

NOVA VOICE



Volume 32, No. 3, Spring 2014

The Voice of the Legal Profession in Nova Scotia

2014 Mid-Winter Conference and Bench & Bar Dinner



PRESIDENT'S REPORT

By **ROBYN ELLIOTT, QC**

Happy Spring 2014 to my 1283 CBA-NS member colleagues and friends!

In this my Spring mid term report to CBA-NS members, I highlight some of the activities of a busy and productive winter. I also invite you to participate in our CBA-NS spring renewal.

Here is what we have been up to at CBA-NS:

- More than 300 members participated in our 2014 Midwinter Conference. There was a warm buzz at the World Trade and Convention Center for two cold winter days as members learned from each other and enjoyed the company of colleagues and friends. At the Conference, we were pleased to present our Community Service Award to Dennis J. James in recognition of his significant contributions to his Colchester County community.
- Our sold out 2nd Annual Bench and Bar Reception and Dinner. 332 lucky attendees enjoyed the music of Juno Award winner David Myles during this event which also featured a presentation from Canada's Justice Minister and Attorney General, Peter MacKay. Also, Past Branch President (and volunteer in perpetuity) Jim Rossiter was presented with our Distinguished Service Award - well done and well deserved Jim!
- The CBA National Midwinter Meeting was held in Ottawa from February 21 - 23, 2014. As always, CBA-NS was well represented by engaged and knowledgeable member volunteers. There were important deliberations on CBA direction, business and policy. At the Board level, discussion continued on diversity/equality in CBA leadership and we heard a report on a recent CBA Brand Audit. CBA Council

featured respectful, passionate and lively debate on eight resolutions - including: non-discrimination in legal education, reaching equal justice, and a permanent Olympics human rights monitor.

- "The Perfect Property File: A Conference for Real Estate Support Personnel" on March 21, 2014 was well attended and well received.
- Branch Past President, Dan MacRury, Q.C., was elected 2nd Vice President of CBA National. Dan will be CBA President in 2016/2017. Congratulations Dan!
- Law Day 2014 brought CBA-NS to schools throughout the province.
- Sections have continued to provide valuable content to members with 116 events planned or held since September, attracting 1,595 participants.

As you peruse this edition of Nova Voce, I hope you enjoy the many photographs of the events I have described.

At CBA-NS, spring brings our own renewal as we post for new volunteers in numerous positions and begin planning 2014/2015 professional development and other events. I invite all members to get involved in the Branch. Please consider putting your name forward for a posted volunteer position - we will be seeking new Section leaders, Committee members, PD speakers (for both online and in person PD), Council members, Law Day volunteers, a Legislation and Law Reform Chair, an Equity Chair, a Communications Chair, and a new Treasurer. I can tell you my own involvement with CBA has been one of the most rewarding and enjoyable experiences in my more than 20 year legal career.

I look forward to seeing you at upcoming CBA-NS events. Our Annual Meeting is August 7, 2014 at 5:00 p.m. Thank you!

Editorial Board

Christine Doucet, Chair
Donna Boutilier
Theresa Graham
Michelle Rogers
Heidi Schedler
Jennifer Taylor

Published by the
**Canadian Bar Association
Nova Scotia Branch**

Suite 1050
5991 Spring Garden Road
Halifax, Nova Scotia B3H 1Y6

Phone: 902 422 1905
Fax: 902 423 0475
Email: cbainfo@cbans.ca
Website: www.cba.org/ns

TABLE OF CONTENTS



3	Sections Spotlight: Retainer Agreements – Friend or Foe?	10	Bulletin Board
4	Trending: Senate Reform – The View from Nova Scotia	11	Nova Voices: Legal Fictions
5	Career Compass: Making the Most of Your LLB/JD: A How-To Guide	12	Giving Back: Giving to Women: The CBA Celebrates International Women's Day
6	Outside the Office: Mud Slinging Lawyers	13	Legislation and Law Reform Update
7	Young Lawyers Profile: Natalie Clifford & Sarah Shiels	13	Law Day 2014
8	2014 Mid-Winter Conference in Photos	14	National News: Mentoring Moments
		15	CBA Membership: How to Maximize the Value of Your CBA Membership

Retainer Agreements – Friend or Foe?

