

# INFORUM

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

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### From LIANS

- [iPhone and iPad apps for lawyers](#) – a new Risk and Practice Management Tip from the Risk and Practice Management Program, LIANS
- [Law firm targeted in identity theft scam](#) – a new Fraud Alert from the RPM Program, LIANS
- [The healing power of helping others](#) – a new Wellness Tip from NSLAP

### From the Courts

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- [Swearing-in ceremony for the Hon. Judge Timothy D. Landry](#) – video online

### From the Province

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- JUSTICE: Find all DOJ announcements at <http://www.gov.ns.ca/just/communications/>
  - Province, police address homicide stats (Dec. 4)
  - *Missing Persons Act* will help police find loved ones (Dec. 3)
- SIRT:
  - [Investigation begins into death of person in custody](#) (Dec. 10)
  - [Investigation begins into Cole Harbour RCMP](#) (Dec. 8)
  - [Halifax Regional Police report released](#) (Nov. 30)
- SNSMR: Find all news releases at <http://www.gov.ns.ca/snsmr/>
  - Amendments to HRM Charter add flexibility (Dec. 5)
  - Nova Scotia drivers to benefit from Registry System upgrade (Nov. 29)

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- Amendments clarify Halifax Water Commission authority (Nov. 29)
- New opportunities for social entrepreneurs (Nov. 28)
- N.S. SECURITIES COMMISSION
  - [Securities Commission issues decision on Knowledge House motions](#) (Dec. 5)
  - [Settlement Agreement approved for National Bank Financial Ltd. and Eric Hicks](#) (Dec. 4)
- COMMUNITY SERVICES: [Government committed to providing more independence for persons with disabilities](#) (Dec. 3)
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## Awards & appointments

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- [Cheryl Hodder QC appointed to NSBI Board of Directors](#)

## Events of Interest

- [Is There Room at the Inn? Religious Celebrations in Secular Settings](#) (CCEPA) – December 6
- [Cyberbullying and Open Courts: The A.B. v. Bragg Case and the Way Ahead](#) – January 10
- [Dalhousie Health Law and Policy Seminar Series: Next session](#) – January 18
- [Upcoming events from CBA-NS](#)
  - [Mid-Winter Meeting, January 31 - February 1, 2013](#)
  - [Serious Personal Injury, May 10, 2013](#)
  - [Online CLE programs](#)
- [Ambiguous Crossroads: Persons with Mental Health Problems and the Criminal Justice System](#), presented by the Canadian Institute for the Administration of Justice – February 1
- [Sessions@Schulich – “Essential Procedural Knowledge for Litigation Involving the Federal Crown”](#) – February 20
- [The Omnibus Criminal Law Conference](#) – February 22
- [2nd Southeast Asia & Asia Pro Bono Conference/Workshop: Save the date/place](#) – October 11 & 12, 2013

## Career Opportunities

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

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## :: NOTICES ::

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### SOCIETY NEWS

#### **Society Offices – holiday hours**

The Nova Scotia Barristers' Society would like to wish everyone a healthy and happy holiday season.

Please note the following holiday hours for the Society Offices:

- Friday, December 14 – office closed at noon
- Monday, December 24 – office closed
- Tuesday, December 25 – office closed
- Wednesday, December 26 – office closed
- Tuesday, January 1, 2013 – office closed

The office will be open during regular hours on December 27, 28 and 31.

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#### **Society improves process for filing Trust Account Reports**

The Nova Scotia Barristers' Society is improving and streamlining the process for filing Trust Account Reports. As a first step, filing deadlines have changed, effective immediately.

At its November 23 meeting, Council approved several Regulation amendments (4.1.5, 4.2.2, 4.2.3 and 4.2.3.1), which enable the new filing process and timeline detailed below.

Annual Trust Account Reporting now consists of two parts:

- The **Trust Account Report**, completed by the law firm or practising lawyer, must be filed with the Executive Director within the month immediately following the end of the fiscal year end of the law firm or lawyer. (As per amended Regulation 4.2.2.)
- An **Accountant's Report on the Trust Account Report**, completed by a licensed public accountant retained by the law firm or practising lawyer, is due within three months immediately following the fiscal year end of the law firm or lawyer. (As per new Regulation 4.2.3.1.)

Up until now, lawyers and firms filed a complete Trust Account Report (Parts A, B and C) together as one package, within three months of the end of their fiscal year.

Please note, the Trust Account Report is now due by January 31, 2013 for all law firms and practising lawyers with a current fiscal year end of December 31, 2012.

The Accountant's Report on the Trust Account Report remains due on March 31, 2013, as in the past, for all law firms and practising lawyers with a current fiscal year end of December 31, 2012.

The former Part C, which was the lawyer's or firm's opportunity to rebut or agree with the accountant's findings, has been eliminated. Any discrepancies will now be followed up directly by Society staff.

#### **New: Electronic filing**

The Society will provide partially pre-populated 2012 Trust Account Reports by mid-December to practising lawyers and firms with a December 31 fiscal year end. This year's forms will be in PDF format, to be filled out and submitted electronically.

This new process of total electronic filing will streamline the Annual Trust Account Reporting process, while also reducing risks of error and lowering administrative costs.

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By resolution, Council granted the Executive Director discretion with regard to the time requirements applicable to lawyers if the Trust Account Report is not filed by January 31, 2012.

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## **InForum – 2013 publication schedule now available online**

The new *InForum* publication schedule for 2013 is now available on the website, at the top of the *InForum* page: <http://nsbs.org/inforum>.

Please note, there is no publication on Monday, December 24, as the Society Offices are closed that day. For inclusion in the next edition **on Monday, January 7, 2013**, items must be submitted no later than noon **on Thursday, January 3, 2013**.

We draw your attention to several updates to the instructions for submitting contents (also available on the new publishing schedule):

- Send notices in a **plain text email** or **MS Word document** (*no graphics or PDF files please*).
- **News and notices** – email to [communications@nsbs.org](mailto:communications@nsbs.org)
- **Career opportunities** – post online with this form: <http://nsbs.org/node/add/job-posting>
- **CPD opportunities** for lawyers – post online with form: <http://nsbs.org/node/add/event>
- **Other events of interest** for lawyers – email to [publications@nsbs.org](mailto:publications@nsbs.org)

Stay tuned early in the new year for a new look for *InForum*, which will also be more readily accessible on mobile devices.

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## **Changes in Category – November 26 to December 10**

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

*The Society welcomes the following lawyers, called to the Nova Scotia Bar since November 26, 2012*

Thomas Lloyd Archibald  
Graeme Edward Bailey  
Jennifer Elaine Barnes

David Albert Curry, Jr.  
Brandy Elizabeth Anne Parenteau  
Jennifer Leanne Pink

*The following members have changed to the Practising Lawyer category:*

Joseph Royden Trainor

Tuma Thomas William Young

*The following members have changed to Non-Practising status:*

Clare Elizabeth Bilek  
Lydia Katherine Billingsley

Kimberly Margaret Dewar  
Mallory Christine Treddenick

*The following member has changed to Retired status:*

Jeffrey Lawrence Schelew

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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.

