

INFORUM

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

:: WHAT'S NEW ::

Society News

- 2013 Council Elections: Call for nominations for District Elections
 - [Letter from President Tim Daley QC](#)
 - [Information session on February 5 at 11:00 am](#) (with teleconference option)
- [Council meeting on Friday, January 25, 2013](#)
- [Reminder: Disposal of Undistributed Trust Funds](#) – submissions due February 22, 2013
- [Notice of Referral to Hearing: Philip Whitehead](#)
- [Notice of Referral to Hearing: Peter van Feggelen](#)
- [Changes in Category – January 7 to 21, 2013](#)
- [In Memoriam](#)

NSBS Continuing Professional Development

- [Register for online LRA course: April 17 to 24, 2013](#)

Library & Information Services

- [Westlaw Canada's LawSource Training in Halifax Barristers' Library](#)
- Save the date: [Westlaw Canada's LawSource Training March 18-22, 2013](#)
- [New decisions](#)
- [New bills](#)
- [Proclamations update](#)

From LIANS

- [ABA TECHSHOW® – SuperPass discount for Nova Scotia lawyers](#)
- [Compromised or spoofed? – a new Risk and Practice Management Tip from the Risk and Practice Management Program, LIANS](#)
- [Business collection scam from "Linda Kirk" – a new Fraud Alert from the RPM Program, LIANS](#)
- [There's a new app in town! Stay connected to your assistance program – a new Wellness Tip from NSLAP](#)

From the Courts

- [Les nouvelles règles de la Cour provincial de la Nouvelle-Écosse – en français](#)

From the Province

- Review extended to Feb. 1: Draft Ministerial Protocols for the Contaminated Sites Regulations
- JUSTICE: Find all DOJ announcements at <http://www.gov.ns.ca/just/communications/>
 - Province removes fortifications from home to ensure safety in Nine Mile River (Jan. 11)
 - One-time Community Crime Prevention Grants available (Jan. 10)
- SNSMR: Find all news releases at <http://www.gov.ns.ca/snsmr/>
 - Changes to *Vital Statistics Act* allow nurse practitioners and other authorized professionals to sign medical certificates of death (Jan. 16)
 - Property information and sales data now available free online from Property Valuation Services Corporation (Jan. 11)
- AGRICULTURE: [New regulations hold fur industry to firm environmental standards](#) (Jan. 11)
- ENERGY:
 - [Amendments to renewable electricity regulations include biomass requirement](#) (Jan. 17)
 - [Province issues RFP for study to explore securing a more stable natural gas supply for Nova Scotia](#) (Jan. 15)
- HEALTH/WELLNESS: [Nova Scotians reminded to test for radon](#) (Jan. 15)
- LABOUR/ADVANCED EDUCATION: [Jan. 22 deadline for input into Workplace Safety Strategy](#) (Jan. 8)
- PREMIER'S OFFICE: [Premier thanks outgoing MLA Howard Epstein for 15 years of provincial public service](#) (Jan. 15)

INFORUM

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

- [Error & Omission notices](#)

Other notices

- [Improving access to the law: CanLII's new partnership with Montreal translation agency will ensure leading judgments are available in both official languages](#)

Awards & appointments

- [Bob Hanf appointed as new President and CEO of Nova Scotia Power](#)
- [Queen Elizabeth II Diamond Jubilee Medals: Major J. Jason Samson, Edwin Harris QC](#)
- Reminder: [Minister's Crime Prevention Award nominations close Feb. 10](#)

Events of Interest

- [One Day Workshop: Human Rights in the Workplace](#) – January 23
- [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
- [36th Annual Horace E Read Memorial Lecture: Socio-Economic Rights in South Africa](#) – February 7
- [Dalhousie Health Law and Policy Seminar Series: Next session](#) – February 8
- [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](#) – October 11 & 12, 2013

Career Opportunities

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

INFORUM

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

:: NOTICES ::

SOCIETY NEWS

2013 Council Elections: Call for nominations for District Elections

Letter from Tim Daley QC, President

January 21, 2013

Dear NSBS Member:

This is an important year for the Society. It is when we will elect a new Council.

As the governing body for the profession, Council is responsible for articulating the Society's policies and overseeing the regulation of the profession. In order to fulfil that purpose, the Society requires committed leadership on Council.

If you are interested in professional regulation and how the Society undertakes its mandate to uphold and protect the public interest in the practice of law, you should consider running for Council.

Council is made up of 13 elected members, three officers, three public representatives, the Attorney General and the Law Dean. Given its small size, we require committed, knowledgeable and dedicated participation more than ever. I am urging all lawyers to consider running for Council and taking on one of the most important roles we have to ensure continued self governance of an independent legal profession.

