphans](#) – a new Risk and Practice Management Tip from the Risk and Practice Management Program, LIANS
- [Quit claim deed scam by telephone \(UPDATE\)](#) – a new Fraud Alert from the RPM Program, LIANS
- [Marital conflict: Dispelling the myths](#) – a new Wellness Tip from NSLAP

### From the Courts

- [Notice from the Federal Court – Circular 03/2012](#)

### From the Province

- [Request for Applications for Provincial Judicial Vacancies](#)
- [Notice from Access Nova Scotia: Amherst Land Registration Office is moving](#)
- JUSTICE: Find all DOJ announcements at <http://www.gov.ns.ca/just/communications/>
  - Amendments make out-of-province investigations easier (Nov. 5)
  - New case in Rewards for Major Unsolved Crimes – Laura Catherine Jessome (Nov. 5)
- JUSTICE/STATUS OF WOMEN: [New public awareness program and toll-free line to provide information and support to neighbours, friends and families of victims of domestic violence](#) (Oct. 31)
- SNSMR: Find all news releases at <http://www.gov.ns.ca/snsmr/>
  - *Motor Vehicle Act* clarified by amendments (Nov. 8)
  - *Municipal Government Act* clarified by amendments (Nov. 1)
  - Farm plates changes will help agriculture industry (Oct. 31)
- SIRT:
  - [Investigation begins Into Halifax crash](#) (Nov. 9)

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- [RCMP, Bridgewater Police Service reports released](#) (Nov. 7)
- **ABORIGINAL AFFAIRS:** [Province and Federal Government sign First Memorandum on Aboriginal Consultation](#) (Oct. 31)
- **COMMUNITY SERVICES:** [Province seeks input on innovative housing strategy](#) (Nov. 7)
- **HEALTH/WELLNESS:**
  - [Mental Health and Addictions community grants available](#) (Nov. 9)
  - [Province celebrates diversity, social inclusion with grants](#) (Oct. 31)
- **HOUSE OF ASSEMBLY:** [Law Amendments Committee meeting in Shelburne to discuss proposed legislation for electoral boundaries](#) (Nov. 13 release)
- **ASSEMBLÉE LÉGISLATIVE:** [Réunion du comité de modification des lois à Shelburne](#) (Nov. 13)
- [Error & Omission notices](#)

## Awards & appointments

- [Premier appoints Lynn Hartwell as Associate Deputy Minister of Community Services](#)

## Other notices

- [Call for Papers: Federation of Law Societies of Canada 2014 National Family Law Program](#)
- [Mark Charles Law moves growing practice to new office space in downtown Dartmouth](#)
- [Help find a name for the LISNS Legal Seagull](#)
- [MISSING WILLS: Seeking will for John Arno Roston of Sydney](#)

## Events of Interest

- [Webinar on Draft Ministerial Protocols for the Contaminated Sites Regulations](#) – November 19
- [Sessions@Schulich - "Justice with Hands and Feet: Facing the Access to Justice Challenge"](#) – November 22
- [Dalhousie Health Law and Policy Seminar Series – Next session: The Medical Non-Necessity of In Vitro Fertilization](#) – November 23
- [LIANS Risk and Practice Management Conference](#) – November 23
- [Upcoming events from CBA-NS](#)
  - [Legal Assistants' Conference on General Civil Litigation, December 7, 2012](#)
  - [Mid-Winter Meeting, January 31 - February 1, 2013](#)
  - [Serious Personal Injury, May 10, 2013](#)
- [Registration now open: Earn 6 CPD hours at LIANS Risk and Practice Management Conference](#) – November 23
- [Breakfast Series presented by the ICANS in partnership with CICA](#) – November 27
- [Ethics in Development: Opportunities and Challenges for Economic, Social and Cultural Development in Nova Scotia](#) – November 28
- [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

## Career Opportunities

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

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## :: NOTICES ::

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### SOCIETY NEWS

#### **Building the case for rural practice in Nova Scotia: the *Society Record* cover story for Fall 2012**

The Fall 2012 edition of the [\*Society Record\*](#) magazine is now online. The cover story explores the current state of rural practice in Nova Scotia, encouraging new lawyers to consider the career and lifestyle opportunities available in small towns throughout the province.

Other featured contents include a close look at the new [nsfamilylaw.ca](http://nsfamilylaw.ca) website, a recap of the Society's UnCommon Law 4 event in Sydney, and a retrospective of 10 years of celebrating LGBT diversity in the province's legal profession. The Honourable Justice John D. Murphy's poignant and practical address to new lawyers at the June 8 Bar Admission Ceremony is reprinted.

See the new edition for much more, including these profile articles:

- Halifax lawyer Kevin Kindred on his active volunteer commitment;
- law student Jalana Lewis, recipient of this year's Race and the Law Essay Prize;
- the late Eileen MacLean Yates of Port Hawkesbury, the first woman to hold office for a law society in Canada (starting in 1950);
- Bridgewater lawyer Kathryn Dumke, who shares her thoughts on meeting a significant life transition with dignity and professionalism.

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#### **Memorandum to lawyers practising outside HRM: Opportunity for recruitment of articled clerks and associates**

The Rural Practice Working Group of the Nova Scotia Barristers' Society will attend the upcoming Career Fair at the Schulich School of Law, Dalhousie University, on Friday, November 16.

The Working Group is compiling a list of potential employers and articling principals, to provide as a resource to students at the career fair and for future initiatives.

If you are practising outside HRM and will consider hiring an articled clerk or associate, please advise the Working Group **no later than Thursday, November 15**, so we can add your name or your firm's name to the list.

To be included on the list, send a quick email message, including your contact information, to:

Carole Gillies QC, Chair, Rural Practice Working Group  
Nova Scotia Barristers' Society  
[chillies@ns.sympatico.ca](mailto:chillies@ns.sympatico.ca)

#### ***Rural Practice Working Group – background***

**Mandate:** To consider issues impacting access to legal services by residents of rural Nova Scotia, and the practice challenges faced by practising lawyers in those communities.

For more information, see the cover stories featured in the Fall 2012 edition of the [\*Society Record\*](#):

- Building the case for rural practice in Nova Scotia (pages 27 - 29)
- Generation Next: Encouraging new lawyers to consider small-town practice (page 30)

For the Terms of Reference and a list of current members of the Rural Practice Working Group, visit the [Committees](#) page of the Society's website.

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## **Settlement Agreement for Michael Iosipescu – November 2, 2012**

On Friday, November 2, 2012, a Hearing Panel approved a Settlement Agreement whereby Michael Iosipescu was permitted to resign. For more information, see the Resolution and Settlement Agreement on the [Decisions and Dispositions](#) page of the Society's website.

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## **Revised Notice of Hearing: Philip Whitehead**

The hearing respecting charges against Philip Whitehead, originally scheduled for October 23, will now commence on **November 14 at 9:30 am**.

For more details, see the Revised Notice of Hearing, which was posted on the [Public hearings](#) page of the Society's website on October 19.

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## **2013 Society Elections: Memorandum from the Governance and Nominating Committee**

Although elections for the Second Vice-President and members of Council are still several months away, the Governance and Nominating Committee invites you to begin to think about the Society's leadership.

In 2013, a Second Vice-President will be elected. The *Legal Profession Act* requires that person to be from outside of Halifax Regional Municipality, because the incoming President and First Vice-President are from Halifax.

Council elections will also be conducted next year in March and April; more detail will be provided about them in due course.

As the Governance and Nominating Committee begins its work to nominate a candidate for a Second Vice-President (which must be done by the end of January 2013), it invites all lawyers to provide recommendations on who might be nominated. Under its policies, in addition to the ability to meet the expected time commitments (approximately 500 hours), the Committee will look for such characteristics as unquestionable integrity, respect for others, communications skills, strategic thinker, consensus builder, leadership skills, and fit with the other officers.

As well, the Society strives for diversity of leadership with respect to personal characteristics, area of practice, and geographic location of the candidate.

If you are interested in being considered for this position or wish to recommend someone for consideration by the Committee, you are invited to do so in writing, or by calling the Chair of the Committee, Daniel Campbell QC, at [dmcampbell@coxandpalmer.com](mailto:dmcampbell@coxandpalmer.com) or 902 491 4105.