- **Bruce Edward Davidson QC**, Halifax – December 4, 2012 [Obituary](#)
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## **NSBS in the news**

### [Good Lawyers, gone good?](#)

Legal Profession Jotwell (blog)  
November 27, 2012

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Amy Salyzyn's review of [Why Good Lawyers Matter](#) (David L. Blaikie, the Honourable Thomas Cromwell and Darrel Pink, eds., 2012).

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## Society's website now enhanced for mobile devices

Technical upgrades to the website – <http://nsbs.org> – have made most of the Society's web contents more compatible with smartphones, tablets and other mobile devices. No special 'apps' are required, due to a 'responsive design' format that allows the Society's website to automatically adapt to multiple devices and screen sizes as required.

The changes were introduced on November 23, though further work remains in several areas of the website (including the *InForum* newsletter). To share feedback on your mobile experiences with [nsbs.org](http://nsbs.org), please contact Marla Cranston, Communications Officer, at 422 1491 or [communications@nsbs.org](mailto:communications@nsbs.org).

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## Law Office Search and Seizure Guidelines – request for comments

The current [Law Office Search and Seizure Guidelines](#) for lawyers when faced with a search warrant respecting your law office were developed in 2002, and are posted on the [Practice standards and guidelines](#) page of the Society's website.

They follow the procedures set out in the Supreme Court of Canada's decisions in *Lavallee, Rackel & Heintz v. Canada (Attorney General)*; *White, Ottenheimer & Baker v. Canada (Attorney General)*; *R. v. Fink*, 2002 SCC 61 (CanLII), [2002] 3 SCR 209 and *Maranda v. Richer*, [2003] SCC 67. These Guidelines were last revised in 2003 and are now in need of review and updating, particularly to take into account the amount of information now stored electronically and 'in the cloud'.

Over the last few years, the Society has had occasion to become involved in several law office searches conducted by the Halifax Regional Police, RCMP and Canada Revenue Agency, both in a consultative role as well as to arrange for an independent referee to ensure that client interests and privilege are protected throughout the process. The Society itself has also responded to a number of search warrants served on our office relating to information obtained during complaint investigations. For the most part, the authorities understand and respect issues of privilege.

Law office searches are disconcerting and stressful for the lawyers whose offices are the subject of the searches, so it is important that you have access to current resources and information regarding the procedures to be followed before law enforcement authorities arrive on your doorstep.

The Professional Responsibility Policies and Procedures Committee has created a Law Office Search and Seizure (LOSS) Subcommittee with a mandate to review these guidelines and update them as may be required. The LOSS Subcommittee would like to hear from members of the Society regarding the current Guidelines, your own experiences and any changes or additions that you feel may be appropriate to ensure that it is providing appropriate and useful guidance.

The LOSS Subcommittee is requesting that any comments be received in writing (by mail or email) not later than **4:30pm on Friday, December 21, 2012**.

*Please direct comments to:*

The LOSS Subcommittee  
c/o Elaine Cumming, Professional Responsibility Counsel  
Nova Scotia Barristers' Society  
800-2000 Barrington Street, Halifax, NS B3J 3K1  
[ecumming@nsbs.org](mailto:ecumming@nsbs.org)

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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.

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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 [dmccampbell@coxandpalmer.com](mailto:dmccampbell@coxandpalmer.com) or 902 491 4105.

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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>

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

### New: Hints & Tips from the Prothonotary – December 7, 2012

This edition includes:

- court dockets for December and January;
- details about holiday closures;
- a notice from the Court of Appeal, regarding electronic filing of transcript and factum.

See the December 7 [Hints & Tips](#) from the Prothonotary.

To view a complete archive of the Prothonotary's Hints & Tips, visit the "Notices to the Bar" page on the Courts of Nova Scotia website: <http://courts.ns.ca/General/bar.htm>.

You can also choose to follow "Notices to the Bar" via the Courts of Nova Scotia's Twitter service: <http://www.courts.ns.ca/twitter.htm>.

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### Swearing-in ceremony – video available for viewing online

A swearing-in ceremony for the Honourable Judge Timothy D. Landry was held on December 7 in Yarmouth. Judge Landry is presiding primarily in Nova Scotia Provincial Court in the communities of Digby, Comeauville and Annapolis Royal.

To view the video of the ceremony, visit the News area on the Courts of Nova Scotia website: [www.courts.ns.ca](http://www.courts.ns.ca).

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## Report of the Subcommittee on Global Review of the Federal Courts Rules

OTTAWA, November 9, 2012 — Significant and unprecedented reforms to the practices and procedures of the Federal Courts may be in the offing as a result of a study approved November 9. The study proposes new tools to address abusive, inappropriate, disproportionate and wasteful litigation conduct. It also identifies a number of steps – many novel – to improve access to the Federal Courts, particularly by self-represented parties.

The study is the product of a comprehensive policy review of the practices and procedures of the Federal Courts. A national subcommittee chaired by Justice David Stratas and comprised of 13 judges, prothonotaries, lawyers and court personnel conducted the policy review. The subcommittee consulted with hundreds of people, received many formal submissions, and achieved unanimity or near-unanimity on the 26 findings and recommendations it made.

The study can be accessed on the web at: [http://www.fca-caf.gc.ca/bulletins/notices/subcommittee\\_report\\_FINAL\\_e.pdf](http://www.fca-caf.gc.ca/bulletins/notices/subcommittee_report_FINAL_e.pdf)

Any feedback should be directed to the Secretary to the Rules Committee no later than January 31, 2013, at [Chantelle.Bowers@cas-satj.gc.ca](mailto:Chantelle.Bowers@cas-satj.gc.ca).

Read more:

- [Announcement – en français](#)
- [Notices to the Profession](#) – Discussion Paper and Report of the Subcommittee
- [Federal Courts eyeing plain-language internet help for self-represented litigants](#), *The Ottawa Citizen*, Nov. 12, 2012

## Notices to the Bar

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

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

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

Other notices to the Bar:

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

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## FROM THE PROVINCE

### Province seeks feedback on Draft Ministerial Protocols for the Contaminated Sites Regulations

The Nova Scotia Environment Contaminated Sites Project Team is pleased to present the following:

- Contaminated Sites Regulations Draft Protocol Presentation,
- An overview of the Limited Remediation and Full Property Remediation Pathways, and
- Draft Ministerial Protocols made pursuant to the Contaminated Sites Regulations
  - Notification of Contamination,

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- Phase 1 Environmental Site Assessment,
- Phase 2 Environmental Site Assessment,
- Environmental Site Assessment for Limited Remediation,
- Remediation Levels,
- Remedial Action Plan, and
- Confirmation of Remediation

It is recommended Internet Explorer (browser) be used to view the presentation.