Please visit this link to read the complete memo:

[Letter from Tim Daley QC, President – January 21, 2013](#)

2013 Council Elections: Information session on February 5 at 11:00 am

This is a Council election year. A complete description of the election process and other information is found on the Council Elections page of the Society's website at <http://nsbs.org/council-elections>.

There may be three phases of the election this year:

- **Second Vice-President Election:** Prior to January 31, the Governance and Nominating Committee will announce its candidate for the Second Vice-President position. With that announcement, there will be a call for nominations. Other members may nominate a candidate for Second Vice-President before February 15, 2013.
- **District Elections** for 10 Council members across the province – two from Cape Breton, two from the Central District, two from the Southwestern District and four from HRM. Nominations are now open until **February 15** and the election itself will run from **March 4 to 18**. Members from each district are eligible to vote for candidates in their districts.
- **At Large Election** for three member-at-large positions following completion of the District Elections. Nominations will be open from **March 18 to April 2**, with the election itself running from **April 15 to 22**. All members are eligible to vote for these positions.

Nomination Forms for the District and At Large Elections, as well as the Second Vice-President position, are available on the [Forms](#) page of the Society's website.

INFORUM

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

To assist those who are interested in seeking a seat on Council, the Society is holding an information session on **February 5 at 11:00 am** at the Society's offices (Cogswell Tower, 800-2000 Barrington St., Halifax). The session will provide information about the role of Council members and the expectations and demands of the position. A review of the [Council Policies](#) would be advantageous to anyone considering seeking election to Council.

Attend in person or via teleconference by calling **1-866-440-4486** and enter the **Conference ID "488 3604"** followed by **"#"** when prompted.

Council meeting on Friday, January 25, 2013

The next regular meeting of Council is scheduled for this Friday, January 25, 2013. The agenda and meeting documents are now available on the Council materials page of the Society's website: <http://nsbs.org/council-materials>.

Notice of Referral to Hearing: Philip Whitehead

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

For further details, see the Notice of Referral to Hearing, posted January 17 on the [Public hearings](#) page.

Notice of Referral to Hearing: Peter van Feggelen

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

For further details, see the Notice of Referral to Hearing, posted January 15 on the [Public hearings](#) page.

Changes in Category – January 7 to 21, 2013

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

The following member has changed to the Practising Lawyer category:
Meghan Eileen MacGillivray Case

In Memoriam

The Society wishes to advise members of the recent deaths of the following colleagues. We extend our condolences to their friends and families.

- **Charles Broderick, QC**, Sydney – January 19, 2012 [Obituary](#)
(Note: Service on Wednesday, Jan. 23 at 3:00 pm at the Savoy Theatre, Glace Bay)
- **William Andrew Mackay**, Halifax – January 12, 2013 [Obituary](#)
See also:
 - [Accomplished academic MacKay was 'truly a gentleman'](#), *Chronicle Herald*, January 12
 - [W. Andrew MacKay: A joyous builder](#), *Chronicle Herald* editorial, January 15
 - [Remembering W. Andrew MacKay](#), Dal's eighth president: 1929-2013, *Dalnews*, January 14

Call for Nominations: 2013 Distinguished Service Award

The Nova Scotia Barristers' Society invites nominations for its 2013 Distinguished Service Award. Established in 1999, the award recognizes lawyers who have made significant contributions to the community, the legal profession and the Society.

Nominations are due by **April 15, 2013**. See <http://nsbs.org/distinguished-service-award> for the nomination form, criteria and a complete list of prior recipients. Nominations may be submitted by both lawyers and the public.

INFORUM

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

For more details, contact Marla Cranston, Communications Officer, at 422 1491 or communications@nsbs.org.

New Trust Account Regulations now in effect

Please note, the Society's new [Trust Account Regulations](#) came into effect on January 1, 2013. They are available for your reference in the Regulation area of the website, as Section 10 of the Society's current [Regulations](#) under the *Legal Profession Act*.

Council approved the new Trust Account Regulations on November 23, following a substantial period of work by the Trust Account Regulation Review Working Group, and consultation with the legal profession. In doing so, Council repealed the old Part 10 of the Regulations relating to trust accounts and replaced it with the new Regulations 10.1 to 10.7, which constitute the new Part 10. Council also amended Reg. 1.1.1(v), (bb), (cc) and (dd) and deleted Reg. 1.1.1(ff).

The fundamental principles of the Trust Account Regulations remain the same. It is a privilege and significant responsibility for lawyers to be permitted to hold client funds and property, and lawyers are held strictly accountable by the Society for properly dealing with all client funds and property held in trust, as part of its mandate to protect the public.