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## **Changes in Category – October 29 to November 13, 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:*

Lauren Alicia Grant  
Nancy Carla Milford

*The following member has changed to Non-Practising status:*

Susannah Margison

*The following member has resigned:*

Michael J. Iosipescu

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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.

- David Campbell QC, Sydney – October 26, 2012 [Obituary](#)

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## REMINDER: A comprehensive new resource for family law information – [nsfamilylaw.ca](http://nsfamilylaw.ca)

The Family Law Nova Scotia website is an excellent source of information on the law, processes and services relating to family matters in the province.

If your clients include Nova Scotians who are experiencing family troubles, or who need basic information about family law, please refer them to [nsfamilylaw.ca](http://nsfamilylaw.ca).

It's a comprehensive resource with tools to help people navigate the options, whether they are facing a family breakup or want to know about child custody and access, child support, child protection, separation and divorce, common-law relationships, domestic violence, mental health services and much more.

While it doesn't replace legal advice, it's a good starting point for practical information and instructions. It offers helpful videos, links to many family law forms, suggestions on finding a lawyer and getting legal advice, and contact information for courts and community agencies in Nova Scotia that offer family-related services.

Launched in July, the website represents a significant achievement of the [Access to Justice Working Group](#) and an unprecedented collaborative effort by many organizations within the province's justice sector, with financial support from [Justice Canada](#):

- the [Nova Scotia Department of Justice](#),
- the Executive Office of the [Nova Scotia Judiciary](#),
- the [Nova Scotia Barrister's Society](#),
- the [Legal Information Society of Nova Scotia](#),
- [Nova Scotia Legal Aid](#),
- the [Department of Community Services](#),
- the [Canadian Bar Association – Nova Scotia Branch](#), and
- the [Capital District Health Authority \(Mental Health Program\)](#).

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

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

Posters and rack cards are available for downloading from the homepage, in the section titled "Get the Word Out". Posters can be printed out for placement in waiting rooms, offices and on bulletin boards, and the rack cards may be useful to hand out to clients, customers, friends and colleagues. We also encourage you to add the link to your own websites: [nsfamilylaw.ca](http://nsfamilylaw.ca).

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## 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**.

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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's social media channels

- On Twitter at <http://twitter.com/NSBS>
- On LinkedIn at <http://www.linkedin.com/company/ns-barristers'-society>
- On YouTube at <http://www.youtube.com/user/nsbarristersociety/videos>
  - Latest videos: "The Revolution in Legal Services Delivery," a presentation by Darrel Pink, Executive Director, at the 2012 Annual Meeting, June 16 at the Schulich School of Law.

Please note, these links are also available at the bottom right of the Society's homepage at [nsbs.org](http://nsbs.org).

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## FROM THE COURTS

### Notice from the Federal Court – Circular 03/2012

TO: Parties and the Profession

FROM: Daniel Gosselin, Chief Administrator

DATE: October 25, 2012

SUBJECT: Pilot Project: Judicial Review of First Nations Governance Disputes and Aboriginal Litigation Practice Guidelines (amended)

This is to inform you that a [Notice to Parties and the Profession](#) by the Honourable Paul S. Crampton, Chief Justice of the Federal Court, as well as amended [Aboriginal Litigation Practice Guidelines](#), were published on the Federal Court Web site.

Original signed by Daniel Gosselin

You will find below the link to Circular 003-2012 which was issued by Mr. Daniel Gosselin on October 31, 2012: [http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/CAS/circulars-circulaires\\_eng/03-2012\\_eng](http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/CAS/circulars-circulaires_eng/03-2012_eng)

Veillez trouver ci-dessous le lien à la Circulaire 003-2012 émise par M. Daniel Gosselin en date du 31 octobre 2012: [http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/SATJ/circulars-circulaires\\_fra/03-2012\\_fra](http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/SATJ/circulars-circulaires_fra/03-2012_fra)

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## Notices to the Bar

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

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

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

*Other notices to the Bar:*

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

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## FROM THE PROVINCE

### Request for Applications for Provincial Judicial Vacancies

Under the Guidelines, applications for a dual appointment as a Provincial Court and Family Court judge are accepted by the Advisory Committee for Provincial Judicial Appointments at any time and remain on file for a period of three years from the date of the application.

Presently it is anticipated that the Advisory Committee for Provincial Judicial Appointments will be reviewing applications again approximately at the end of November, 2012. Although applications can be accepted at any time, new applications and those being resubmitted must be received by November 23, 2012, in order to be reviewed by the Committee at this time.

To obtain a copy of the Guidelines and Application Form and for further information on how to submit an application, please visit the Department of Justice, Court Services Division website at [http://gov.ns.ca/just/Court\\_Services/default.asp](http://gov.ns.ca/just/Court_Services/default.asp)

If you have any questions, please contact:  
Heather Boyle, Executive Secretary to the Minister  
Department of Justice, 5151 Terminal Rd., 4th Floor  
Halifax, NS B3J 2L6  
Phone: 424-4020 | Fax: 424-0510  
Email: [boyleha@gov.ns.ca](mailto:boyleha@gov.ns.ca)

This [opportunity](#) is also posted on the Careers page of the Society's website: <http://nsbs.org/careers>

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### Notice from Access Nova Scotia: Amherst Land Registration Office is moving

Please be advised that the Amherst Land Registration Office will be moving. Our current location will be open regular hours on Thursday, November 22 (8:30AM-4:30PM).

### CLOSED: Friday November 23 – 9 Havelock Street, Amherst, NS

In order to facilitate the move, the current Amherst location will be **closed on Friday November 23** for in-person service.

- The Personal Property Registry (PPR) and searching services will not be available. Walk-in access to PPR and Property Online (POL) will be available at any of our other Land Registration Offices such as Truro or Pictou.
- We will be accepting documents for **drop off and emergency processing only**. These documents will be processed in the order received by staff, and the receipt will provide proof of indexing and priority. We will only be able to accept payment by cheque. **Please note, all electronic submissions and applications will be processed as usual by staff in other offices in the region.**
- Paper documents that do not require immediate indexing for priority purposes can be dropped off in the **Drop Box** at the new location. These documents will be indexed by staff when the LRO re-opens for regular business on Monday, November 26.

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## **REOPENS: Monday November 26 – 144 Robert Angus Drive**

The Amherst Land Registration Office will re-open on Monday November 26 for in-person service.

- Our civic & mailing address will be **144 Robert Angus Drive, Amherst NS B4H 4R7**.
- You can continue to reach us at **667-3131 (phone)** and **667-5657 (fax)**.
- Office hours remain Monday to Friday, 8:30 am – 4:30 pm.

We are excited to announce that we will be co-locating with the **Amherst Access NS Centre** in our new office location, which includes many services such as the Registry of Motor Vehicles and Information Services such as Residential Tenancy, Debtor Assistance, Driver Enhancement Services, Business Registration, and many more ....

We apologize for any inconvenience and look forward to serving you at our new location. If you have any questions, please direct them to Valerie George, Manager, (902) 870-5550 (c) or by email at [georgeve@gov.ns.ca](mailto:georgeve@gov.ns.ca).

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

## **Adjudicative & Non Adjudicative Agencies, Boards and Commission (ABCs)**

***Want to make a difference? If you have an interest, we have a committee.***

The Province of Nova Scotia is accepting applications from individuals interested in being appointed to serve on its various Adjudicative and Non Adjudicative Agencies, Boards and Commissions (ABCs). To learn more, visit [www.gov.ns.ca/exec\\_council/abc](http://www.gov.ns.ca/exec_council/abc) or call 1-902-424-4877 in HRM (Toll-free: 1-866-206-6844).

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

## **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).

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](#).

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## **AWARDS & APPOINTMENTS**

### **Premier appoints Lynn Hartwell as Associate Deputy Minister of Community Services**

On November 8, Premier Darrell Dexter announced the appointment of Lynn Hartwell as an Associate Deputy Minister of Community Services. Ms. Hartwell will oversee the development and implementation of several major initiatives for housing, employment and income assistance, services for persons with disabilities, and children and family services.