Access to the presentation, and related documents, will be available through the following link until January 15, 2013:  
<http://www.gov.ns.ca/nse/contaminated-sites-regulations-draft-protocols>

We encourage feedback on the draft protocols and request comments be submitted on one, or both forms included in the above link. They are:

- CSP Comments Submission Form, and
- CSP Directed Questions Submission Form

We request all submission forms be emailed to [CSP\\_Engagement@gov.ns.ca](mailto:CSP_Engagement@gov.ns.ca), **no later than January 15, 2013**.

If you have any questions regarding this correspondence, please also direct these to [CSP\\_Engagement@gov.ns.ca](mailto:CSP_Engagement@gov.ns.ca).

*Sincerely, Malcolm MacNeil  
Contaminated Sites Project Manager*

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## **Error & Omission notices**

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

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## **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**

### **Queen Elizabeth II Diamond Jubilee Medals presented to Darrel Pink and Gavin Giles QC**

The Society's Executive Director and a member of Council were both recently honoured with the Queen Elizabeth II Diamond Jubilee medal. Darrel I. Pink was the Province of Nova Scotia's recipient of the medal on December 5, in celebration of International Volunteer Day, while Gavin Giles QC received the medal at another ceremony on November 13.

The medal commemorates the 60<sup>th</sup> anniversary of Her Majesty's accession to the Throne, and honours her service and dedication to Canada. It also recognizes Canadians from all walks of life for outstanding service and significant contributions to their communities.

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"When we give of ourselves to serve others in the community, we engage in the act of repairing the world – we help to make it a better place now and for the future," Mr. Pink said at Province House, upon receiving the medal from the Hon. Marilyn More, Minister of the Voluntary Sector.

"I am in a profession where volunteering is an ethical norm," he added, noting the many ways in which lawyers contribute to their communities, from serving on boards to seeking to ensure people are served by a fair and inclusive justice system. "My profession knows that the quality of our world is measured by how fair it is to those who are less fortunate than we are."

Since the Diamond Jubilee ceremonies began in September, a number of Nova Scotia lawyers have been honoured with medals, including Glenn Anderson QC, Lena Diab, Josh Judah, Kevin Kindred and W. Brian Smith QC. *(If you are aware of others, please alert us at [communications@nsbs.org](mailto:communications@nsbs.org)!)*

Mr. Giles received the medal in recognition of his volunteer work on behalf of the Multiple Sclerosis Society of Canada and, in particular, his decade-long fundraising efforts through the Atlantic Canada MS Bike Tour as captain of the "The Dirty Cranks" cycling team. He is Honourary Legal Counsel for the Atlantic Division of the Multiple Sclerosis Society of Canada. Also very active with the Canadian Red Cross, he recently received its national Distinguished Service Award for 2012. A partner at McInnes Cooper, Mr. Giles has an active *pro bono* practice. He is a current member of Council and his work as a Society volunteer goes back two decades, from assisting with the Bar Admissions Course to serving on numerous committees, including his current roles as Chair of both the Supreme Court Liaison Committee (Civil) and the Professional Standards (Law Office Management) Committee.

Mr. Pink's community involvement is also extensive, having included leadership and executive positions with CanLII (Canadian Legal Information Institute), the Canadian Forum on Civil Justice, Volunteer Canada, the Metro United Way (Halifax), the Children's Aid Society of Halifax, the Canadian Jewish Congress and the Atlantic Jewish Council. The Society's Executive Director since 1990, Darrel is a frequent lecturer on professional responsibility locally, nationally and internationally. He consulted with the CBA and law societies throughout Eastern Africa on several projects aimed at improving access to justice and strengthening capacity in governance and regulation. He recently co-edited a book, *Why Good Lawyers Matter* (Toronto: Irwin Law), with the Hon. Justice Thomas A. Cromwell, Supreme Court of Canada, and David L. Blaikie, Assistant Professor, Schulich School of Law.

Throughout the year, a total of 60,000 Canadians will be recognized with the medal. For more details, visit the Diamond Jubilee Medal pages on the [provincial government](#) and [Governor General's](#) websites. A full [transcript of Mr. Pink's remarks](#) on the importance of community service is available on the website, and the December 4 [announcement](#) about Gavin's medal is available on McInnes Cooper's website. Also see [Resolution No. 2564](#), which passed in the House of Assembly Dec. 5 to acknowledge the awarding of the medal on International Volunteer Day.

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## **Cheryl Hodder QC appointed to NSBI Board of Directors**

(December 7, 2012) A nationally-recognized lawyer and community volunteer is the newest addition to the Nova Scotia Business Inc. (NSBI) board of directors. Cheryl Hodder QC, a partner at McInnes Cooper in Halifax, practises extensively in a number of areas and, according to Best Lawyers International, was named one of the best lawyers in Canada in the area of corporate governance for 2011, 2012, and 2013. She has represented Crown corporations, universities, colleges, health authorities and small to medium-sized businesses.

"NSBI works to help our economy grow and deliver on our jobsHere plan," said Percy Paris, Minister of Economic and Rural Development and Tourism. "Cheryl Hodder's active leadership in her community, combined with her legal background, will be a valuable addition to NSBI's board of directors."

Ms. Hodder is an avid community volunteer who received the Canadian Bar Association's Community Service Award for her contributions to many organizations and boards. She was the first Atlantic Canadian to be honoured with the Women of Influence Award at the 2010 Deloitte Women of Influence Luncheon Series. She is also a member of the International Women's Forum of Canada.

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"I'm honoured to be appointed to NSBI's board of directors," said Ms. Hodder. "I look forward to working with my fellow board members to help grow the economy in Nova Scotia."

Ms. Hodder replaces Nancy Tower who served two, four-year terms on NSBI's board of directors. Nova Scotia Business Inc. is the province's private-sector-led business development agency. Through trade development, investment attraction, business financing and venture capital, NSBI assists local companies and attracts international companies to Nova Scotia. For more information, visit [www.nsb.ca](http://www.nsb.ca).

## OTHER NOTICES

### Nova Scotia justice community's Movember effort raises nearly \$60,000



The Movember effort by the province's legal and justice community has raised \$59,582 this year. Since its inception a year ago, the "Putting a New Face on Justice" campaign has inspired community members to raise more than \$165,000 toward prostate cancer research initiatives.

In total, Canada had 247,251 registrants who raised more than \$38 million. Nova Scotia's overall effort included 7,672 people who raised a total of \$853,537.80.

Participants began the month of November clean-shaven, and quite an assortment of inspiring moustaches sprouted throughout the month, on judges, lawyers, court staff, and others in the legal community.

Rebecca Hiltz LeBlanc, partner at BOYNECLARKE LLP, and her husband Mitch LeBlanc received "The Honourable Justice Jamie W. S. Saunders Award" (otherwise known as the Golden Mo) at the Halifax Law Courts wrap-up on November 29. Mitch LeBlanc recently finished his last round of treatment for prostate cancer, and told media at the event that he was happy to grow a moustache this year, since last November he was recovering from surgery. Read more in this [Metro Halifax](#) article.