Most of the revisions were designed to simplify the Regulations and provide further clarity and additional definitions. For more detailed background and analysis, see the Working Group's November 7, 2012 memo to Council, available on the [Council materials](#) webpage, in the "Documents" posted for the November 23 meeting.

Council also resolved that in 2013, lawyers and law firms with a fiscal year end for trust accounts other than December 31 may report to the Society on compliance with either the old or new Regulations, or a combination thereof.

REMINDER: Disposal of Undistributed Trust Funds – submissions due February 22, 2013

The next application for disposal of undistributed trust funds has been set for **March 4, 2013**. Submissions should be received at the Society's offices no later than **February 22, 2013**.

The Society recently reviewed the application process due to issues regarding disclosure of confidential or privileged client information, which arose in previous applications.

If you wish to make an application for the disposal of undistributed trust funds, please refer to the revised [Procedure and Sample Documents](#) (also available on the [Trust accounts](#) and [Forms](#) pages of the Society's website), or contact Elaine Cumming, Professional Responsibility Counsel, at (902) 422 1491 or ecumming@nsbs.org.

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.

FROM THE COURTS

Les nouvelles règles de la Cour provincial de la Nouvelle-Écosse – en français

Les nouvelles règles et nouveaux formulaires de la Cour provinciale de la Nouvelle-Écosse sont aussi disponible [en français](#).

As of January 1, 2013, new Court Rules and Forms govern all applications made before the Provincial Court. Find the [details, rules and forms](#) on the Courts of Nova Scotia website, now in both French and English.

INFORUM

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

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

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.

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
- **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.

FROM THE PROVINCE

Review extended to Feb. 1: Draft Ministerial Protocols for the Contaminated Sites Regulations

Nova Scotia Environment has extended the review period for the Contaminated Sites Regulations Draft Protocols. The protocols will now be available for review and comment until February 1, 2013.

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

- Contaminated Sites Regulations Draft Protocol Presentation,

INFORUM

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

- 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,
 - 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, draft protocols, and related documents, will be available through the following link until February 1, 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, **no later than February 1, 2013**.

If you have any questions regarding this correspondence, please also direct these to CSP_Engagement@gov.ns.ca.

Sincerely,
Malcolm MacNeil, Contaminated Sites Project Manager

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

AWARDS & APPOINTMENTS

Bob Hanf appointed as new President and CEO of Nova Scotia Power

Bob Hanf has been appointed President and CEO at Nova Scotia Power. Bob has most recently been Executive Chairman of Light & Power Holdings in the Caribbean. Prior to that, he served as Chief Legal Officer for Emera. Bob will continue as a Director for Light & Power Holdings and Barbados Light & Power. He has been a practising member of the Nova Scotia Barristers' Society since 2003. Read more in Nova Scotia Power's [January 8 announcement](#).

Queen Elizabeth II Diamond Jubilee Medals: Major J. Jason Samson, Edwin Harris QC

Major J. Jason Samson received the Queen Elizabeth II Diamond Jubilee Medal on November 13 for, among other things, his leadership in the area of military justice. A practising lawyer since 2001 and a member of the Armed Forces since 2003, Major Samson received the award at MP Geoff Regan's ceremony for award recipients in Halifax West. See <http://www.geoffregan.ca/queen-elizabeth-ii-diamond-jubilee-medal/>

Edwin Harris QC also received the prestigious medal on November 25, in recognition of his dedicated service to his peers, his community and Canada. Admitted to the Nova Scotia Bar in 1959, Mr. Harris is Counsel in the Halifax office of McInnes Cooper. Recipient of the Society's Distinguished Service Award for 2012, he is recognized nationally as a leading practitioner in the areas of corporate, estate and personal tax law. See [McInnes Cooper's announcement](#).

INFORUM

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

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, Gavin Giles QC, Josh Judah, Kevin Kindred, Darrel Pink and W. Brian Smith QC. **If you are aware of others, please alert us at communications@nsbs.org!**

JUSTICE: Minister's Crime Prevention Award nominations open (deadline: Feb. 10)

Nova Scotians are encouraged to nominate deserving individuals for a Minister's Award for Leadership in Crime Prevention. Crime prevention can include developing partnerships and programs that address root causes of crime, providing leadership in a community, or supporting people in their efforts to prevent crime in their communities.