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"Ms. Hartwell has been an effective senior executive at several departments, including Community Services, who can support the province's effort to improve life for our most vulnerable," said Premier Dexter.

The premier also announced that Labour and Advanced Education associate deputy minister Jeff Conrad is going to lead the Atlantic Workforce Partnership, created recently by the four Atlantic provinces. Both appointments are effective Nov. 15.

## OTHER NOTICES

### **Call for Papers: Federation of Law Societies of Canada 2014 National Family Law Program**

Location: British Columbia (Site to be announced)

Planning for the National Family Law Program in 2014 is underway. We are inviting submissions of proposals for Papers/Presentations under the following guidelines:

1. One page outline of topic(s), format of presentation and estimated time for presentation or workshop.
2. Your agreement to provide an original written paper on the topic(s) by May 30, 2014.
3. Your agreement to participate in other presentations as workshop leader or panelist if required.
4. Please include a copy of your curriculum vitae and co-presenters with your submission.

Your proposal must be received no later than **May 30, 2013**.

For complete details, see the [Call for Papers](#) notice on the Federation's website.

Please submit your Family Law proposal by mail to:  
Heather Walker  
Program Co-coordinator  
P.O. Box 244 Woodville, ON K0M 2T0  
or email: [nationalfamilylawprogram@sympatico.ca](mailto:nationalfamilylawprogram@sympatico.ca)

(Please identify the proposal as a submission for the 2014 program on the re line of the e-mail)

Note: Presenters will receive a contribution toward travel and accommodation expenses.

For event information and updates, consult the National Family Law section of the Federation's website:  
[www.flsc.ca/en/national-family-law-program](http://www.flsc.ca/en/national-family-law-program).

### **Mark Charles Law moves growing practice to new office space in downtown Dartmouth**

(November 6, 2012) – Mark Charles Law, a small law firm located in Dartmouth focusing on real estate and business law, has moved to a larger office space at 75 Alderney Drive, to accommodate for steady growth and a successful first year in business.

The new office space allows Mark Charles Law to take on an executive assistant immediately and offer the opportunity to hire associates in the future. The move takes the law firm down the street from the previous location in Metropolitan Place on Wyse Road.

Remaining within the community of Dartmouth was at the forefront of the move as founder Mark Charles, who was born and raised in Dartmouth, believes the city is growing and is a lucrative area for business and real estate. Doors opened on October 3, 2012, to existing clients. November 6 marked the official opening to new clients who require legal work in the area.

"I am grateful to have found a new office space that will accommodate future growth in the downtown Dartmouth core" said Mr. Charles. "I am excited to meet new clients and provide a convenient and easily accessible location for existing clients. I hope to sustain the growth I have experienced over the past year by continuing to offer individual attention and legal advice to all of my clients."

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For more information on Mark Charles Law, visit [www.markcharleslaw.com](http://www.markcharleslaw.com). Contact information: (902) 405-4200 and [mark@markcharleslaw.com](mailto:mark@markcharleslaw.com).

## Help find a name for the LISNS Legal Seagull

The Legal Seagull is the Legal Information Society of Nova Scotia's (LISNS) icon. Because this is LISNS' 30th birthday, we think it's time the Legal Seagull got a real name.

Can you help us out? Please visit the LISNS website at <http://legalinfo.org/> for a link to the 'Name the Seagull' contest. There are restaurant / movie gift certificates to be won. Please let your friends (and kids!) know – and help spread awareness of LISNS' public legal education services.

## 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

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

## MISSING WILLS

### Seeking will for John Arno Roston of Sydney

Lawyers with any information on the existence of a Last Will and Testament for John Arno Roston are asked to please contact Arno Roston or Marjorie Burke at (902)562 2479. John Arno Roston resided on Rotary Drive in Sydney, and passed away on October 28, 2012 at age 76.

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## **Seeking will for Dorothy Mae Mills (nee: Leonard) in Sydney**

Anyone having any knowledge of a Last Will and Testament for Dorothy Mae Mills (nee: Leonard) born June 19, 1939, late of 46 Canso Drive, Sydney, Nova Scotia, B1P 7E5, previously residing at 5210 Outer Drive, RR #1, Windsor, Ontario, N9A 6J3, please contact the following law firm:

Jill C. Anthony Law Office  
10 Highway 20 East  
Box 743, Fonthill, Ontario L0S 1E0  
905-892-2621 (phone) | 905-892-1022 (fax)

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## **Seeking will for Richard "Bryce" Greene of Amherst**

Lawyers with any information on the location, or existence, of an original Last Will and Testament of Richard "Bryce" Greene are asked to please contact his brother, Boyd Greene at 902-759-0982 or [boyd@ns.aliantzinc.ca](mailto:boyd@ns.aliantzinc.ca). Richard "Bryce" Greene lived in Amherst and passed away on October 9, 2012 at the age of 59 years.

Thank you,  
Catherine A. McKean, Law Department  
Michelin North America (Canada) Inc.  
Phone: (902) 753-1811 | Fax: (902) 396-2183  
Email: [Catherine-Anne.McKean@ca.michelin.com](mailto:Catherine-Anne.McKean@ca.michelin.com)

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## **VOLUNTEER & PRO BONO OPPORTUNITIES**

### **The Avalon Sexual Assault Centre is recruiting new board members**

Avalon Centre is the only sexual assault centre in Nova Scotia that provides a continuum of specialized sexual assault services. We are a registered, not-for-profit, community based, charitable organization. The Centre provides immediate care and support, counselling, advocacy, information and referral to women who have experienced sexual assault. We also offer community education and training to promote sexual assault awareness and to prevent sexualized violence.

*Our Vision: To eliminate sexual assault/abuse and to change the current socio-political culture that fosters sexism, social injustice and other forms of oppression.*

*Our Mission: To provide services for those affected by sexual violence, with primary emphasis on support, education, counselling, and leadership/advocacy services for women.*

The Centre is currently recruiting new members to join the Board of Directors. We are seeking individuals who reflect diverse backgrounds and experiences as well as various skills sets. Candidates will support Avalon's vision and mission and be willing to offer their time and energy to the organization. A commitment of 3-6 hours a month includes monthly board meetings and committee work when appropriate.

For more information, please contact Irene Smith, Executive Director of the Centre, at 902-422-4240 or [executivedirector@avaloncentre.ca](mailto:executivedirector@avaloncentre.ca) or visit [www.avaloncentre.ca](http://www.avaloncentre.ca).

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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.

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

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

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

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

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

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

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

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

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

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

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

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

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## **Artists' Legal Information Services (ALIS)**

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

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

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

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## **reachAbility Volunteer Opportunities**

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

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

Join other members of the legal community by completing our online lawyer volunteer form at:

<http://reachability.org/legal/vla>

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

OR visit us online at <http://reachability.org/legal>.

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## **LIANS and NSBS Mentorship Program**

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

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

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

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## :: CONFERENCES & SEMINARS ::

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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:

- 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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### Webinar on Draft Ministerial Protocols for the Contaminated Sites Regulations Monday, November 19, 2012, 2 PM

The Province of Nova Scotia's Contaminated Sites Regulations were approved by Executive Council in March and will be effective July 6, 2013. The Regulations reference seven Ministerial protocols. These protocols are in draft and are ready for stakeholder engagement.

At this time, Nova Scotia Environment is pleased to invite you to the following webinar:  
Webinar on Draft Ministerial Protocols for the Contaminated Sites Regulations

The webinar will be designed to introduce participants to the draft protocols and commence the stakeholder engagement process. An overview of the Regulations will be provided, and each draft protocol will be summarized. The draft protocols will be available to participants at the conclusion of the webinar.

If you have any questions regarding the upcoming webinar, please feel free to contact Malcolm MacNeil, Contaminated Sites Project Manager, at [macneimu@gov.ns.ca](mailto:macneimu@gov.ns.ca).

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### Sessions@Schulich - "Justice with Hands and Feet: Facing the Access to Justice Challenge" November 22, 2012, 4:00 – 6:00 pm Schulich School of Law, Room #204

Sessions@Schulich is a new series to **help you satisfy your mandatory CPD requirements**—and enjoy some social time, too!