### Introducing: McGinty Doucet Walker

McGinty Doucet Walker, formerly McGinty Law, is pleased to announce its new name. The firm is comprised of five lawyers: Mary Jane McGinty, Christine Doucet, Angela Walker, Sandra Barss and Michelle Rogers.

McGinty Doucet Walker focuses in the areas of family law, wills and estates, civil litigation and personal injury law. The firm operates in Park Lane on Spring Garden Road, Halifax. Its new website address is [www.mdwlaw.ca](http://www.mdwlaw.ca).

### LISNS seeks input on pilot Pro Bono Hub Project

LISNS is very excited to have received funding to develop a pilot *pro bono* hub project for Nova Scotia. We are seeking input from lawyers, as well as community organizations as we develop the model.

The Hub is being designed, not to duplicate any work already underway in Nova Scotia with organizations such as Dal Legal Aid, reachAbility or Nova Scotia Legal Aid, but rather to provide a central place for prospective *pro bono* clients to access services and add to the services already provided, by attempting to introduce *pro bono* in areas of law and geographic areas where it is not now being provided.

This is a three-year project: the hub will be rolled out first in HRM and the Valley, and later on in Sydney and beyond. Please see the [one-page overview](#) of the project, which will soon be available on the LISNS website at [legalinfo.org](http://legalinfo.org).

Your input is very valuable to us. Please take a couple of minutes to fill out this [online survey](#) (13 mostly multiple choice questions) and make your thoughts known.

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Thank you, in advance, for providing your input on the Legal Information Society's *Pro Bono* Hub Project. If you have any questions on the project, the advisory committee or the model, please contact Gwen Atkinson at [development@legalinfo.org](mailto:development@legalinfo.org).

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## **A new name for the LISNS Legal Seagull: Seacil**

The Legal Information Society of Nova Scotia's icon finally has a name. The Legal Seagull is the search engine on the LISNS website.

After an online contest and over 50 name submissions, Jeff Mitchell is the ultimate winner with his suggestion of "Seacil" the Legal Seagull. Jeff wins a \$50 gift card to Il Mercato and a \$25 gift certificate to Empire Theatres.

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## **BOYNECLARKE fosters next generation of Nova Scotia innovators**

(December 10, 2012) -- With deep community roots and a fundamental belief in the power of good ideas, law firm BOYNECLARKE LLP has announced its title sponsorship of the 2013 Innovative Ideas Competition to be held February 12 and 13, 2013 at Mount Saint Vincent University in Bedford, Nova Scotia.

Organized by the Nova Scotia Association of Community Business Development Corporation (CBDC), the BOYNECLARKE Innovative Ideas Competition encourages entrepreneurship and creative thinking in post secondary students from across Nova Scotia. Students from all disciplines are challenged to develop an innovative product, invention, service, business venture or community service that has the potential to make both an impact and business sense. Each participating institution sends a student representative to the provincial finals to pitch their idea with \$10,000 in prize money and business mentoring to further develop the winning idea for market.

"It is no secret that innovation is the key to economic and social prosperity," says James MacNeil, managing partner at BOYNECLARKE. "It's also what's behind the forty-year success of BOYNECLARKE. That's why we're proud to be involved with this competition, to help foster an innovative spirit in the next generation of business and community leaders in Nova Scotia."

More than just lending its name to the event, BOYNECLARKE is actively involved with partner Christene Hirschfeld sitting as one of three judges on the competition's panel. The firm also contributed to the development of this year's theme of "Every big idea starts as a little one." It's a notion MacNeil feels is critical to the innovation process.

"Good ideas can be overwhelmed by unrealistic expectations and the need for immediate, overnight success. Every successful business, BOYNECLARKE included, started as an idea and a belief in the potential of that idea that then grew and evolved over time. We're hoping this competition will not only inspire ideas but also the opportunity that can grow from them."

For more information about the BOYNECLARKE Innovative Ideas Competition, visit [www.innovativeideas2013.ca](http://www.innovativeideas2013.ca).

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## **ABAJournal introduces inaugural Blawg 100 Hall of Fame**

See the ABAJournal 2012 [Blawg 100 Hall of Fame](#), now available online.

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## **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.

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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).

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## MISSING WILLS

### Seeking will for Gary Michael Jackson of Bass River

Lawyers who can provide any details on the existence of a last will and testament for Gary Michael Jackson of Bass River, Nova Scotia, are asked to please contact:

Dean Jackson  
204 St George Blvd.  
Hammonds Plains NS B4B 1K7  
(902) 832-9204  
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### 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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## VOLUNTEER & PRO BONO OPPORTUNITIES

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## **Law Day 2013 – Change is in the air!**

After several years of week-long Law Day celebrations, the CBA-NS Law Day Planning Committee has decided to focus our celebrations on a one day event. This year's celebrations will be held on **Wednesday, April 17, 2013** – Law Day itself. We're also shifting the focus to *Engage the Next Generation*. We are planning mock trials at high schools across the province. Students will have the opportunity to learn about the law and what it takes to prepare and run a trial – then they'll get to do both!

To help in this endeavor we are calling for volunteers across Nova Scotia. We're looking for your advocacy skills, enthusiasm for law, and passion for your community. Why not use all three for the benefit of our students? Preparation will begin in February and the mock trials will be on Law Day – April 17, 2013. If you are interested in participating in either or both aspects, please let us know! We'll start the process of coordinating and matching volunteers with schools.

Please contact **Jennifer Taylor**, Nova Scotia Court of Appeal Law Clerk, at [jtaylor@judicom.ca](mailto:jtaylor@judicom.ca) with the following information:

- your contact details;
- your firm/workplace;
- whether you have a vehicle to travel to a school in your area;
- your availability: Please indicate whether you'll be available for several sessions at your local high school in the time leading up to Law Day and/or whether you'll be available for the full day of Law Day, Wednesday, April 17, 2013; and
- any particular area of legal expertise/interest (but no formal trial experience is required!).

## **ALIS seeks two directors for its Board**

The Artists' Legal Information Society (ALIS) is currently seeking two directors to sit on the Board of Directors. We have an active board where each director participates in chairing different committees within the Board. The Board of Directors meets monthly and meetings generally last one to two hours. The Directors would sit on the Board for a term of two years, namely January 1, 2013 – January 1, 2015.

If you are interested in applying to be a Director, please forward a cover letter to [info@nsalis.com](mailto:info@nsalis.com), which includes a short bio as well as answers the following questions:

1. Why do you want to join the ALIS Board?
2. What volunteering experience do you have?
3. What Board experience do you bring to the position?
4. What do you feel you will add to ALIS?
5. What discipline of art do you connect with the most? Why?

Applications must be received by December 31, 2012 in order to be considered. We will review all applications and will only contact those selected for a meeting. The first meeting of the full Board of Directors will take place in January 2013.

## **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.*

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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).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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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### Is There Room at the Inn? Religious Celebrations in Secular Settlements

Thursday, December 6 from 7– 9pm

Room 255, Sobey School of Business, Saint Mary's University

Should public spaces such as municipal buildings, parks, schools, universities, city streets, and shopping malls be places of religious observance and celebration? Is religious observance a private or public matter? Does the display of religious belief unite or divide us? Do dominant religions marginalize the rest or fairly represent a majority? Should public resources for religious display be distributed fairly among all religions or none at all? Is the public display of religious belief for the common good, or is its absence? Are there good reasons to remove religion from public view, or to preserve its presence?