This is the fifth year for the Minister's Crime Prevention Awards. The Department of Justice is accepting nominations in six categories, until February 10:

- Individual
- youth (21 and under)
- community Group or Organization
- policing
- media
- business community

For more information and nomination forms, visit www.gov.ns.ca/just

OTHER NOTICES

Improving access to the law: CanLII's new partnership with Montreal translation agency will ensure leading judgments are available in both official languages

MONTREAL, QUEBEC – (Marketwire) – 01/09/13 – CanLII, Canada's foremost resource of freely available legal information and BG Communications, a large Montreal-based multilingual translation agency, are pleased to announce their exclusive collaboration to ensure selected leading Canadian judgments are available in both of Canada's official languages

CanLII, a non-profit organization overseen by the Federation of Law Societies of Canada, makes Canadian law accessible for free on the Internet. Its website, www.CanLii.org, provides access to court judgments, tribunal decisions, statutes and regulations from all Canadian jurisdictions. CanLII publishes court rulings in the language in which they are received, so in most circumstances that means that when the court does not provide a translation, none is available to the general public.

"With over 2000 new decisions posted each week, it is not possible to translate everything", notes CanLII President Colin Lachance, "However, the legal community has highlighted a number of decisions that warrant wider availability in the other official language. We are very excited to work with BG Communications to make this happen."

The CanLII-BG Communications partnership represents an important step in CanLII's efforts to build on its success in delivering free access of legal information by offering materials in both official languages. Beginning in January 2013, the translation of leading selected legal judgments on the CanLII website will be entrusted to BG Communications. Judgments selected for translation will be identified in consultation with the legal community. Relevant factors include national interest, substantive change in the law and practical application having regard to frequency of referral.

CANLII (Canadian Legal Information Institute) was officially founded in 2001 by the Federation of Law Societies of Canada. Funded by Canada's lawyers and notaries for the benefit of all, CanLII provides free access to legal information. In 2011, CanLII received nearly 7 million site visits and delivered over 81 million page views to users. According to a 2012 survey of Canadian lawyers and notaries, nearly 90% of lawyers have used CanLII within the past year; with 56% reporting that CanLII is the first place they turn to research Canadian case law. Now with over one million documents across over 200 collections, CanLII is closer than ever to achieving the dreams of its founders to become the best place for lawyers and all Canadians to consult Canadian law.

INFORUM

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

Read the complete [January 9 announcement](#) in the news area on the homepage at www.canlii.org.

Also see:

- [New CanLII Translation Initiative](#) (Simon Fodden column, slaw.ca, January 9, 2013)
- [Have you read 2012's top cases? \(CanLII, December 17, 2012\)](#)

Reminder: 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.

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.

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.

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

(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.

INFORUM

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

MISSING WILLS

Seeking will for Richard Paul Lewis of Dartmouth

Lawyers who can provide any details on the existence of a will for Richard Paul Lewis of Dartmouth, who passed away November 20 at age 70, are asked to please contact:

Iola Doucet
Waterfront Law
647 Bedford Highway, Suite 101
PO Box 48115, RPO Mill Cove
Bedford, NS B4A 3Z2

Tel.: +1-902-832-5126
Fax: +1-902-835-5400
lola.doucet@ns.sympatico.ca

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

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.

VOLUNTEER & PRO BONO OPPORTUNITIES

Reminder: Seeking volunteers for Law Day 2013 – change is in the air!

This year's Law Day celebrations will be held on **Wednesday, April 17, 2013** – Law Day itself – and we are 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 endeavour, 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 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;

INFORUM

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

- any particular area of legal expertise/interest (but no formal trial experience is required!).

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 or visit 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.

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.

INFORUM

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

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. To learn more about LISNS and its services, visit www.legalinfo.org.

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/via>

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

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

LIANS and NSBS Mentorship Program

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

CAREER OPPORTUNITIES: nsbs.org/careers

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

INFORUM

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

:: CONFERENCES & SEMINARS ::

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

NSBS ADMISSIONS & PROFESSIONAL DEVELOPMENT

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

Land Registration Act Training

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

Dates for next LRA course:

- April 17 to 24, 2013
- June 19 to 26, 2013

[Register online](#)

OUTSIDE CONFERENCES & SEMINARS

One Day Workshop: Human Rights in the Workplace

Presented by the Nova Scotia Human Rights Commission's Race Relations, Equity and Inclusion Division

Wednesday, January 23, 2013, 9:00 am to 4:00 pm

Nova Scotia Human Rights Commission, 1601 Lower Water Street, 6th Floor, Halifax

**Please let us know if you are interested in attending by January 16, 2013. There are limited spaces available for this workshop.*

The objective of the Nova Scotia Human Rights Commission's human rights education workshop is to promote human rights in an employment setting. The day-long workshop provides an opportunity for individuals to explore issues of diversity and discrimination, and to better understand them within the context of the *Nova Scotia Human Rights Act*. The cost is \$150.00 per person per day, plus tax.

Sessions are planned to allow for flexibility, small group discussions and interaction among participants and facilitators. Experience, reflection, thinking and doing are part of each workshop as individuals apply their experiences to the day.

Acknowledging diversity in learning styles, the workshop incorporates a variety of activities to ensure inclusive participant engagement. The workshop offers group task development and acknowledgement of participants' life experiences as a method of engagement.