By **CHRISTINE DOUCET**

Are retainer agreements a lawyer's best friend or a sign that lawyers are, more and more, treating their

clients like the enemy? That question generated a lively debate at the March dinner meeting of the family law section of the CBA.

Stacey Gerrard, claims counsel with the Lawyers Insurance Association of Nova Scotia, spoke about the importance of retainer agreements in all circumstances. She said when clients understand what their lawyers will and will not do for them, and how we will charge them for our services, there is less chance of a dispute arising about the scope of the retainer or payment. This means a satisfied client and a paid lawyer.

One experienced practitioner, however, saw it differently. He said lawyers are trusted professionals who have a privileged relationship with their clients. They receive respect from their clients when they treat their clients with the same respect. Discussions of what we can do to avoid being sued by our clients erode that special relationship. He said we should trust our clients to do the right thing without having to document everything. In his view, lawyers' obsessions with documenting everything only makes the relationship more likely to break down.

Most of the lawyers in the room seemed to agree with Ms. Gerrard about the importance of retainer agreements. But most also saw the point of view of the experienced practitioner. They lamented having to constantly document their files with "CYA" notes.

Ms. Gerrard advised that a good retainer agreement should include reference to the following:

1. Identity of the lawyer and the client
2. Description of matter
3. Scope of service
4. Delegation of work
5. Fee arrangement and rate changes
6. Amount of retainer
7. Billing format
8. Interest
9. Withdrawal or termination of services
10. Confidentiality
11. No guarantee of success
12. Successor lawyer clause

She said that the scope of a lawyer's duties often changes over time and, when this happens, it is important to revise the retainer agreement. The agreement should take into account the uncertainties on a file – such as whether other lawyers in the firms may work on the file and whether the fees will increase when a

lawyer's rate changes. It should also clarify the manner in which the lawyer expects to communicate with the client and what the lawyer expects from the client in terms of response time.

In some cases, the retainer agreement has to be flexible to meet the particular client and his or her circumstances. One family/criminal lawyer in attendance said the preferred method of communication for many of his clients is text messaging, so he regularly communicates with them this way. He also noted that certain of his clients were more likely to replenish a depleted retainer than others, so it is important to correctly assess that at intake.

Sections Spotlight is a recurring feature focusing on a recent meeting or initiative of a CBA-NS section. Christine Doucet is a partner at McGinty Doucet Walker in Halifax, and practices primarily family law. She is the Communications and Public Relations Chair of CBA-NS and chairs the editorial board of Nova Voce.

The Family Law Tax Matters Toolkit

The CBA Family Law Section has collaborated with Justice Canada, the Canada Revenue Agency and Finance Canada to develop the Tax Matters Toolkit. The toolkit will help lawyers and their clients understand how tax rules might affect their future finances on separation or divorce. It explains the various credits, benefits and deductions, and will help lawyers navigate and apply the often complex tax laws to the particular circumstances of their clients. This resource is available in French and English.

Tax Matters Toolkit: information to provide to your clients

http://www.cba.org/CBA/sections_family/pdf/Tax_Matters_Toolkit_Clients_Eng.pdf

Tax Matters Toolkit: for lawyers

http://www.cba.org/CBA/sections_family/pdf/Tax_Matters_Toolkit_Lawyers_Eng.pdf

Senate Reform – The View from Nova Scotia

By IAN MCISAAC &
MICHELLE BLACK

The federal government recently referred a number of questions to the Supreme Court of Canada in relation to reforming the Senate, and the answer to these questions will significantly shape federal-provincial relations in Canada. In particular, Nova Scotia and the other Atlantic provinces stand to lose or gain a great deal depending on how reform may proceed. The Court was essentially asked four questions by the federal government: (1) Is the federal government able to unilaterally create term limits to Senate appointments; (2) Is the federal government unilaterally able to create a system of public consultation to appoint Senators; (3) Is the federal government able to unilaterally change the property qualifications for Senators; and (4) Is unanimous consent of all the provinces required in order to abolish the Senate? Nova Scotia, along with all the other provinces, intervened in the reference and opposed most of the submissions of the federal government. Given Nova Scotia's interest in the matter and the likelihood of a decision being rendered in the next several months, it is useful to review exactly what was argued on behalf of Nova Scotians.