Panel Discussion:

- Kevin Cox - United Church Minister & Journalist
- Rev. Dr. Wendell eisener - Religious Studies Department, Saint Mary's University
- Rabbi David Ellis - Atlantic Jewish Council
- Dr. Mark Mercer - Philosophy Department, Saint Mary's University

Moderated by:

- Kevin Kindred - Halifax Lawyer & Activist

Free admission – reception to follow | Watch it live: [www.ccepa.ca](http://www.ccepa.ca)

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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)

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## Series schedule

- **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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## Upcoming events from CBA-NS

### Conferences:

#### Legal Assistants' Conference on General Civil Litigation

##### **December 7, 2012 - Marriott Harbourfront Hotel**

*This conference is tooled for litigation support staff and paralegals, and lawyers are also welcome to attend. The CBA brings representatives from law offices, the courts and government to talk face to face about civil procedure, documents, filing, to answer questions and to provide tips.*

#### Mid-Winter Meeting

##### **January 31 – February 1, 2013 – Marriott Harbourfront Hotel**

*This conference will offer an opportunity to learn and engage with skilled practitioners from various fields; topics will be offered concurrently. Two morning plenaries will be presented, one on "Client Services" and the other "Chief Justices Round Table on Advocacy". As a final incentive, by attending the full conference you are able to obtain your full 12 hour mandatory continuing professional development (CPD) requirement for 2012-2013.*

#### Bench and Bar Reception and Dinner

##### **January 31, 2013**

*CBA Nova Scotia will be hosting a Bench and Bar Reception and Dinner on Thursday, January 31st with special guest The Right Honourable Beverley McLachlin, Chief Justice of Canada. Come see former Chief Justices Constance R. Glube, Lorne O. Clarke and former Associate Chief Justice Robert F. Ferguson receive Honourary CBA Memberships. Good company, good food and live entertainment! Tickets may be purchased [online](#).*

#### Serious Personal Injury

May 10, 2013 – Casino Nova Scotia

#### Online CLE:

- December 14, 2012 – [Fracking/Windmills/Mining Projects](#)
- January 18, 2013 – Being an Executor: How to Stay Out of Court
- February 22, 2013 – Technology - 45 Tips in 90 Minutes
- March 22, 2013 – Property Condition/Disclosure Statements/Home Inspecting
- April 12, 2013 – Immigration law: Impact of Criminal Charges
- April 26, 2013 – The Status of Pension and Disability in Wrongful Dismissal Claims
- June 7, 2013 – Small Claims Court

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**Bring the experts to your office. All you need for this live interactive educational opportunity is a phone, computer and 90 minutes. Please contact the CBA office with any questions at (902) 422-1905 or by email at [cbainfo@cbans.ca](mailto:cbainfo@cbans.ca).**

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## **Cyberbullying and Open Courts: The A.B. v. Bragg Case and the Way Ahead** January 10, 2013 | Schulich School of Law

SAVE THE DATE! On Thursday, 10 January 2013, the Law & Technology Institute will be hosting “Cyberbullying and Open Courts: The A.B. v. Bragg Case and the Way Ahead,” a symposium on the Supreme Court of Canada’s September 2012 decision in the important case of *A.B. v. Bragg Communications Inc.*

Joining us for the symposium panel will be Michelle Awad (counsel to A.B.), Prof. Wayne MacKay (Chair of the Nova Scotia Cyberbullying Task Force) and James Rossiter (author of Carswell’s *Law of Publication Bans, Private Hearings and Sealing Orders*). The symposium will be held at the Schulich School of Law, 6061 University Ave., Halifax, at 2:30 pm. More details to follow.

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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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## **Sessions@Schulich – “Essential Procedural Knowledge for Litigation Involving the Federal Crown”** February 20, 2013, 4:00 – 5:30 p.m., Schulich School of Law, Room #207

Sessions@Schulich is a new series to help you satisfy your mandatory CPD requirements.

Join us to hear from Kathleen McManus, senior counsel with the Civil Litigation and Advisory Group, Department of Justice Canada in Halifax and part-time Faculty member at Schulich, where she teaches Crown Law. Ms. McManus has presented several seminars and papers concerning aspects of litigation against the Crown and will provide you with a procedural roadmap to follow.

Topics will include:

- Notice periods – are they required?
- Application of Limitation Periods to the Federal Crown
- How to Correctly Name the Federal Crown as a Defendant
- Who you can and cannot sue
- Serving the Federal Crown
- Departures from the Rules of Court for the Federal Crown
- Choosing the Court – Federal Court or Provincial Superior Court
- Notable Federal Limitation Periods and Statutory Bars

The event will consist of 1 hour of engaging CPD content followed by a 30 minute Q&A. To register, please contact Julie Harnish at [julie.harnish@dal.ca](mailto:julie.harnish@dal.ca), with “February Sessions@Schulich” in the subject line of your email.

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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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## **The Omnibus Criminal Law Conference**

**February 22, 2013 | Halifax Marriott Harbourfront Hotel, 1919 Upper Water Street, Halifax**

*Presented by **The Nova Scotia Criminal Lawyers' Association** and the **Nova Scotia Public Prosecution Service***

KEY NOTE ADDRESS: More than 28 Seconds with Special Guest Speaker: Michael Bryant

### **Agenda information**

Registration Fee: \$207.00 (\$180.00 + HST \$27.00 = \$207.00)

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## **2nd Southeast Asia & Asia Pro Bono Conference/Workshop: Save the date/place**

**Date: 11 & 12 October 2013**

**Place: Ho Chi Minh City, Viet Nam**

BABSEA CLE (Bridges Across Borders Southeast Asia Community Legal Education Initiative) & UEL (University of Economics and Law, Viet Nam) are pleased to announce the dates and place of the 2nd Southeast Asia & Asia Pro Bono Conference/Workshop

<http://www.babseacle.org/>

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## **APTLA Online Legal Education**

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

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

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

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## :: LIBRARY & INFORMATION SERVICES ::

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### **Lawyers' Lounge at The Law Courts – photocopy service reminder**

With the temporary relocation of the Barristers' Library to Summit Place, the Society has placed a photocopier in the Barristers' Lounge on the first floor of The Law Courts. It is also connected to the computer so you can print documents.

Payment for copies is managed with a form located on a clipboard by the copier. **Please record your name, the number of copies made, and any billing reference; the Society will then invoice you for the costs.**

### **A new design for Slaw**

Simon Fodden announced in a [recent Slaw post](#) that a new design has been launched for Slaw that is more streamlined and mobile-friendly.

At the same time, a new set of features is offered six days of the week that provide précis of Maritime Law Book summaries; excerpts from leading Canadian law blogs and recently published books and journal articles; excerpts on technology, research and practice from the most recent SlawTips; and more.