The **Legal Information Society of Nova Scotia (LISNS)**, currently celebrating its 30th anniversary of providing easy access to important legal information for all Nova Scotians, is pleased to partner with the Schulich School of Law to present an exciting panel discussion as part of the new "Sessions@Schulich" CPD series. **Justice Michael Wood**, **Archie Kaiser** of the Schulich School of Law and **Peter Mancini** of Nova Scotia Legal Aid will lead the panel in discussing the most pressing "access to justice" challenges facing communities across the province, and the ways in which members of our legal community can (and should) try to address those challenges.

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**Topics will include:**

- Access for groups facing unique legal issues, including persons with disabilities, aboriginal communities, and immigrants
- The “Pro Bono project”: accessible legal services for the low-income population
- Access to the courts: mitigating delay and complexity in litigation

The event will consist of **1 hour of engaging CPD content, followed by a wine and cheese reception**. To register, please contact Julie Harnish at [julie.harnish@dal.ca](mailto:julie.harnish@dal.ca), with “Sessions @ Schulich” in the subject line of your email.  
*Interested in being a presenter?*

Satisfy part of your own CPD requirements through the preparation and presentation of CPD to others – to find out more, contact Sarah Kirby, Assistant Dean Student Services at [skirby@dal.ca](mailto:skirby@dal.ca) or 494-7115.

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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, 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?**  
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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**REGISTRATION NOW OPEN: Earn 6 CPD hours at LIANS Risk and Practice Management Conference, November 23 from 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™.

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

**Registration: \$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!

**Upcoming events from CBA-NS****Conferences:****[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:](#)**

- 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

**Breakfast Series presented by the Institute of Chartered Accountants of Nova Scotia (ICANS)  
in partnership with the Canadian Institute of Chartered Accountants (CICA)  
November 27, 2012**

As part of a breakfast series being held in several locations across Canada, The Institute of Chartered Accountants of Nova Scotia (ICANS)—in partnership with the Canadian Institute of Chartered Accountants (CICA)—is pleased to extend an invitation to NSBS members and a guest to join our members in attending a complimentary breakfast seminar on **November 27, 2012 at the Westin Nova Scotia (1181 Hollis St.) in Halifax**. The registration and light breakfast will begin at 7:30 am, followed by the presentation/Q&A from 8 to 9:30 am.

**Speaker:** Entitled, "Understanding Financial Statements For Non-Financial NPO Directors," the key note speaker for this event is Julie Thomson, CA, National Leader for the Not-for-Profit Practice at PricewaterhouseCoopers LLP and a member of the CICA's Not-for-Profit Committee of the Risk Oversight and Governance Board (ROGB).

**Target Audience:**

This seminar will be of particular interest to NSBS members who have clients or colleagues who are directors in the not-for-profit sector, have a non-financial background, and are interested in an introductory level understanding of financial statements and their responsibilities in overseeing organizational finances.

**Seminar Topics:**

- Fiduciary Duties Related to Financial Oversight
- Some Common Barriers to Full Participation in Financial Oversight
- Roles and Responsibilities of Management, Board and Auditor

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- The Process of Financial Reporting
- The Concepts and Terminology of Financial Reporting
- Accounting for Contributions
- Four Key Financial Statements
- Auditor's Opinion
- The Role of the Director
- \*The seminar will conclude with a Q&A session.

**Bonus:** Participants will receive a copy of *A Guide to Financial Statements of Not-for-Profit Organizations: Questions for Directors to Ask*, a practical publication by the CICA's Risk Oversight and Governance Board that can be used as a guide to navigating financial statements and directors' duties surrounding their organization's financial affairs.

**How to register:** Space is limited and registration is required. Please go to [www.cica.ca/NPOBreakfasts](http://www.cica.ca/NPOBreakfasts) to register and obtain a printable ticket.

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## **Ethics in Development: Opportunities and Challenges for Economic, Social and Cultural Development in Nova Scotia**

*Presented by the Canadian Centre for Ethics in Public Affairs, in partnership with the Canadian Business ethics Network and Acadia University*

**November 28, 2012, 7:00 pm  
Acadia University, Wolfville, NS**

A panel discussion focusing on planning, immigration, access to services and education providing an opportunity to define some of the development challenges faced in Nova Scotia and through an ethical lens, discuss opportunities and roadblocks to growth through public participation in the conversation.

### **Panel Discussion:**

- Arthur Bull - Senior corporate policy analyst, Nova Scotia Department of Policy and Priorities
- Ray Ivany - President, Acadia University
- Andy Fillmore - Director, School of Planning, Dalhousie University
- Elizabeth Mills - Executive Director, Nova Scotia Office of Immigration

### **Moderated by:**

- Dr. Edith Callaghan - Professor, Environmental & Sustainability Studies, Acadia University (Moderator)

Free admission - reception to follow.

WATCH IT LIVE: [www.ccepa.ca](http://www.ccepa.ca) | For more information please email [admin@ccepa.ca](mailto:admin@ccepa.ca) or [atlantic@cbern.ca](mailto:atlantic@cbern.ca)

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## **5th Annual Symposium on Inclusive Education and Employment December 3 to 4 | Harbourfront Marriott, 1919 Upper Water Street, Halifax**

The 5th Annual Symposium on Inclusive Education and Employment, on Monday, Dec. 3 and Tuesday, Dec. 4, focuses on challenges and opportunities persons with disabilities face in the workplace and with education. The theme this year is *Ability Starts Here - Join the Conversation*. It coincides with the United Nations International Day of Persons with Disabilities, held each year Dec. 3.

Workshops and panel discussions provide an opportunity for educators, employers and persons with disabilities to learn from each other about human rights, education, meaningful employment and community participation. It also promotes a greater awareness and understanding of disability issues.

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In Nova Scotia, one in every five people, or about 20 per cent of the province's population, live with a disability. Around the world, about 10 per cent, or 650 million people, live with disabilities.

"Everyone who wants to work deserves equal rights and a fair opportunity to find work," said Minister responsible for the Human Rights Commission Ross Landry.

"This symposium has shown year after year what an excellent forum it is to bring people together to discuss a common goal - employment for persons with disabilities. Doors continue to open up and barriers are broken down at the symposium."

Highlights include keynote speakers Michael Landsberg from TSN's Off the Record and director and CEO David Shannon, of the Nova Scotia Human Rights Commission, sharing their experiences as persons with disabilities.

The province continues to help address the economic challenges faced by disabled people through its Workforce Strategy, a part of jobsHere.

Launched on Oct. 17, Welcoming Workplaces helps employers engage and retain a more diverse and productive workforce. This free, online program provides practical advice to help employers make their businesses more inclusive for persons with disabilities and other groups by recognizing social and business benefits of diversity in the workplace.

The province also provides supports for people with disabilities in high school equivalency testing and other literacy programs through the Nova Scotia School for Adult Learning.

"We have committed to helping all Nova Scotians get the right skills for good jobs," said Minister responsible for the Disabled Persons Commission Denise Peterson Rafuse. "Persons with disabilities can often face unique challenges when joining the workforce, and through jobsHere, we are putting in place programs to help them as they plan for, and advance along, their career paths."

For more information on these programs visit <http://careers.novascotia.ca/disabilities> .

There will also be the presentation of the Lieutenant Governor's Persons with Disabilities Employer Partnership Award and an artist's sale.

"The Employer Award recognizes employers who go above and beyond in their recruitment practices and are open to hiring, accommodating and retaining people with disabilities," said Janice Ainsworth, Collaborative Partnerships Network. "Not only are they helping change the lives of people with disabilities, they are benefitting from discovering great employees with the right skills to contribute to their business."

The symposium is being held at the Harbourfront Marriott, 1919 Upper Water St. Captioning and sign language interpreters will be available. For details go to [www.abilitystartshere.ca](http://www.abilitystartshere.ca)

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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

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- 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](#)

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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## :: LIBRARY & INFORMATION SERVICES ::

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### Westlaw Canada's LawSource Training in Halifax Barristers' Library

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

Free training in this product will be available at the **Barristers' Library** in Halifax on **Monday, November 19, Tuesday, November 20, and Wednesday, November 21, 2012.**

Please call L&IS at **425 2665** or **1 866 219 1202** (toll-free) to book a one-hour session at a time that is convenient for you. You can bring members from your firm; please let us know at the time of booking.