At the end of the day participants will have:

- an overview of the *Nova Scotia Human Rights Act*
- our perspective on discrimination and harassment in the workplace
- support in developing and evaluating effective human rights policies for their workplace
- an opportunity for personal reflection on issues such as; privilege, culture, harassment, and their impact in the workplace.

Contact: Melissa Brayley, Race Relations, Equity & Inclusion brayleym@gov.ns.ca

1601 Lower Water Street, 6th Floor, PO Box 2221, Halifax NS B3J 3C4. Tel. 902-424-4971 | Fax 902-424-0596.

INFORUM

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

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

Series schedule

- **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

Upcoming events from CBA-NS

Conferences:

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:

- 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

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.

INFORUM

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

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...](#)

36th Annual Horace E Read Memorial Lecture:
"Socio-Economic Rights in South Africa" w/ Justice Zak Yacoob, Constitutional Court of South Africa

Thursday, February 7, 2013 at 12:00pm
Room 104, Weldon Law Building, Schulich School of Law, 6061 University Avenue, Halifax NS

All welcome!

The Read Lecture series was inaugurated to honour the memory of the late Horace E Read, OC, QC, who was Dean of Dalhousie Law School from 1950 until 1964, in recognition of his contribution to legal education and legal scholarship.

Dr. Read's areas of interest were broad: law reform, legislation and the legislative process, conflict of law, labour law and legal education, and this is well reflected in the diversity of the lectures.

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, with "February Sessions@Schulich" in the subject line of your email.

INFORUM

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

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 or 494-7115.

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)

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

11 & 12 October 2013

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/>

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.

INFORUM

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

:: LIBRARY & INFORMATION SERVICES ::

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 **Tuesday, February 19**, and **Wednesday, February 20, 2013**.

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.

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

Save the date: Westlaw Canada's LawSource Training March 18-22, 2013

L&IS has tentatively scheduled training sessions at the following barristers' libraries the week of March 18 to 22, 2013:

- Kings County Barristers' Library
- Lunenburg County Barristers' Library
- Pictou County Barristers' Library

Check the [NSBS website events page](#) for full details in the coming weeks.

New service hours for Library & Information Services, effective January 2, 2013

Please note that effective January 2, 2013, Library & Information Services hours of service are 9:00 am to 12:00 pm and 1:00 pm to 4:00 pm, Monday to Friday.

The Barristers' Library will continue to be staffed – and the collection available to users – from 8:30 am to 4:30 pm, Monday to Friday.

We regret that after-hours access to the Society's library collection is not possible at our temporary location at Summit Place, fifth floor.

INFORUM

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

:: 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 *Cape Breton (Regional Municipality) v. Nova Scotia (Human Rights Commission)*, Syd. No. 407500, Bourgeois, J., December 13, 2012. [2012 NSSC 433](#)

ADMINISTRATIVE LAW *Delorey et al. v. Strait Regional School Board*, S.P.H. No. 390139, Murray, J., December 31, 2012. [2012 NSSC 450](#)

ADMINISTRATIVE LAW *Li v. Jean et al.*, C.A. No. 370944, Bryson, J.A., January 11, 2013. [2013 NSCA 8](#)

ADMINISTRATIVE LAW *Stellarton (Town of) v. Nova Scotia (Police Board)*, Pic. No. 398192, Scaravelli, J., January 17, 2013; December 11, 2012 (orally). 2013 NSSC 26

BUILDERS' LIENS *Acadia Drywall Supplies Ltd. v. BBL.Con Design Build Solutions Ltd.*, Hfx. No. 375522, Duncan, J., January 10, 2013. [2013 NSSC 13](#)

CIVIL RIGHTS *R. v. Gillespie*, C.R.P. No. 362340, McDougall, J., January 14, 2013; January 8, 2013 (orally). [2013 NSSC 21](#)

COMPANY LAW *Stewart v. Bardsley*, Hfx. No. 328760, Moir, J., January 9, 2013. [2013 NSSC 11](#)

CONTRACTS *Bell Aliant Regional Communications v. Cabletec Ltd.*, Hfx. No. 307920; 307917, Warner, J., January 4, 2013. [2013 NSSC 3](#)

CRIMINAL LAW *R. v. Vandette*, C.R.H. No. 387519, Wood, J., December 12, 2012. [2012 NSSC 438](#)

CRIMINAL LAW *R. v. Tremblett*, No. 2288101; 2288102; 2288103, Ross, J.P.C., April 10, 2012. [2012 NSPC 118](#)

CRIMINAL LAW *R. v. Mullins*, No. 2420917; 2420918, Scovil, J.P.C., November 5, 2012. [2012 NSPC 119](#)