## :: NEW DECISIONS ::

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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](#).

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**ARBITRATION (LABOUR)** *South Shore Regional School Board v. Speight et al.*, Hfx. No. 356607, Moir, J., November 29, 2012. [2012 NSSC 417](#)

**ARBITRATION (LABOUR)** *French v. Nova Scotia (Attorney General)*, Hfx. No. 334802, Muise, J., November 26, 2012. 2012 NSSC 394

**ARBITRATION (LABOUR)** *French v. Nova Scotia (Human Rights Commission)*, Hfx. No. 334777, Muise, J., November 26, 2012. [2012 NSSC 395](#)

**CIVIL RIGHTS** *R. v. Clarke et al.*, C.R.H. No. 346068, Hood, J., November 22, 2012. [2012 NSSC 406](#)

**CONTRACTS** *Roode & Rose Plumbing and Heating v. Blanchard*, Claim No. 407081, Slone, Adjudicator, November 1, 2012. [2012 NSSM 57](#)

**CRIMINAL LAW** *R. v. Fraser*, C.A.C. No. 373847, Hamilton, J.A., November 27, 2012; November 23, 2012 (orally). [2012 NSCA 118](#)

**CRIMINAL LAW** *R. v. MacNeil*, No. 2360997, Whalen, J.P.C., November 21, 2012; October 5, 2012 (orally). [2012 NSPC 100](#)

**CRIMINAL LAW** *R. v. S. (J.W.)*, No. 2311709 - 2311713, Derrick, J.P.C., May 22, 2012. [2012 NSPC 101](#)

**CRIMINAL LAW** *R. v. S. (J.W.)*, No. 2311709 - 2311713, Derrick, J.P.C., November 22, 2012. [2012 NSPC 102](#)

**CRIMINAL LAW** *R. v. Sinclair*, C.R.H. No. 393623, Wood, J., November 28, 2012; November 27, 2012 (orally). [2012 NSSC 408](#)

**CRIMINAL LAW** *R. v. Slaunwhite*, No. 2242519; 2242520, Chisholm, J.P.C., November 27, 2012. 2012 NSPC 103

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**CRIMINAL LAW** *R. v. S. (A.)*, No. 2399529, Campbell, J.P.C., November 30, 2012; November 26, 2012 (orally). 2012 NSPC 104

**CRIMINAL LAW** *R. v. MacNeil*, No. 2356880 - 2356882, Derrick, J.P.C., November 20, 2012. [2012 NSPC 105](#)

**CRIMINAL LAW** *R. v. MacNeil*, No. 2356881, Derrick, J.P.C., December 3, 2012. [2012 NSPC 106](#)

**CRIMINAL LAW** *R. v. Routledge*, No. 2085086, Whalen, J.P.C., October 31, 2012. [2012 NSPC 109](#)

**CRIMINAL LAW** *R. v. H. (J.A.)*, C.A.C. No. 365899, Bryson, J.A., December 7, 2012. 2012 NSCA 121

**CRIMINAL LAW** *R. v. Thomas*, No. 2518579; 2518580; 2513440; 2513441; 2513443; 2513445, Atwood, J.P.C., November 13, 2012. [2012 NSPC 107](#)

**DAMAGES** *Norton v. Brightwood Golf & Country Club*, Claim No. 387931, Slone, Adjudicator, October 22, 2012. [2012 NSSM 55](#)

**FAMILY LAW** *Cormack v. Cormack*, No. 1201-063444, Legere-Sers, J., November 22, 2012. 2012 NSSC 398

**FAMILY LAW** *S. (T.) v. G. (S.)*, No. 07Y054313, Comeau, J.F.C., October 29, 2012. 2012 NSFC 19

**LANDLORD AND TENANT** *Fotherby et al. v. Cowan et al.*, C.A. No. 392849, Hamilton, J.A., November 30, 2012. 2012 NSCA 119

**LANDLORD AND TENANT** *Mei v. Urchin Property Management Inc.*, S.C.C.H. No. 398600, Knudsen, Adjudicator, September 24, 2012. [2012 NSSM 52](#)

**LANDLORD AND TENANT** *Laritz v. Charter Real Estate Advisors Ltd.*, S.C.K. No. 404280, Knudsen, Adjudicator, August 27, 2012. [2012 NSSM 54](#)

**LANDLORD AND TENANT** *Tanner v. Murley et al.*, Claim No. 404660, Slone, Adjudicator, October 29, 2012. [2012 NSSM 56](#)

**LANDLORD AND TENANT** *Lelacheur v. Densmore*, Claim No. 391762, Barnett, Adjudicator, December 3, 2012. [2012 NSSM 58](#)

**MAINTENANCE** *Eyking v. Eyking*, No. 1206-005979, Wilson, J., November 28, 2012. [2012 NSSC 409](#)

**MAINTENANCE** *McInroy v. Saarloos*, S.F.H.M.C.A. No. 075272, Lynch, J., November 29, 2012. 2012 NSSC 415

**MOTOR VEHICLES** *Tremblay v. Crabbe*, S.C.C.H. No. 381599, Knudsen, Adjudicator, September 24, 2012. [2012 NSSM 53](#)

**MUNICIPAL LAW** *Tanner v. Lunenburg (Town of)*, Bwt. No. 406078, Rosinski, J., December 6, 2012; November 28, 2012 (orally). [2012 NSSC 424](#)

**NEGLIGENCE** *Johansson v. General Motors of Canada Ltd.*, C.A. No. 357820, Fichaud, J.A., December 4, 2012. [2012 NSCA 120](#)

**RESTITUTION** *Annapolis (County of) v. Kings Transit Authority*, Ann. No. 350760, Warner, J., November 20, 2012. [2012 NSSC 401](#)

**WORKERS' COMPENSATION** *Green v. T&T Inspections & Engineering Ltd.*, Hfx. No. 181886, Smith, A.C.J., November 29, 2012; November 27, 2012 (orally). [2012 NSSC 397](#)

# INFORUM

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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.

December 7, 2012

### [Newfoundland and Labrador v. AbitibiBowater Inc.](#)

Neutral Citation: [2012 SCC 67](#) (CanLII)

File No.: 33797.

2011: November 16; 2012: December 7.