Legal resources accessible through *LawSource* include:

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

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

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

For ongoing *LawSource* support – assisting with search strategy, advanced search query syntax or troubleshooting – contact Library & Information Services.

### Finding Point-in-time Legislation

As Susannah Tredwell writes in a recent *Slaw* post, sometimes you need to know how a section of an act reads at a particular point in time.

Her post, [Finding Point-in-Time Legislation](#), highlights three online sources for this – CanLII, Quicklaw, and government websites – and provides a useful table summarizing sources and coverage for each Canadian province and territory.

For Nova Scotia, CanLII provides point-in-time versions back to 2003, but there are gaps in coverage, and acts with complex retroactive amendments are not presented with perfect accuracy.

If the point in time of interest is within the last 15 years or so, resources on the Office of Legislative Counsel website can assist.

Consult the [Table of Public Statutes](#) (as it appears in the 2010 annual statutes) for amendments to public acts since the last revision (1989) to December 10, 2010. Select acts [Of all years](#) for annual statutes listed by session or sitting back to 1995-96 (including official PDF versions).

For copies of older statutes or assistance in conducting a legislative history, visit the Barristers' Library in Halifax or contact Library & Information Services at 425 2665, 1 866 219 1202 (toll-free), or [nsbslib@nsbs.org](mailto:nsbslib@nsbs.org).

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## :: NEW DECISIONS ::

Please note, in cases below where no link is present, the decision was not yet available on [CanLII](#) at the time of *InForum* publication. Consult the [Courts of Nova Scotia](#) Twitter feeds or [Decision Database](#).

**ADMINISTRATIVE LAW** *Donham v. Nova Scotia (Minister of Community Services)*, Syd. No. 402559, Bourgeois, J., November 5, 2012. [2012 NSSC 384](#)

**CONTRACTS** *Kent v. Johnson et al.*, Claim No. 392363, Slone, Adjudicator, August 3, 2012. [2012 NSSM 47](#)

**CONTRACTS** *Chisholm v. Brown*, Claim No. 404963, Slone, Adjudicator, September 20, 2012. [2012 NSSM 50](#)

**CRIMINAL LAW** *R. v. Thompson*, C.R.H. No. 352379, McDougall, J., October 26, 2012; October 11, 2012 (orally). [2012 NSSC 375](#)

**CRIMINAL LAW** *R. v. West*, C.A.C. No. 264962, Farrar, J.A., November 8, 2012. [2012 NSCA 112](#)

**CRIMINAL LAW** *R. v. Ayadi*, C.A.C. No. 405451, Farrar, J.A., November 7, 2012. [2012 NSCA 113](#)

**CRIMINAL LAW** *R. v. Smith*, No. 1748670; 1748671; 1748672, Batiot, J.P.C., July 6, 2012. [2012 NSPC 84](#)

**CRIMINAL LAW** *R. v. French*, No. 2429985; 2429986, Whalen, J.P.C., November 5, 2012; October 5, 2012 (orally). [2012 NSPC 96](#)

**CRIMINAL LAW** *R. v. Downey*, Cr. No. 355507, Duncan, J., October 30, 2012; May 30, 2012 (orally). [2012 NSSC 350](#)

**CRIMINAL LAW** *R. v. Downey*, Cr. No. 355507, Duncan, J., September 26, 2012; September 25, 2012 (orally). [2012 NSSC 351](#)

**CRIMINAL LAW** *R. v. S. (W.A.)*, CR.P. No. 346557, Scaravelli, J., October 22, 2012. [2012 NSSC 376](#)

**CRIMINAL LAW** *R. v. M. (J.M.)*, Syd. No. 346663, Bourgeois, J., November 2, 2012. [2012 NSSC 382](#)

**CRIMINAL LAW** *R. v. States*, No. 2182743, MacDonald, J.P.C., October 1, 2012. [2012 NSPC 72](#)

**DAMAGES** *Wilson v. Hatt*, Hfx. No. 383419, McDougall, J., October 4, 2012. [2012 NSSC 349](#)

**DAMAGES** *D'Arcy v. Matheson*, Claim No. 406056, Slone, Adjudicator, October 4, 2012. [2012 NSSM 45](#)

**DAMAGES** *Giamac Inc. v. Semipixel*, Claim No. 350100, Slone, Adjudicator, August 8, 2012. [2012 NSSM 46](#)

**ELECTIONS** *Jones v. Halifax (Regional Municipality)*, Hfx. No. 406970, LeBlanc, J., November 6, 2012; October 3, 2012 (orally). [2012 NSSC 368](#)

**FAMILY LAW** *Cunningham v. Cunningham*, Amh. No. 1202-001904; 073766, Bourgeois, J., April 2, 2012. [2012 NSSC 134](#)

**FAMILY LAW** *Stewart v. Topiwala*, No. 1201-061640, O'Neil, A.C.J., August 2, 2012. [2012 NSSC 278](#)

**FAMILY LAW** *LeClerc v. LeClerc*, No. 1206-006153, O'Neil, A.C.J., September 11, 2012. [2012 NSSC 321](#)

**FAMILY LAW** *Pellicer v. Williams*, No. 1201-063597, O'Neil, A.C.J., October 19, 2012. [2012 NSSC 359](#)

**FAMILY LAW** *Banfield v. Banfield*, S. BW. No. 056790, Haliburton, J., February 14, 2012. [2012 NSSC 68](#)

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**FAMILY LAW** *Salah v. Salah*, No. 1201-062188, Campbell, J., November 1, 2012. [2012 NSSC 381](#)

**FAMILY LAW** *LeBlanc v. LeBlanc*, No. 1206-6424, Haley, J., November 1, 2012. [2012 NSSC 385](#)

**FAMILY LAW** *Perry v. Saben*, Claim No. 405056, Slone, Adjudicator, September 7, 2012. [2012 NSSM 44](#)

**GIFTS** *Matheson v. Baker*, Claim No. 400579, Slone, Adjudicator, August 27, 2012. [2012 NSSM 49](#)

**LABOUR LAW** *Cape Breton Island Building & Construction Trades Council v. Nova Scotia Power Inc.*, C.A. No. 337159, Fichaud, J.A., November 1, 2012. [2012 NSCA 111](#)

**LANDLORD AND TENANT** *Lucas et al. v. Wang*, Claim No. 393315, Slone, Adjudicator, September 7, 2012. [2012 NSSM 48](#)

**MORTGAGES** *Farm Credit Canada v. Beaumont*, Hfx. No. 391213, Smith, A.C.J., October 16, 2012; October 9, 2012 (orally). [2012 NSSC 378](#)

**PRACTICE** *Kasperson v. Halifax (Regional Municipality)*, C.A. No. 355412, Beveridge, J.A., November 1, 2012. [2012 NSCA 110](#)

**PRACTICE** *Saturley v. CIBC World Markets Inc.*, Hfx. No. 305635, Wood, J., November 8, 2012. [2012 NSSC 389](#)

**SALE OF GOODS** *3225163 Nova Scotia Ltd. v. McIsaac et al.*, S.C.C.H. No. 407036, Parker, Adjudicator, November 7, 2012. [2012 NSSM 51](#)

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

*Library & Information Services - Keeping you informed*

The following decisions were released on the [Supreme Court of Canada Judgments](#) website since the last *InForum*. The subject headings and summaries have been prepared by the Supreme Court of Canada.

November 9, 2012

### [Moore v. British Columbia \(Education\)](#)

Neutral Citation: [2012 SCC 61](#) (CanLII)

File Nos.: 34040, 34041.

2012: March 22; 2012: November 9.