CRIMINAL LAW *R v. MacLaren*, No. 2446713; 2446714, Gabriel, J.P.C., November 30, 2012. [2012 NSPC 120](#)

CRIMINAL LAW *R v. H. (C.R.)*, C.R.H. No. 346803, Rosinski, J., June 19, 2012. [2012 NSSC 233](#)

CRIMINAL LAW *R. v. Thomas*, No. 2197368 - 2197395, Tax, J.P.C., January 17, 2013; October 17, 2012 (orally). 2012 NSPC 117

CRIMINAL LAW *R. v. Upshaw*, No. 2388561 - 2388565, Derrick, J.P.C., January 4, 2013. [2013 NSPC 1](#)

CRIMINAL LAW *R. v. Dunphy*, No. 2398106; 2398107; 2398108, Atwood, J.P.C., January 10, 2013. [2013 NSPC 2](#)

CRIMINAL LAW *R. v. Skeete*, No. 2257974, Derrick, J.P.C., January 14, 2013. [2013 NSPC 3](#)

CRIMINAL LAW *R. v. Langille et al.*, No. 2372970; 2372971, Scovil, J.P.C., January 16, 2013; January 9, 2013 (orally). 2013 NSPC 4

CRIMINAL LAW *R. v. MacNeil*, No. 2356880; 2356881, Derrick, J.P.C., January 17, 2013. 2013 NSPC 6

DAMAGE AWARDS *Roscoe v. Halifax (Regional Municipality)*, Hfx. No. 307889, Muise, J., January 4, 2013. [2013 NSSC 5](#)

INFORUM

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

DAMAGES *B. (A.) v. D. (C.)*, S.C.C.H. No. 406887, Richardson, Adjudicator, January 2, 2013. [2013 NSSM 1](#)

DAMAGES *Skeir v. Bluewave Energy Ltd.*, S.C.C.H. No. 405501; 409021, Parker, Adjudicator, January 17, 2013. 2013 NSSM 4

EMPLOYMENT LAW *Meagher v. Citco (Canada) Inc.*, S.C.C.H. No. 376359, Parker, Adjudicator, January 16, 2013. 2013 NSSM 2

EMPLOYMENT LAW *Gillis v. Innova Medical*, S.C.C.H. No. 409193, Parker, Adjudicator, January 10, 2013. 2013 NSSM 3

FAMILY LAW *Littler v. Howie*, No. 1206-003448, Forgeron, J., February 16, 2012; February 6, 2012 (orally). [2012 NSSC 74](#)

FAMILY LAW *Ferguson v. Ferguson*, No. 1201-056323, O'Neil, A.C.J., October 31, 2012. [2012 NSSC 377](#)

FAMILY LAW *Werner v. Werner*, C.A. No. 389565, Bryson, J.A., January 8, 2013. [2013 NSCA 6](#)

FAMILY LAW *Brooks v. Soto*, C.A. No. 405761, Bryson, J.A., January 10, 2013. [2013 NSCA 7](#)

FAMILY LAW *Perry v. Perry*, No. 1208-003019; SYD No. 073630, Haliburton, J., January 17, 2013. 2013 NSSC 28

FISH AND GAME *R. v. Arbuckle et al.*, CR. Ant. No. 398079, Scaravelli, J., January 4, 2013. [2013 NSSC 2](#)

MORTGAGES *iNova Credit Union v. Giamac Inc.*, Hfx. No. 382080, Wood, J., January 7, 2013. [2013 NSSC 7](#)

MOTOR VEHICLES *Grace v. Yates*, Hfx. No. 210564, Smith, A.C.J., January 11, 2013. [2013 NSSC 15](#)

PRACTICE *Lord v. Smith*, Hfx. No. 167941, Rosinski, J., June 19, 2012. [2012 NSSC 232](#)

PRACTICE *Sutherland v. Nova Scotia (Community Services)*, Hfx. No. 335876, Pickup, J., January 4, 2013. [2013 NSSC 1](#)

PRACTICE *Doug Boehner Trucking & Excavating Ltd. v. United Gulf Developments Ltd.*, Hfx. No. 192468, Robertson, J., January 7, 2013. [2013 NSSC 9](#)

PRACTICE *Canadian National Railway Co. v. Halifax (Regional Municipality)*, Hfx. No. 358564, Duncan, J., January 7, 2013. [2013 NSSC 12](#)

REAL PROPERTY *MacDougall v. Nova Scotia (Attorney General) et al.*, Syd. No. 280422; 23274, Bourgeois, J., November 7, 2012. [2012 NSSC 391](#)

REAL PROPERTY *Norbridge Management Ltd. v. Lienux*, Hfx. No. 381120, Bourgeois, J., November 28, 2012. [2012 NSSC 411](#)