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

On Appeal from the Court of Appeal for Quebec

*Bankruptcy and Insolvency — Provable claims — Contingent claims — Corporation filing for insolvency protection — Province issuing environmental protection orders against corporation and seeking declaration that orders not “claims” under Companies’ Creditors Arrangement Act, R.S.C. 1985, c. C-36 (“CCAA”), and not subject to claims procedure order — Whether environmental protection orders are monetary claims that can be compromised in corporate restructuring under CCAA — Whether CCAA is ultra vires or constitutionally inapplicable by permitting court to determine whether environmental order is a monetary claim.*

A was involved in industrial activity in Newfoundland and Labrador (the “Province”). In a period of general financial distress, it ended its last operation there, filed for insolvency protection in the United States and obtained a stay of proceedings under the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36 (“CCAA”). The Province subsequently issued five orders under the *Environmental Protection Act*, S.N.L. 2002, c. E-14.2, requiring A to submit remediation action plans for five industrial sites it had occupied, three of which had been expropriated by the Province, and to complete the remediation actions. The Province also brought a motion for a declaration that a claims procedure order issued under the CCAA in relation to A’s proposed reorganization did not bar the Province from enforcing the environmental protection orders. The Province argued that the environmental protection orders were not “claims” under the CCAA and therefore could not be stayed and subject to a claims procedure order. It further argued that Parliament lacked the constitutional competence under its power to make laws in relation to bankruptcy and insolvency to stay orders that were validly made in the exercise of a provincial power. A contested the motion, arguing that the orders were monetary in nature and hence fell within the definition of the word “claim” in the claims procedure order. The CCAA court dismissed the Province’s motion. The Court of Appeal denied the Province leave to appeal.

*Held* (McLachlin C.J. and LeBel J. dissenting): The appeal should be dismissed.

November 30, 2012

### [R. v. Aucoin](#)

Neutral Citation: [2012 SCC 66](#) (CanLII)

File No.: 34349.

2012: May 16; 2012: November 30.

Present: LeBel, Deschamps, Fish, Abella, Rothstein, Moldaver and Karakatsanis JJ.

On Appeal from the Court of Appeal for Nova Scotia

*Constitutional law — Charter of Rights — Search and seizure — Accused stopped for minor motor vehicle regulatory offence — Police officer conducting pat-down search of accused as a prelude to detention in police vehicle — Police*

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*officer discovering drugs in accused's pockets as a consequence of pat-down search — Whether detention of accused was unlawful — Whether pat-down search was unreasonable — Whether admission of evidence would bring administration of justice into disrepute — Canadian Charter of Rights and Freedoms, ss. 8, 9, 24(2).*

Late one night, A was stopped by a police officer because the licence plate on the vehicle he was driving was registered to a different vehicle. A failed a roadside screening test and the officer decided to impound his vehicle and issue him a ticket pursuant to the *Motor Vehicle Act*. Fearing that A might disappear into the nearby crowd, the officer decided to secure A in the rear of his police cruiser while completing the paperwork. The officer first conducted a pat-down search, after asking for and receiving A's permission. The officer felt something soft in A's pocket and, when asked what it was, A said that it was ecstasy. A was arrested and searched further. The officer found cocaine and pills in his pocket. The trial judge held that the search did not violate s. 8 of the *Charter* and the seized evidence was admissible. A was convicted for possession of cocaine for the purpose of trafficking. His appeal was dismissed by a majority of the Court of Appeal.

*Held* (LeBel and Fish JJ. dissenting): The appeal should be dismissed.

November 29, 2012

[Construction Labour Relations v. Driver Iron Inc.](#)

Neutral Citation: [2012 SCC 65](#) (CanLII)

File No.: 34205.

2012: November 15; 2012: November 29.

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

On Appeal from the Court of Appeal for Alberta

*Administrative law — Judicial review — Adequacy of reasons — Board declaring that Driver Iron was an employer pursuant to Labour Relations Code and was bound by collective agreements between employers' association and union — Court of Appeal erred in finding that Board had failed to give proper consideration to interplay between provisions of Code — Board not having to consider and comment upon every issue raised by parties — Board's decision, viewed as a whole in context of record, was reasonable.*

*Held*: The appeal should be allowed.

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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.

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## :: PROCLAMATIONS UPDATE ::

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

**Gaming Control Act**, S.N.S. 2012, c. 23, s. 20  
NS Gaz Pt 2, [11/30/2012](#)  
NS Reg 210/2012

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 ::

### **RISK AND PRACTICE MANAGEMENT TIP: iPhone and iPad apps for lawyers**

Did you know that your iPhone and iPad can be used for more than just email and surfing the web? While not all of them are free, here are some top apps to consider to help streamline your practice:

- **TrialPad:** A trial presentation and file management that can be used to annotate evidence; connect your iPad to a projector and focus on the information you want to the viewers to see;
- **G-Park:** A parking application just in time for your holiday shopping! Park your car and press the "Park Me" button. Press "Where Did I Park" if you need to locate your car;
- **GoodReader:** A PDF reader that not only allows you to view anything, everywhere but you can mark up the documents with sticky notes, arrows and freehand drawings;
- **Notability:** Documenting is the name of the game and this app integrates handwriting, typing, PDF annotation, recording and organizing. Pick the method you like and take notes your way!
- **SignNow:** This app allows you or your clients to sign electronic PDF or Word documents with your finger. You can then email the signed document to your work email account for filing;
- **iJuror:** This app helps you organize and manage information to assist with selection, and to add notes as the trial progresses;
- **Dragon Dictation:** Fast becoming an essential app on every iPhone and iPad, this app allows to you speak and instantly see your text or email messages. Simply open the blank screen, tap the big red record button, and start talking. Perfect for quick email messages, notes to file and to-do lists or reminders.

Download your favourite apps so your iPhone or iPad helps you work smarter, not harder.

*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: Law firm targeted in identity theft scam**

Please be advised that the lawyer identity theft scam we reported in July 2012 has resurfaced in Halifax. A woman recently contacted a local law firm employee to indicate that she was owed money by another woman (whose name matches the woman indicated in our July 2012 fraud alert), after having produced a letter supposedly written by the employee describing an appointment at the Bank of Montreal on Mumford Road. The meeting was supposed to take place on November 12 (the banks were closed that day) but had not. The victim contacted this employee to confirm the legitimacy of letter, but was informed that no such letter had been written by the employee or anyone else at the firm. A senior partner of the law firm was also mentioned in the letter.

In July, this scam artist also created a fabricated version of the local law firm's letterhead and the name and "signature" of one of the firm's partners. Through a local church group, she distributed copies of this letter and other versions naming other law firms and lawyers. These letters stated that she was to receive funds from the "joint estates of William James Barrett and Sylvia Kathleen Barrett" on November 29, 2011, and had been using this letter to borrow money.

Click here to read the July 12, 2012 fraud alert (or copy and paste into your browser):

[http://www.lians.ca/documents/Identity\\_theft\\_inheritance\\_scam\\_targets\\_NS\\_lawyers\\_%2800013663%29.PDF](http://www.lians.ca/documents/Identity_theft_inheritance_scam_targets_NS_lawyers_%2800013663%29.PDF)

**If you believe you may have been targeted by this woman, verify her identity by sending an email to [cniel@lians.ca](mailto:cniel@lians.ca). Be vigilant with every suspicious activity you encounter. Should you become aware that your name has been used in this fraud, report this immediately to the Halifax Regional Police.**

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

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

## **NSLAP WELLNESS TIP: The healing power of helping others**

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

How would you like a more optimistic and happier outlook on life? What about having abundant energy and stronger cardiovascular health? Or perhaps feeling connected to something bigger than yourself and powerful, rather than feeling lonely or helpless? You can have all of this and more. And this isn't an exaggeration. There's growing evidence that acts of kindness, from you to others can improve your own life in all of these ways.