The reference questions are largely procedural in nature, with the issue boiling down to the correct method of amending the Constitution. Part V of the Constitution Act, 1982 provides the amending formula for Canada's Constitution. Section 38 provides the general amending procedure and calls for the consent of Parliament along with seven provinces having 50 per cent of the population (i.e. the 7-50 formula) to pass an amendment. Section 42 of the Act sets out six situations where the 7-50 formula must be used. Section 41 of the Act sets out five situations where the unanimous consent of all provinces is required. Finally, s. 44 sets out situations where the federal Parliament may unilaterally amend the Constitution.

The Attorney General of Nova Scotia states in its factum that term limits for Senators cannot be unilaterally imposed by the federal government. The Attorney General further states that the Court should follow its ruling in the 1979 Upper House Reference, which held that the federal government could only unilaterally change the Senate so long as it did not affect the essential character of the Senate. Term limits, the Attorney General argues, have the potential to undermine the independence of sitting Senators. If Senators are not sufficiently independent, then this would change the nature of the Senate as envisioned at Confederation and therefore require the consultation of the provinces. Further, if individuals can no longer sit as Senators after serving one term, then this could also change the method of selecting Senators and therefore require amendment under the 7-50 formula.

Public consultations are also at issue, with the federal government arguing that a constitutional amendment could be achieved unilaterally,

if it were required at all. Nova Scotia's Attorney General raises the point that the proposed wording for the public consultations is binding on the Prime Minister; that is to say, Senators must be chosen from the lists returned from the public consultations. Given that the amendment would be changing the manner in which Senators are selected, an amendment using the 7-50 formula is required, as this is one of the six situations stipulated in s. 42 of Part V.

The Attorney General of Nova Scotia does not oppose the removal of property qualifications for Senators. The Attorney General states that this change does not significantly impact the provinces, and therefore could be accomplished unilaterally by the federal government.

The final question relates to abolishing the Senate. The federal government argues that the unanimous consent of the provinces was not required and, rather, that the 7-50 formula applied. This is because abolishing the Senate is not listed specifically under the unanimous consent section, and therefore must fall under the general amending (i.e. the 7-50) section.

The Nova Scotia Attorney General, however, submits that the unanimous consent of the provinces is indeed required. This is because the government is attempting to amend the amending section of the Constitution. Put another way, the amending section of the Constitution would have to be changed in order to remove references to the Senate itself. One example of this is removing reference to the Governor General's power to summon Senators. Further, it is no argument that the Senate can only suspend the passage of a constitutional amendment for 180 days, as opposed to vetoing the amendment outright. The suspensive veto is a fundamental tool in the Senate's role as an independent body of sober second thought. Thus, the abolishment of the Senate would require an amendment to Part V of the Constitution Act, 1982 and therefore require unanimous consent of the provinces.

The Court heard this matter in November 2013, and may render a decision any time in the next several months. While it is unlikely that any constitutional reform based on this decision can be undertaken before the next scheduled election, the decision will be important in providing a roadmap for reform and will also shape Nova Scotia and Atlantic Canada's place in Confederation.

Note: The SCC released its decision on April 25, 2014 as Nova Voce was going to press. Read it at: <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13614/index.do>

Trending is a recurring feature focusing on a new development in the law. Ian McIsaac practices at Burchell MacDougall, Michelle Black at Stewart McKelvey. Both are Co-Chairs of the Nova Scotia branch of the Constitutional and Human Rights Law Section.