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

On Appeal from the Court of Appeal for British Columbia

*Human rights — Discrimination — Prohibited grounds — Mental or physical disability — Education — Student with dyslexia attending public school — School district cancelling special education program requiring student to enrol in specialized private school — Whether school district discriminating against student by failing to provide necessary remediation — Human Rights Code, R.S.B.C. 1996, c. 210, s. 8.*

*Education law — School regulation and administration — Curriculum and education programs — Obligations of school authorities — What constitutes meaningful access to education for students with learning disabilities — School Act, S.B.C. 1989, c. 61.*

J suffered from severe dyslexia for which he received special education at his public school. In Grade 2, a psychologist employed by the school district recommended that since he could not get the remedial help he needed at his school, he

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should attend the local Diagnostic Centre to receive the necessary remediation. When the Diagnostic Centre was closed by the school district, J transferred to a private school to get the instruction he needed. His father filed a complaint with the B.C. Human Rights Tribunal on J's behalf against the school district and the Province on the grounds that J had been denied a "service customarily available to the public" under s. 8 of the B.C. *Human Rights Code*. The Tribunal concluded that there was discrimination against J by the district and the Province and ordered a wide range of sweeping systemic remedies against both. It also ordered that the family be reimbursed for the tuition costs of J's private school. The reviewing judge set aside the Tribunal's decision, finding that there was no discrimination. A majority of the Court of Appeal dismissed the appeal.

*Held:* The appeal is substantially allowed.

November 8, 2012

[Teva Canada Ltd. v. Pfizer Canada Inc.](#)

Neutral Citation: [2012 SCC 60](#) (CanLII)

File No.: 33951.

2012: April 18; 2012: November 8.

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

On Appeal from the Federal Court of Appeal

*Intellectual property — Patents — Disclosure requirements — Patent for use of compound to treat erectile dysfunction — Patent application containing cascading claims ending with two individual compounds — Claims not specifying active compound — Whether patent application meeting disclosure requirements of Patent Act — Whether patent based on sound prediction — Patent Act, R.S.C. 1985, c. P-4, s. 27(3).*

P holds Patent 2,163,446 for the use of a "compound of formula (I)" or a "salt thereof" as a medicament for the treatment of erectile dysfunction ("ED"). The patent's specification ends with seven cascading claims for successively smaller ranges of compounds, with Claims 6 and 7 relating to a single compound each. Only sildenafil, the subject of Claim 7 and the active compound in Viagra, had been shown to be effective in treating ED at the time of the patent application. Although the patent includes the statement that "one of the especially preferred compounds induces penile erection in impotent males", the patent application does not disclose that the compound that works is sildenafil, that it is found in Claim 7, or that the remaining compounds had not been found to be effective in treating ED.

T applied for a notice of compliance in order to produce a generic version of Viagra. The Federal Court prohibited the Minister from issuing the requested notice of compliance. The Federal Court of Appeal dismissed the appeal.

*Held:* The appeal should be allowed. Patent 2,163,446 is void.

November 7, 2012

[R. v. Nedelcu](#)

Neutral Citation: [2012 SCC 59](#) (CanLII)

File No.: 34228.

2012: March 16; 2012: November 7.

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

On Appeal from the Court of Appeal for Ontario

*Constitutional law — Charter of Rights — Self-incrimination — Accused involved in motor vehicle accident where victim sustained serious injuries — Accused charged with Criminal Code offences — Accused testifying in criminal action — Testimony inconsistent with discovery testimony in prior related civil action — Whether Crown at criminal trial may*

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*cross-examine accused on prior inconsistent statements without infringing right against self-incrimination — Canadian Charter of Rights and Freedoms, s. 13.*

After work one evening, N took the victim for a ride on his motorcycle on their employer's property. The motorcycle crashed into a curb, causing the victim permanent brain damage. N sustained minor injuries and was hospitalized overnight. N was charged with dangerous driving causing bodily harm and impaired driving causing bodily harm. He was also sued in a civil action by the victim and his family. During his examination for discovery in the civil matter, N testified that he had no memory of the events from the day of the accident until he woke up in the hospital the following day. At his criminal trial, however, N gave a detailed account of the events leading up to and during the accident. Having been granted leave to cross-examine N on his discovery evidence, the Crown asked N about his memory of the events. N stated, "I have a recollection about 90, 95 per cent". N's trial testimony was found to be unreliable and he was found guilty of dangerous driving causing bodily harm. The Court of Appeal allowed N's appeal. The trial judge's ruling was overturned, the conviction was set aside and a new trial was ordered.

*Held* (LeBel, Fish and Cromwell JJ. dissenting): The appeal should be allowed, the order for a new trial set aside, and the guilty verdict on the charge of dangerous driving causing bodily harm restored.

November 2, 2012

[R. v. Dineley](#)

Neutral Citation: [2012 SCC 58](#) (CanLII)

File No.: 33640.

2011: October 13; 2012: November 2.

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

On Appeal from the Court of Appeal for Ontario

*Criminal Law — Defences — "Carter defence" — Accused charged with impaired driving and driving "over 80" — Amendments brought to Criminal Code during accused's trial limiting evidence that may be adduced in defence to raise doubt about reliability of breathalyzer test results — Whether Carter defence available to accused — Whether amendments have retrospective effect to time of alleged offences — Whether amendments affect procedural or substantive rights — Criminal Code, R.S.C. 1985, c. C-46, ss. 258(1)(c), 258(1)(d.01) — Tackling Violent Crime Act, S.C. 2008, c. 6.*

*Legislation — Interpretation — Effect of new legislation — Amendments brought to Criminal Code during accused's trial limiting evidence that may be adduced in defence to raise doubt about reliability of breathalyzer test results — Whether amendments have retrospective effect to time of alleged offences — Whether amendments affect procedural or substantive rights — Whether Parliament provided for preservation of evidence for cases that began before amendments came into force — Criminal Code, R.S.C. 1985, c. C-46, ss. 258(1)(c), 258(1)(d.01) — Tackling Violent Crime Act, S.C. 2008, c. 6.*

D was involved in a motor vehicle incident, following which he was asked to submit to breathalyzer tests. The instrument registered 99 and 97 mg of alcohol per 100 ml of blood. D was charged with impaired driving and driving with a blood alcohol level over the legal limit of 80 mg of alcohol in 100 ml of blood.

At the beginning of D's trial, counsel for D advised the judge that he intended to tender a toxicology report in order to challenge the accuracy of the breathalyzer test results — what is known as a *Carter* defence. Crown counsel wished to cross-examine the toxicologist on his report, but the latter was not present and the trial was accordingly adjourned. Following the adjournment but prior to the resumption of D's trial, amendments to the *Criminal Code* were enacted, the effect of which is to eliminate the *Carter* defence as an independent means to raise a doubt about the reliability of breathalyzer test results.

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The trial judge accepted the *Carter* defence adduced by D and entered an acquittal. The summary conviction appeal judge upheld that decision concluding that the new legislative provisions virtually eliminated the *Carter* defence, that they were substantive in nature and not procedural, and that they therefore applied only prospectively. The Court of Appeal reversed that decision and held that the new legislative provisions were merely evidentiary and that they therefore applied to the case. A new trial was ordered to proceed on the basis of s. 258(1) of the *Criminal Code* as amended.

*Held* (McLachlin C.J. and Rothstein and Cromwell JJ. dissenting): The appeal should be allowed and the acquittal restored.

November 2, 2012

*R. v. St-Onge Lamoureux*

Neutral Citation: [2012 SCC 57](#) (CanLII)

File No.: 33970.

2011: October 13; 2012: November 2.