REAL PROPERTY *Podgorski v. Cook*, BWT. No. 334600, Coady, J., November 30, 2012. [2012 NSSC 418](#)

REAL PROPERTY *Guest v. MacDonald*, Hfx. No. 396139, Moir, J., January 9, 2013; December 17, 2012 (orally). [2012 NSSC 452](#)

WILLS AND ESTATES *Morrison v. Morrison Estate*, S.P.H. No. 389094, Murray, J., December 31, 2012. [2012 NSSC 451](#)

WILLS AND ESTATES *Blinn Estate (Re)*, S.D. No. 303544, Duncan, J., January 7, 2013. [2013 NSSC 10](#)

INFORUM

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

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.

January 18, 2013

R. v. Ryan

Neutral Citation: [2013 SCC 3](#) (CanLII)

File No.: 34272.

2012: June 14; 2013: January 18.

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

On Appeal from the Court of Appeal for Nova Scotia

Criminal Law — Defences — Duress — Abused wife paying “hit man” to murder husband who has threatened her life — Whether duress is available in law as a defence where the threats made against the accused were not made for the purpose of compelling the commission of an offence — Statutory and common law parameters of defence of duress — Whether stay of proceedings is appropriate in circumstances of case.

R was the victim of a violent, abusive and controlling husband. She believed that he would cause her and their daughter serious bodily harm or death and that she had no safe avenue of escape other than having him killed. She spoke to an undercover RCMP officer posing as a hit man and agreed to pay him \$25,000 to kill her husband. She gave \$2,000, an address and a picture of her husband to the officer. She was arrested and charged with counselling the commission of an offence not committed contrary to s. 464(a) of the *Criminal Code*. The trial judge was satisfied beyond a reasonable doubt that the requisite elements of the offence were established. The only issue at trial was whether the defence of duress applied. The trial judge accepted R's evidence that the sole reason for her actions was intense and reasonable fear arising from her husband's threats of death and serious bodily harm to herself and their daughter. The trial judge found that the common law defence of duress applied and acquitted R. On appeal, for the first time, the Crown argued that duress was not available to R in law. The Court of Appeal upheld the acquittal.

Held (Fish J. dissenting in part): The appeal should be allowed and the proceedings should be stayed.

January 17, 2013

R. v. O'Brien

Neutral Citation: [2013 SCC 2](#) (CanLII)

File No.: 34694.

2012: December 6; 2013: January 17.

Present: McLachlin C.J. and Fish, Abella, Rothstein, Cromwell, Moldaver and Wagner JJ.

On Appeal from the Court of Appeal for Manitoba

Criminal law — Offences — Uttering threats — Elements of offence — Mens rea — Respondent repeatedly telling ex-girlfriend that he would kill her — Ex-girlfriend testifying that words uttered by accused did not intimidate her or cause her fear as accused frequently talked in that manner — Whether trial judge erred in law in determining that accused did not have requisite mens rea — Criminal Code, R.S.C. 1985, c. C-46, s. 264.1(1)(a).

INFORUM

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

While the accused was incarcerated, he had a telephone conversation with his ex-girlfriend during which he repeatedly told her that he would kill her upon his release if she proceeded with her planned abortion of their child. The accused was charged with uttering threats. At trial, the ex-girlfriend testified that the words uttered by the accused had not intimidated her or caused her fear as the accused frequently talked in that manner. The accused was acquitted, the trial judge having a reasonable doubt whether the accused intended his words to intimidate or be taken seriously. The Court of Appeal dismissed the Crown's appeal.

Held (McLachlin C.J. and Abella and Rothstein JJ. dissenting): The appeal should be dismissed.

January 17, 2013

R. v. Manning

Neutral Citation: 2013 SCC 1 (CanLII)

File No.: 34358.

2012: December 5; 2013: January 17.

Present: McLachlin C.J. and LeBel, Fish, Abella, Cromwell, Karakatsanis and Wagner JJ.

On Appeal from the Court of Appeal for Quebec

Criminal law — Forfeiture orders — Accused who had previously been convicted for multiple alcohol-related driving offences and breaches of probation orders and undertakings pleading guilty to the charge of driving a motor vehicle while impaired by drugs or alcohol — Crown requesting order of forfeiture of motor vehicle — Whether trial judge erred in refusing to issue order.

Held: The appeal should be allowed and the forfeiture order granted.

:: NOVA SCOTIA BILLS ::

The House adjourned on Thursday, December 6, 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 for further assistance with setting up RSS feeds.

INFORUM

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

:: PROCLAMATIONS UPDATE ::

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

Assessment Act, S.N.S. 2012, c. 16, s. 48(2)
NS Gaz Pt 2, [01/11/2013](#)
NS Reg 226/2012

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.