Making the Most of Your LLB/JD: A How-To Guide

By **JENNIFER TAYLOR**

I used to think an “alternative legal career” was either a cliché or a myth—the unicorn of post-law school paths, if you will—until I happily found myself in one, as a research lawyer. But unlike unicorns, alternative legal careers are hiding in plain sight: you just need to know where to look. A traditional law job or employer can provide the same personal and professional satisfaction as a so-called alternative position, if you view it through the right lens.

This was the refreshing message at a recent Women’s Forum lunch, from a panel of four accomplished female lawyers in outside-the-box roles. A summary of their wisdom, experience and advice follows:

Dean Kim Brooks, Schulich School of Law

- “Re-orient yourself” to what you’re currently doing instead of always looking for something new. Sometimes hunting for an alternative legal career is just a “proxy” for not liking where you are.
- To that end: “Think great things” about where you work – negativity breeds negativity and results in a toxic workplace where other people’s problems become yours. Make a list of what bugs you about your colleagues. Chances are, you have the same faults. Increased empathy and self-awareness might make you and your workplace happier and more productive.
- Say yes when a new opportunity comes your way – chances are, several projects people want you involved in won’t come to fruition anyway, so your schedule won’t end up overloaded.
- Trust that those in senior positions know what they’re doing; don’t try to do their jobs on top of yours.
- Make connections as part of your regular work life and don’t just save networking for when you’re looking to change positions. That way, if and when you’re ready to move, you will already be plugged into the relevant network(s).

Annette Boucher Q.C., Legislative Counsel

- Don’t worry if you don’t have a career plan – it doesn’t mean new opportunities won’t arise.
- On that point, be open to new job opportunities, even if you’re content where you are. (Ms. Boucher has made six different career moves, and describes the shifts like doors opening: she walked through them and has no regrets.)
- Make work-life balance important (even if it seems like everything blends together these days).

Fern Greening, Intact Insurance Company

- Recognize that an alternative legal career might not mean less work – and it doesn’t mean that you’re no longer a lawyer. That can be a good thing, though: A lawyer’s skills are prized outside the traditional practice of law, e.g. in the insurance industry.



- Take the time to perform a self-assessment: What makes you happy, what interests you, what transferable skills you have.
- Try private practice, at least for a time – you might be able to mould it to something that fits these skills.

Natalie Woodbury, Ernst & Young

- Don’t expect to know everything during the first year of practice, and realize that it will get better.
- Consider the area of law you like the most/that comes most naturally, and it might lead you to different career options. For Ms. Woodbury, this was tax law, which has led to opportunities in both law and in accounting.

The conversation about “alternative legal careers” often revolves around the one lawyer out of hundreds who secured a position at an international NGO—the elusive legal unicorn, to return to that metaphor—which doesn’t leave much hope for the rest of us. But the lesson from these accomplished panelists is a more empowering, and a more widely applicable, one: No matter whether you work for a corporate firm, a start-up company, or a not-for-profit, there are ways to make it work for *you*.

Career Compass is a recurring feature focusing on a workplace issue of interest to CBA members. Jennifer Taylor is a research lawyer at Stewart McKelvey and a member of the editorial board of Nova Voce.

NOVA VOCE RATES

3” x 5” display ad for one issue only is \$260.00 plus HST of \$39.00 = \$299.00

3” x 5” display ad for four issues is \$235.00 plus HST of \$35.25 = \$270.25

3” x 5” display ad (colour) is \$350.00 plus HST of 52.50 = \$402.50

One-page insert

8 1/2” x 11” is \$260.00 plus HST of \$39.00 = \$299.00*

* (provided there is no excess in postage and copies are provided).

Mud Slinging Lawyers

By HEIDI SCHEDLER

As we dream of catapulting ourselves into spring, I can't help but wonder, is it crocuses or croci? In all honesty, I care less about the proper form of the word and a hell of a lot more about actually seeing those beautiful Easter colours poke through the currently snow-ridden soil. Come on Mother Nature, I thought we were friends?