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

On Appeal from the Court of Québec

*Constitutional law — Charter of Rights — Presumption of innocence — Statutory amendments affecting evidence that can be adduced to rebut presumption of accuracy and presumptions of identity in context of prosecution for driving with blood alcohol level over legal limit — Exclusion of possibility that “Carter” defence would suffice on its own to cast doubt on breathalyzer test results — Whether new provisions of Criminal Code infringe right to be presumed innocent — If so, whether infringement justified — Criminal Code, R.S.C. 1985, c. C-46, ss. 258(1)(c), 258(1)(d.01), 258(1)(d.1) — Tackling Violent Crime Act, S.C. 2008, c. 6 — Canadian Charter of Rights and Freedoms, ss. 1, 11(d).*

*Constitutional law — Charter of Rights — Fundamental justice — Right to make full answer and defence — Statutory amendments affecting evidence that can be adduced to rebut presumption of accuracy and presumptions of identity in context of prosecution for driving with blood alcohol level over legal limit — Exclusion of possibility that “Carter” defence would suffice on its own to cast doubt on breathalyzer test results — Whether new provisions of Criminal Code infringe right to make full answer and defence — If so, whether infringement justified — Criminal Code, R.S.C. 1985, c. C-46, ss. 258(1)(c), 258(1)(d.01), 258(1)(d.1) — Tackling Violent Crime Act, S.C. 2008, c. 6 — Canadian Charter of Rights and Freedoms, ss. 1, 7.*

*Constitutional law — Charter of Rights — Self-incrimination — Statutory amendments affecting evidence that can be adduced to rebut presumption of accuracy and presumptions of identity in context of prosecution for driving with blood alcohol level over legal limit — Exclusion of possibility that “Carter” defence would suffice on its own to cast doubt on breathalyzer test results — Whether new provisions of Criminal Code infringe protection against self-incrimination — If so, whether infringement justified — Criminal Code, R.S.C. 1985, c. C-46, ss. 258(1)(c), 258(1)(d.01), 258(1)(d.1) — Tackling Violent Crime Act, S.C. 2008, c. 6 — Canadian Charter of Rights and Freedoms, ss. 1, 11(c).*

L was charged with operating a vehicle with a blood alcohol level over the legal limit. At trial, she argued that the new provisions of the *Criminal Code* with respect to breathalyzer test results are unconstitutional. The trial judge found that the statutory amendments did not bar L from presenting a *Carter* defence to rebut the presumption of accuracy. In light of the evidence, he concluded that L's testimony about her alcohol consumption was not sufficiently serious or probative to raise a reasonable doubt. Finding that the qualified technician's explanations were sufficient and that the presumptions established in s. 258(1)(c) and s. 258(1)(d.1) of the *Criminal Code* applied, he convicted L. The trial judge upheld in part the constitutionality of the new *Criminal Code* provisions.

*Held* (Rothstein and Cromwell JJ. dissenting in part): The appeal should be allowed in part. Sections 258(1)(c), 258(1)(d.01) and 258(1)(d.1) of the *Criminal Code* do not infringe s. 7 and s. 11(c) of the *Canadian Charter of Rights and Freedoms*, but do infringe s. 11(d). Sections 258(1)(d.01) and 258(1)(d.1), and s. 258(1)(c) after severance of the second and third requirements for rebutting the presumptions, are justified under s. 1 of the *Charter*.

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## :: NOVA SCOTIA BILLS ::

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The House resumed sitting on Thursday, October 25, 2012.

To keep current, consult the Status of Bills page on the Nova Scotia Legislature website:

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

The Status of Bills page provides a list of current Bills sortable by status, number, title, and date of most recent change. Visit this webpage and sort Bills by date to see what's changed since your last viewing.

To subscribe to the RSS feed for Bills status, look for the RSS icon on the left side navigation below the heading "Stay Up to Date".

Please contact Library & Information Services at 425 2665, 1 866 219 1202 (toll-free), or [nsbslib@nsbs.org](mailto:nsbslib@nsbs.org) for further assistance with setting up RSS feeds.

## :: PROCLAMATIONS UPDATE ::

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

**Motor Vehicle Act**, S.N.S. 2011, c. 67, s. 13

NS Gaz Pt 2, [11/2/2012](#)

NS Reg 198/2012

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

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

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

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## :: LIANS TIPS ::

### **REGISTER SOON: Earn 6 CPD hours at LIANS Risk and Practice Management Conference November 23; 9:00 am to 4:15 pm**

Join us for the 4th annual LIANS Risk and Practice Management Conference at the Westin Nova Scotian in Halifax and **earn 6 hours of CPD** (\$250+HST). Featured sessions on the art of negotiation; using technology to avoid claims; cultural competence: recognizing issues of culture; workload management: effective management of priorities, tasks and email; a wellness seminar and more ...

Confirmed speakers include Phil Chapman, Mark Scott, Brad Proctor, Naiomi Metallic, Kendrick Douglas, Kathryn Dumke, Paul Saunders, Scott Amyoony, Tony Mancini of Priority Management consulting and a health and wellness session with Andria Lehr from Homewood Human Solutions™.

All-day parking is now complimentary for all participants.

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

Contact Erin McKiel [emckiel@lians.ca](mailto:emckiel@lians.ca) or 902 423 1300 x326 to register.

We look forward to seeing you there!

### **RISK AND PRACTICE MANAGEMENT TIP: Watching for orphans**

There are files where no specific lawyer has been assigned to them, or they are without a definite or fixed deadline. To avoid these files from being neglected, here are some methods that may be used:

- Periodically review your time records for open files that have had no activity for a period of, for example, six months or more;
- Periodically look in all the filing cabinets for files that have not been properly diarized (most firms will write in the inside file folder a date for which the file is diarized);
- Keep a maximum of 10 files in your office that you are currently working on, and diarize the rest. The files that are sitting on your windowsill or on the corner of your desk run the highest risk of a missed deadline!
- Delegate someone in your office to periodically go into each private office to ensure that no files are collecting dust.

It's wise to have a backup system to detect when files have gone for too long without any activity, in order to avoid any missed limitations or important deadlines that may result in a claim against you.

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

### **FRAUD ALERT: Quit claim deed scam by telephone (UPDATE)**

**Update:** Following our first membership notification, we were contacted by several other lawyers who reported hearing from the same individual. If you suspect that you have also been contacted, please let us know.

A Nova Scotia lawyer in HRM contacted us recently to report the following scam attempt. With the possibility that other lawyers may be contacted by the same individual, please review this scenario in order to protect your practice.

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The lawyer received a cold call from a male requesting assistance in preparing a quit claim deed from his mother to himself. The lawyer told the potential client that in order to provide representation, the lawyer must first meet with the mother in person to ascertain her wishes and whether or not she was doing this of her own free will. A preliminary search of Property Online indicated that the properties were not land registered. It further uncovered a statutory declaration by the mother from 2009 declaring that two deeds purportedly from her to the son, which purported to be executed two years previous, were a) not in fact signed by her; b) the deeds were executed in another province; and c) she had not been there on the date the deeds were purportedly signed. Finally, the lawyer found a Supreme Court order two years subsequent to the statutory declaration resulting from an action by the mother against the son declaring the deeds null and void. At this point, the lawyer advised the son of what had been discovered and further advised that they would not continue to assist him with this transaction and has since halted all communication.

Be vigilant with every request for services that you receive. Fraudulent requests for services can be made by email, paper mail and courier as well as by individuals who arrive in person to retain you and to use your trust account to receive and disburse funds. Be cautious with all cheques received, especially if they exceed the agreed-upon amount.

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.

**For tips to avoid being victimized, read a [list of 'Red Flags'](#), and visit the [Fraud](#) section on [lians.ca](#). To report or seek advice on dealing with fraud and scam attempts, contact Cynthia Nield at [cnield@lians.ca](mailto:cnield@lians.ca) or 902 423 1300, x346.**

## **NSLAP WELLNESS TIP: Marital conflict – dispelling the myths**

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

### **Myth 1: Unhappy couples are unhappy because they lack communication skills**

Research has shown that unhappy couples have the same communication skills as happy couples. The difference is that happy couples tend to use what they know about effective communication to enrich their relationship. Unhappy couples either don't use their communication skills during hard times or they use them to harm each other.

This is often cited as the reason why marital therapy does not always have lasting results. Over the past few decades marital therapists have tended to focus on teaching couples communication and problem-solving skills. This appears to work well in the short-run, but, unfortunately, not in the long run. Couples eventually return to old patterns.

### **Myth 2: Healthy marriages are impossible unless couples learn how to solve their problems**

Research has shown that many of the issues that couples disagree about are unsolvable. They are ever-present in the relationship as long as the two partners stay together. These issues are unsolvable because they are rooted in personality differences and needs that arise in connection with each partner's life experience and identity.

Happy couples have these unsolvable issues as much as unhappy couples. The difference is that happy, stable couples focus on maintaining an open dialogue about these issues; they try to understand and accept each other's differences and work towards compromise. Unhappy couples, however, focus on trying to change each other. Their interactions over these unsolvable conflicts tend to repeatedly spiral out-of-control, due to stubborn mutual resistance, lack of compromise and rejection of each other's perspective.