Most Canadians are generous and caring people. According to Statistics Canada's 2007 Survey of Giving, Volunteering and Participating, of those Canadians aged 15 and over:

- 84% (23 million people) made a financial donation to a charitable or nonprofit organization and the same percentage of people provided direct help to others who live outside their household (and not through an organization). Twenty-three million people!
- 46% (12.5 million people) volunteered their time. That's a lot of volunteered time!

At its heart, helping others is not about doing something for your own benefit. But it's a great bonus. Karma pays, big time.

Here are just a few ways that you can make a difference in the world ... and perhaps at the same time improve your health:

**Volunteer.** The possibilities are as endless as your ideas. Don't know how to start? Visit [www.volunteer.ca](http://www.volunteer.ca) and follow the links to find a Volunteer Centre near you.

**Do something for the world's poorest people.** There are many ways to help those who are much less fortunate. Consider sponsoring a child through an agency such as World Vision or Plan Canada. Commit to sending money to an aid agency such as the Canadian Red Cross, Oxfam Canada or Doctors Without Borders. Or do something as simple as donate your used eyeglasses (many optometrists will accept the donation and distribute them accordingly). A small effort on your part can make a huge difference in this world that is our shared community.

**Make a difference at your child's school.** In these days of shrinking school budgets, parental involvement is needed to help schools do the best they can for their students. Join your PTA, participate in a career fair, use a vacation day to help out on a school field trip.

**Help our planet's environment.** There are hundreds of websites that provide great suggestions for helping the planet. Here are three suggestions: organize a group of people to pick up litter in your community; help your workplace develop a strategy to go "paperless;" or implement a program to make your household "carbon neutral."

### **Make a change!**

When a friend or co-worker is experiencing loss and grief it is understandable to feel awkward and unsure of what is appropriate to say or do. If you are one of these people and would like to be better able to support people dealing with grief, here are a few suggestions:

- Accept and acknowledge all feelings, and let the grieving person know it is okay to cry in front of you.
- Don't say you understand, even if you have gone through something similar, as everyone's experience of grief is different.
- Offer comfort and reassurance without minimizing the loss.
- Be willing to sit in silence if the person doesn't feel like talking.
- Avoid telling them to be strong – people dealing with grief can feel very vulnerable.
- Write a personal note expressing your compassion.
- Don't give unsolicited advice.
- Ask what you can do.
- Continue your support after the initial shock has worn off.

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- Encourage the grieving person to seek professional help if you see signs of a long-term problem developing.

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

# INFORUM

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

## :: CURRENT ISSUES IN LEGAL ETHICS ::

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### **Rule 2.06(3): Adding 'Other Charges' as a third category in a Statement of Account**

Since January 1, 2012, the Professional Responsibility department has received many inquiries about Rule 2.06 (3) and the changes that it may require to a typical law firm statement of account. The Rule states as follows:

#### **Statement of Account**

**2.06 (3)** In a statement of an account delivered to a client, a lawyer must clearly and separately detail the amounts charged as fees and disbursements.

#### **Commentary**

**The two main categories of charges on a statement of account are fees and disbursements.** A lawyer may charge as disbursements only those amounts that have been paid or are required to be paid to a third party by the lawyer on a client's behalf. However, a subcategory entitled "Other Charges" may be included under the fees heading if a lawyer wishes to separately itemize charges such as paralegal, word processing or computer costs that are not disbursements, provided that the client has agreed, in writing, to such costs.

Party-and-party costs received by a lawyer are the property of the client and should therefore be accounted for to the client. While an agreement that the lawyer will be entitled to costs is not uncommon, it does not affect the lawyer's obligation to disclose the costs to the client.

[Emphasis added]

This Rule requires that lawyers charge as disbursements only those amounts that are paid to a third party. This **would not** include such charges as photocopying or any fees for your own staff (such as paralegals, title searchers or couriers employed in house). To recoup such expenses, a lawyer or law firm must include a category of "other charges" on the statement of account. For an expense to be considered a disbursement, it must be paid to a third party. This would include court filing fees, invoices for expert reports, Land Registration recording costs, etc. Some lawyers have asked about postage, and the advice they have been offered is that if you have a postage machine in your office, the actual cost of any mail posted in relation to a client appear on the bill as an "other charge". Some items may be difficult to categorize, so there will be some discretion for lawyers and law firms in the organization of their accounts.

As a result of this Rule, some lawyers and law firms may have to make changes to their accounting systems that automatically generate statements of account that divide costs into only two categories – fees and disbursements. For most lawyers, a third category called "other charges" will need to be added. We have been advised that PC Law has made changes to its software to address this change, as this has been an issue for lawyers and firms across Canada as the Federation's *Model Code of Professional Conduct* is adopted by each jurisdiction.

While this may be an administrative change that has caused lawyers and firms some consternation, its intended effect is to ensure that clients clearly understand all the costs and fees for which they will be responsible. The Rule requires that the lawyer obtain the client's consent to all fees and disbursements, in writing, at the outset of the retainer. This is simply codifying the requirement that lawyers enter into clear, written retainer agreements with their clients which has always been considered a best practice, if not specifically required.

If you have any questions regarding the application of this Rule, please contact Elaine Cumming, Professional Responsibility Counsel, at 902 422 1491 or [ecumming@nsbs.org](mailto:ecumming@nsbs.org).

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## :: PR DIGESTS ::

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### Settlement Agreements – Permission to Resign

#### Michael Iosipescu – Permission to Resign – November 2, 2012

The lawyer was charged with numerous breaches of the *Legal Ethics Handbook* relating to his practice, including that he allowed himself to become a dupe of an unscrupulous client; acted when his own interests and those of his clients were in conflict; failed to properly supervise staff and otherwise engaged in conduct that brought the administration of justice into disrepute. He admitted to all charges against him and admitted that this constituted professional misconduct, conduct unbecoming and professional incompetence.

At the request of both counsel for the member and for the Society, the Hearing Panel ordered a publication ban pursuant to Section 44 of the *Legal Profession Act*. The ban covered medical reports and the names of Mr. Iosipescu's clients and others. The Hearing Panel unanimously found that the prejudice to the member in having the details of his medical information disclosed outweighed the importance of the transparency of the process.

The Hearing Panel approved the Settlement Agreement reached between Mr. Iosipescu and the Society. They found that Mr. Iosipescu's admissions to the very serious charges was to his credit and agreed that the medical evidence disclosed allowed the panel to find that the sanction was appropriate and in the public interest.

As a result, Mr. Iosipescu was permitted to resign and is ineligible to reapply for at least five years. If Mr. Iosipescu reapplies, all information and documents in the possession of the Society will be made available to the Credentials Committee. Further, Mr. Iosipescu must pay costs of \$15,000 plus HST of \$2,250 by way of monthly payments of \$200, beginning in January 2013.

*Nova Scotia Barristers' Society v. Iosipescu*, [2012 NSBS 4](#)

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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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