Regardless of when it actually arrives, spring has a wonderful way of erasing all those horrible winter memories. We get to put away our shovels and replace them with, well, other shovels. Sounds a bit ironic, but, gardening shovels are of a whole different breed. First of all, they are a heck of a lot smaller. Most importantly, though, they are quite literally, significantly more fruitful. I mean, the only thing that grows in a pile of snow is the number of yellow spots!

So, it is time everyone! Time to say goodbye to winter and hello to gardening season! Whether you like to do the work yourself, or simply appreciate the work of others, there is something in gardening for everyone. Take off those mittens, put on some gardening gloves, and dig in! Spring is here!

(For the record, the Merriam-Webster dictionary says that both crocuses and croci are acceptable.)



Heather Burchill - Freedom of Information & Protection of Privacy Review Office: Once a parched swath of grass, our tiny urban garden is now home to bees, butterflies and songbirds. Rock by rock, walls rose and the soil became rich and dark. Then, magic. To borrow from Liberty Hyde Bailey, like people, "A garden requires patient labor and attention. Plants do not grow merely to satisfy ambitions or to fulfill good intentions. They thrive because someone expended effort on them."



Julia Cornish, QC - Sealy Cornish Coulthard: I am a garden APPRECIATOR - which is to say, I will come to your garden, drink your wine and tell you how lovely everything looks. Actually getting my hands dirty, not so much! I should

add, though, that I mean it when I say I appreciate other people's efforts, I'm not just fibbing in order to get wine! My mother, at 87, is still a wonderful gardener and I happily "tour the grounds" with her.

"You can bury a lot of troubles digging in the dirt."
- Author Unknown



Christine Doucet - McGinty Doucet Walker: I fondly yet vaguely remember the days when my evenings were filled with hobbies and social pass-times. Practicing law and being a Suburban Supermom (yes, I regularly ask my kids to refer to me this way) has slowly but surely encroached on most of those activities. But happily, like a little crocus poking up from a mushy April garden, my gardening hobby has blossomed. On summer evenings just before dusk, I can be found on our front lawn, weeding flower beds, removing dandelions (a FANTASTIC stress reliever), and spraying various homemade concoctions to keep the blight and ants away. For me, it is a remarkably effective way to wind down at the end of a long day, get a bit of exercise and enjoy nature's beauty.



Harvey Morrison, QC - McInnes Cooper: My daughter asked me to write about my interest in gardening. I had shown an interest in yard work at an early age. When I was a young child, or so my parents told me, I was found

in the backyard of my aunt's house putting dirt into a series of holes that I had dug. When asked what I was doing, I am told that I replied, "Burying holes." My wife is the ideas person in our family. She knows what plants and shrubs should be planted where. It then becomes my job to create the place for them. That is what I like to do. I find digging in the dirt or wrestling with large rocks to be therapeutic both physically and mentally. It is, of course, exercise. It also helps you to relax, reduce stress and gives your mind "a rest." It also has the added benefit of diverting your thoughts away from troublesome legal questions. Sometimes that diversion allows new thoughts on how to answer such questions to percolate up into my consciousness.

Outside the Office is a recurring feature focusing on a lifestyle issue of interest to CBA members. Heidi Schedler is enforcement counsel at the Nova Scotia Securities Commission and a member of the editorial board of Nova Voce.

Natalie Clifford & Sarah Shiels

Called to the bar: June 2013

Firm: Clifford Shiels Legal

Area of practice: Marine, environmental, aboriginal, corporate/commercial, constitutional, wills & estates, construction law, international law, municipal law, civil litigation, real estate.