What this means is that you need to shift your goal from trying to find a once-and-for-all solution to these unsolvable problems, to being able to engage in ongoing, open-minded dialogue with your partner about the problem each time the

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problem comes up. You have to learn to accept and appreciate each other, and find ways to compromise. Of course, some problems are solvable.

### **Myth 3: Conflict signals an unhealthy relationship**

A certain amount of conflict-- a state of opposition or lack of agreement over interests, ideas, perceptions, etc. – is normal in most relationships. In fact, there is a wide range of conflict styles that characterize happy, stable relationships. On one end of the spectrum, some couples avoid conflict. On the other end of the spectrum, some couples openly state their opinions and needs, and are not afraid of a good debate. In the middle are couples who don't avoid conflict, but who choose their battles carefully.

It is not the presence or absence of conflict that poisons a marriage. It is how partners deal with their conflicts, specifically, the level of hostility and negativity they direct toward each other during conflict. Happy couples deal with their conflicts with a consistent ratio of five to one positive to negative behaviours. Among couples headed toward divorce, this ratio is less than one-to-one.

#### *Examples of positive behaviours:*

- expressing love
- saying thank you
- apologizing
- softening your voice
- physical affection
- a kind gesture
- words of affirmation and encouragement
- compromise
- listening
- validating
- speaking non-threateningly

#### *Examples of negative interactions:*

- criticisms
- put-downs
- withdrawal of affection
- hostility
- defensiveness

### **Myth 4: Expressing anger is destructive to a relationship**

Marital problems resulting from anger are more often a result of repressed anger than expressed anger. Expressed anger is not inherently harmful to a marriage as long as the anger is not expressed in a hostile manner.

When you are alarmed or annoyed by an important issue occurring in the marriage, much more harm comes from continually trying to ignore your feelings and adapt to the situation than from talking about it. Emotions that are dismissed rather than dealt with do not disappear.

Expressing anger is not synonymous with attacking your spouse's dignity. You have a right to express your emotions, but not a right to demean your partner. There is an enormous difference between saying, "It makes me really angry when you act bossy or tell me what to do," and saying, "There you go again, always having to be in charge. Why do you always have to get your big nose in everybody's business!?"

*For information, support, resources and counselling to deal with workplace conflict, 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.*

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## :: 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).

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## :: CURRENT ISSUES IN LEGAL ETHICS ::

This is the latest in a series of articles that focus on lawyers' ethical duties under the *Code of Professional Conduct*, which came into force in January 2012.

### Ethical risk management

Would it surprise you to learn that the top 10 areas for complaints seem to be fairly universal amongst the Commonwealth countries? If every lawyer and law firm took precautions to proactively avoid complaints in these 10 areas, your Professional Responsibility department would be significantly smaller and your fees lower! The Society and your new *Code of Professional Conduct* can help you with your individual and firm ethical 'risk prevention'.

1. **Negligence** – Are you able to do all your work competently, both in terms of your knowledge of the law as well as how you practise? Consider Rules 2.01, 2.02, 4.01, and 6.08.
2. **Communication** – Do you provide effective, timely and courteous communication to clients and other lawyers? Consider Rules 2.01, 2.02, and 6.01.
3. **Delay** – Do you have systems to provide for timely review, delivery and followup of legal services? Do you do what you are supposed to do, when you are supposed to do it, and proactively let people know why you can't and when you will? Consider Rules 2.01, 2.02 (2), 6.01, and 6.02.
4. **File transfers and solicitors' liens** – Do you provide for timely resolution of document and file transfers and deal properly with outstanding accounts? Have a look at Rule 2.07.
5. **Cost disclosure/billing practices/termination of retainer** – Do you take time with clients to ensure a shared understanding of your fees, and appropriately document commencement and termination of retainers, along with having systems for appropriate billing practices? Consider Rules 2.06 and 2.07.
6. **Conflict of interest** – Do you have a mechanism for timely identification and resolution of conflicts, including when acting for both parties or against previous clients, as well as potential conflicts which may arise in relationships when conducting other business with a client? Consider the new Rule regarding conflicts in 2.04. Be aware of when a deemed client relationship may be created. As can be seen from recent hearing panel decisions, conflict of interest remains one of the most serious areas of professional misconduct addressed by the Society.
7. **Records management** – Do you take steps to minimize the likelihood of loss or destruction of documents through appropriate document retention and security, filing, archiving etc., and which provide for compliance with requirements regarding registers of files, safe custody, financial interests, etc.? Look to Rules 2.01, 2.02, and 2.05 for guidance.
8. **Undertakings** – When you provide an undertaking, do you have systems to help you comply in a timely manner, and that ensure timely compliance with notices, orders, rulings, directions or other requirements? Prepare that Order of the Court on a timely basis. Don't give an undertaking you personally cannot fulfill. See Rules 4.01 and 6.02.
9. **Supervision of practice and staff** – Do you delegate tasks to staff, but not your legal responsibilities? Do you take steps to ensure staff is not practicing law, no matter how good they are? Do you know what your staff is doing with and for clients at all times? Do you make sure your staff are fully competent for the work they are assigned? Rules 2.01 and 5.01 can help.
10. **Trust Account Regulations** – The new Trust Account Regulations should help make compliance easier – they are based on principles rather than details; they will allow for some more flexibility in how law firms of different sizes can meet trust obligations. But make sure you have effective trust account management systems in place before your first retainer arrives, and consider your duties under Rule 2.05.

**Civility and Lawyer's attitude** – This is an area of complaint that sometimes makes it into the top 10. If lawyers conducted themselves in accordance with the Civility Guidelines created under the leadership of Justice Kevin Coody in the 1990s, there would be a significantly higher level of job satisfaction on the part of lawyers and clients. Rules relating to civility and lawyers' attitudes span across 2.02(2), 2.02(5), 4.06, 6.02(1) and 6.02(9).

Remember: We may work in an adversarial system but we need not be adversaries.

As always, the Society's Professional Responsibility staff are here to help you sort through your ethical conundrums.

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## :: CURRENT ISSUES IN CONTINUING PROFESSIONAL DEVELOPMENT ::

### Planning for success: your professional development plan

Yogi Berra once said: "If you don't know where you are going, you are likely to end up somewhere else."

We all know the mantra 'fail to plan and plan to fail'. Regardless of where you are in your legal career, you can benefit from a personal, detailed plan of what you want to achieve.

Having a professional development plan helps to ensure that we are continually improving ourselves. In the context of the [NSBS CPD Requirement](#), it helps to ensure that you undertake the CPD activities most relevant to you now and to the lawyer you plan to be.

There are endless templates available online for creating professional development plans. We've created one [here](#), accessible anytime in the new [CPD resources](#) area of the website, but it can be customized to your specific situation and objectives.

No matter which template you use, or which questions you frame in your plan, the following tips apply:

1. Start with where you are now – what are your strengths, weaknesses, etc. Make reference to feedback you receive from clients, employers, colleagues and others. What about your current job do you like? If you could, what would you change?
2. In identifying where you want or need to be in the future, use "reverse goal setting" – just as it sounds, this involves identifying your 'end goal' and working backwards to identify the specific steps to get you there. If identifying a far distant goal is too challenging, start with where you would like to be in 10 years, five years, or even two years – and work back from that point in time.
3. Be specific and detailed in describing your goals, and in the steps you identify to get you there. What resources are at your disposal? What CPD can help to fill the gaps? Assign time frames and deadlines. Instead of identifying "learn French" as a goal, try: "Become fluent in French by no later than 2015, in order to access 20 per cent more of the local community as a legal service provider and help facilitate increasing my revenues by 30 per cent. I will achieve this by ... (specific dates, courses / programs, etc.)". If your plan lacks concrete detail, you are much less likely to follow through with it.
4. Revisit your plan regularly and update it as you adjust and refine your goals. Take account of changing circumstances and resources as you move forward in your career.

You are not likely to achieve everything that you plan for, but without a detailed and thoughtful plan in place, you **are** likely to achieve a less satisfying career.

*If you have questions about planning your CPD activities, email us at [CPD@nsbs.org](mailto:CPD@nsbs.org) or phone the CPD line at 902 422 1491 (ext. 371). Your queries will be answered within five business days.*