INFORUM

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

:: LIANS TIPS ::

ABA TECHSHOW® – SuperPass discount for Nova Scotia lawyers

Learn and network from **April 4 to 6, 2013** at the Hilton Chicago, where legal technology experts will bring you the latest in legal technology news and emerging technologies. [ABA TECHSHOW®](#) is dedicated to helping you understand what technology will best suit your needs.

Click to [view all sessions](#) being offered this year. Topics include, but are not limited to:

- iPad/tablet computing,
- Options for solo/small and large firm attorneys,
- Using social media,
- How to use the cloud effectively, and
- Virtual law offices.

Attend the conference on a full SuperPass – with ten Nova Scotia registrations, each member will **pay only \$499.50 USD per person!** Simply notify Stacey Gerrard, LIANS Counsel, 902 423 1300 x 345 or sgerrard@lians.ca with your intent to attend, and she will coordinate payment with one cheque or credit card number for the registration fee (Code EP1320). **Early registration deadline is February 11, 2013.**

RISK AND PRACTICE MANAGEMENT TIP: Email: Compromised or spoofed?

Lately there seems to be an increase in what the IT industry calls “spoofing”. Spoofing occurs when a spammer uses your email address in the email header to make it appear as though the email originated from your account. This may result in a deluge of bounced email alerts going to your inbox and you become aware that your email address is being used to circulate spam. Spammers spoof email addresses to fool spam filters into letting the message through; the recipient is also more likely to open an email message from someone they recognize.

If this has happened to you, your first step is to ensure your email account or computer has not been infected or compromised in some way by malware or a phishing attack. Next, change your password to ensure your account is still protected. Unfortunately there is not much you can do once your email address is being spoofed; however, there are ways to protect your account:

- Use your primary email account to communicate with people you know and trust;
- Do not share your main email account when accessing a website or for posting information in a public forum. Instead use a “throw away” account, like Hotmail or Gmail.

Lastly, if you become aware that your email address is being spoofed, notify the recipients as soon as possible so they know that the email messages did not originate from your account.

*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 or call **423-1300 ext. 345.***

FRAUD ALERT: Business collection scam from “Linda Kirk”

We have received this fraud report from several Nova Scotia lawyers targeted in an attempted business representation scam from “Linda Kirk”. A brief Google search using the “client’s” name and company resulted in confirmed scam reports from several sources. Here is the first email received:

*From: Linda Kirk
To: undisclosed-recipients:
Sent: Wednesday, January 16, 2013 2:44 PM
Subject: COLLECTION ISSUE*

INFORUM

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

Attn: Counsel,

There is a breach of business loan agreement with a close associate of mine in your locality whom i have loaned some money with a fix interest of 6.5% for just one year. This period has elapsed and his yet to complete the repayment after he paid just \$242,000 two years ago. Advise if this falls within your practice area for a possible litigation after a demand is made.

Expecting to read from you soon.

*Regards,
Linda Kirk*

The Nova Scotia lawyers who reported this have been advised that at this point they may simply dismiss these emails and any subsequent communications they receive from "Linda Kirk".

If in doubt, 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 or 902 423 1300, x346.

NSLAP WELLNESS TIP: There's a new app in town! Stay connected to your assistance program

Our NSLAP provider, Homewood Human Solutions™ is pleased to share with you news of **e-AP**, a new mobile wellness device application. Download streaming videos and podcasts, self-assessments and expertly written articles all on your smartphone – a valuable resource for people who are constantly on the go!

Topics include relaxation and reducing tension, visualization, caregiving and work-life balance, building self-confidence, working after retirement, anger management, addiction, nutrition or legal and financial issues — wellness resources that are literally at your fingertips at a place and time that's convenient to you.

What's more, the app is one download for two languages (English and French)! **e-AP** is free and compatible with iPhones™, iPads™, and Android™ devices. Simply visit iTunes or Google Play™ (formerly the Android™ marketplace).

Device requirements: iPhone™ (3G, 4, 4S, 5); iPod Touch™ (3rd and 4th generations); iPad™ OS 4, 5, 6; Android™ OS 2.2 or higher. Note: e-AP is not available for BlackBerry devices and operating systems.

For more information or to download the app, visit this link or copy and paste the link into your browser:
<https://www.homewoodhumansolutions.com/media/eAP.aspx>

*For additional information, support, resources and counselling, visit the NSLAP website at www.nslap.ca. Please note that **LAP** is your "company" name when you register. When you call the NSLAP number at **1-866-299-1299**, your call will be answered any time, day or night, 365 days per year.*

INFORUM

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

:: CLASSIFIEDS ::

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 or telephone (902)492-7000.