Describe your professional experiences to date: We both graduated from Dal Law in 2012 and articulated with some great folks at Wickwire Holm in Halifax. After completing our articles we took some time to consider how we wanted to practice. We knew that we wanted to keep working together, but we also wanted to do things a little differently. So we committed to one year together – for better or for worse – and opened the law firm of Clifford Shiels Legal (CSLegal) in September 2013. So far, we are finding great success. We are happy doing business together, and plan to continue to grow our business. We welcome changes in the market and our personal lives, and we are constantly adapting our business model while continuing to provide our clients with solid representation.

Describe your current practice: We provide mobile legal services to clients in HRM and throughout Nova Scotia. We are always on the go – which is something we love – and are constantly meeting with new people.

Describe one of your most satisfying achievements in practice: Receiving referral work from other lawyers and earning the trust of new clients.

What other activities and volunteer pursuits occupy your time? We both love to paint, cook, and travel. Natalie has a flare for the dramatic (i.e. haut fashion) while Sarah loves backwoods camping.

Natalie is a board member with The Friends of Gilda's Nova Scotia, a charity dedicated to supporting individuals affected by cancer. She is also involved with a variety of aboriginal groups and has recently spoken at a conference on aboriginal entrepreneurship. She also helps to coordinate the Atlantic Journalism Awards.

Sarah has instructed students on their rights as residential tenants. She recently helped judge the Dalhousie second year moots and travelled to Windsor, Ontario to serve as a judge at the Canadian rounds of the Jessup. Sarah is scheduled to speak at the upcoming Coastal Zone Canada Conference in Halifax.

Why did you decide to practice law? What drew you to your area(s) of law?

Sarah: I was looking for a practical way to combine my interests in language, philosophy, the ocean, and international environmental issues. For me the whole career selection process was an exercise of faith.

Natalie: I've always had an interest in improving access to justice, and generally seeking to help oppressed people or jeopardized environments to improve. When I was quite young, I expressed these interests, and my



parents told me that becoming a lawyer could provide opportunities to make the kinds of changes I wanted to see in the world. Over time, my interests evolved – but my core values have remained the same, and led me to the path I am on today.

What do you consider to be the greatest challenges facing young lawyers?

Sarah: Finding meaningful and sustainable ways to promote access to justice.

Natalie: Balancing a desire for success with enjoying life in the meantime. Realizing that sometimes success can be right now – and can be as simple as finding time to spend with your parents.

What do you wish senior lawyers understood about young lawyers?

Sarah: Every generation has its troubles; and in our case we're entering the profession with a lot of economic uncertainty and a lot of debt. I've seen fellow clerks and students wrestling with family breakups, substance abuse, and mental health issues just as they're spreading their legal wings. I think the biggest thing senior lawyers need to understand about young lawyers is their need to feel valued for what they bring to the profession.

What words of wisdom do you have for new lawyers?

Sarah: Take ownership of your instructions – and read them twice!

Natalie: Be open to new opportunities, perspectives, and don't be afraid to change the way you do things, or to do something that deviates from tradition.



2014 MID-WINTER CONFERENCE





LAW DAY AWARD 2014

The CBA-NS Executive Committee proudly announces the recipient of this year's Law Day Award: **IDEALaw 2014 Organizing Committee**

The IDEALaw 2014 Organizing Committee, constituted of students from the Schulich School of Law, aims to foster public understanding of social and legal issues.

The CBA-NS Law Day Award is to honour, recognize and celebrate the contribution of organizations who foster greater public understanding of the Canadian justice system and the role of the Charter of Rights and Freedoms within that system; encourage and promote access to justice; inform and educate the public about the courts, law enforcement agencies, the justice system and the legal profession; and/or act as advocates on behalf of citizens in the Canadian justice system.

CBA Legal Conference (CLC) 2014: Converging Futures

Members called to the Bar 5 years or less – don't miss out on up to \$1,500.00 in sponsorship!

Will You Be One of a Limited Number of Young Lawyers to Attend the CBA Legal Conference (CLC)?

*Where & When: St. John's, NF,
August 14-17, 2014*

The CBA Nova Scotia Executive Committee proudly announces the decision to sponsor a limited number of young lawyers to attend the CLC being held in St. John's, NF, August 14 - 17, 2014. To see selection criteria and application guidelines, go to http://www.cba.org/dev/NS/PDF/Young_Lawyer_CBA_Legal_Conf_2014_Offer.pdf

The sponsorship amount – up to \$1,500.00 – can only be applied to full conference registration, travel and hotel.

RECIPIENTS OF THE CBA Nova Scotia 2013 ANNUAL AWARDS

Distinguished Service Award

James G. Rossiter

Department of Justice Canada
Parks Canada Legal Services
Halifax

Community Service Award

Dennis J. James

Patterson Law
Truro

The Awards were presented at the CBA-Nova Scotia 2014 Mid-Winter Conference and Bench and Bar Dinner.

Legal Fictions



By **NICOLE SLAUNWHITE**

As members of the legal profession, we know that a legal fiction is an intellectual exercise, an assumption that something not true actually is true for the sake of convenience, consistency, or justice. But when most people outside of the profession hear the words “legal fiction”, they don’t think of judicial reasoning at all – they think of John Grisham novels, or

Gregory Peck as Atticus Finch.

Or maybe they think of Courtney Milan, American law professor turned bestselling romance novelist. Or Michael Connelly, author of *The Lincoln Lawyer*, which was adapted for the big screen in 2011.

Maybe some day, people will even think of the lawyer who once drafted their will, helped them with a difficult family situation, or incorporated their small business.

Some of my friends and colleagues in the profession know that I am an aspiring novelist, but I expect they would be surprised to find out just how manwat that. What if I came across as unprofessional or pretentious? I worried. What if people didn’t take me seriously? Even

worse, what if it turns out that I am deeply and tragically untalented?

Happily, my peers and colleagues have been nothing but encouraging, and I have even shared my interest in writing with a few clients, some of whom are artists themselves and are pleased to find out that there is a real person behind the legal advice I provide to them. I also know that my passion for writing helps me be a better lawyer. It is intellectually stimulating and challenging in a way that is completely different from legal research and writing, and it provides a welcome escape from the stresses of practice so that I am ready to face my work head-on when I return to the office.

Research has shown that divergent thinking (daydreams and “what ifs”) generates ideas, while convergent thinking (problem solving and to-do lists) analyses the ideas. While most of us spend the majority of our time actively engaged in convergent thinking, making a conscious effort to provide an outlet for our imaginations maximizes both productivity and creativity. Whether your dream is to write, paint, dance, or play the kazoo in a polka band, making time to pursue it can be rewarding in more ways than one.

Nova Voices features the viewpoints of lawyers around Nova Scotia. Nicole Slaunwhite is an associate with Taylor MacLellan Cochrane in Kentville.



Invest with our help.

For RRSP investment details, please visit barfinancial.com or call your local CBAF Authorized Sales Representative

John Bardsley,
CLU, ChFC
(902) 468-4676
800-272-1445

cbafinancial SERVICES  **financiersABC**

Giving To Women: The CBA Celebrates International Women's Day

"It's hard to look for the light when you're lost in darkness" -Anonymous

To recognize International Women's Day, the Women Lawyers Forum of the Canadian Bar Association invited those in the legal community to join in the **2nd Annual International Women's Day Collection Drive** for women's shelters and transition homes across the province. On March 7, 2014 at 15 law firms and offices from Sydney to Yarmouth, the legal community joined together to donate over **\$6,000** in gift cards, cash and other items to be used directly in their local community's women's shelters and transition homes.

The concept was simple and well-received – donate gift cards in smaller donations to enable women to purchase desperately needed items and services at grocery stores, gas stations, drug stores, etc. These organizations rely greatly on charitable donations to assist women and their children get to safety and to carry out equality-seeking prevention initiatives.

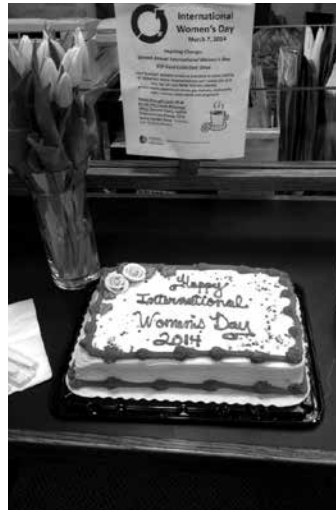
Women and children fleeing domestic violence often leave the darkness of their prior lives with absolutely nothing other than the clothes on their back. While a \$20 gift card to a dollar store may seem like a small contribution, it has a huge positive impact for those starting over.

Representatives of local women's shelters were in attendance on Friday, March 7 from noon to 2pm at the collection sites to receive the donations and answer questions. The impact of all donations is highlighted by an excerpt from a post-event letter written by Sandra Falle, Executive Director of Third Place Transition House in Truro, who attended at Patterson Law:

"[You are]...to be commended for continuing to provide an avenue which keeps our organization in the public eye and therefore makes everyone aware of violence against women and children."

Our sincere appreciation to the following lawyers, firms and organizations who, without hesitation, opened their doors, promoted this project, and shared refreshments with all:

- Breton Law Group (Gail Rudderham Chernin, Q.C.)
- NS Legal Aid office – Port Hawkesbury and Antigonish (Tracy Sturmeay and Cindy Murray)
- Patterson Law (Ann Levangie)
- MacIntosh MacDonnel MacDonald (Sarah MacIntosh)
- Stewart McKelvey (Tyana Caplan)
- McGinty Doucet Walker (Christine Doucet)
- Burchell MacDougall (Judy Schoen)
- Schulich School of Law (Sarah Kirby)
- NS Public Prosecution Service Crown Attorneys' Office (Susan MacKay)
- BOYNECLARKE LLP (Rebecca Hiltz LeBlanc)
- Waterbury Newton (Trinda L. Ernst, Q.C.)
- Pink Star Barro (Pam Reardon)
- Muise Law Inc. (Lynette Muise)



Top: Darlene Blanchard (Stewart McKelvey), Kathy McNab (Adsum House), Tyana Caplan (Stewart McKelvey), Emma Halpin (Stewart McKelvey), and Amanda Quarmby-Bennett (Bryony House). **Bottom right:** Tracy Smith, Meaghan Russell, Rebecca Hiltz-LeBlanc. **Bottom left:** Refreshments at the Crown Attorney's office.

Plans are already under way for a 3rd Annual International Women's Day with hope to expand the event into areas of the province not yet benefiting from this great initiative. Stay tuned for March 2015 when the legal community will join together again to support and celebrate women in Nova Scotia!

Giving Back is a recurring feature highlighting the pro bono work of Nova Scotia lawyers.



By **MATTHEW J.D. MOIR**

There were a number of legislative developments in the early part of 2014.

Sections of the *Financial Measures (2013) Act*, 2013, c. 3, ss. 22-24 were proclaimed in force on January 15, 2014. These amend the *Summary Proceedings Act*, R.S. 1989, c.450, adjusting certain penalties.

Amendments to the *Halifax Regional Municipality Charter* in 2013, c. 18 were proclaimed in force February 4, 2014, concerning the affordable housing program.

The unproclaimed balance of the *Identification of Criminals Act*, 2011, c. 37 was proclaimed in force January 30, 2014. This statute makes various amendments to the *Change of Name Act*, R.S. 1989, c. 66.

Amendments to the *Labour Standards Code*, R.S. 1989, c.246 are presently before the Legislature. These amendments would require

employers to insure any long term disability plans they may provide. The bill awaits debate on its second reading.

Various amendments to the *Pension Benefits Act* (both the existing R.S. 1989, c.340 & replacement 2001, c.41 versions) are also before the Legislature and await their second reading.

Amendments to the *Electricity Act*, S.N.S. 2004, c.25 and the *Securities Act*, R.S.N.S. 1989, c.418), were proclaimed at the end of March and a series of new bills have been introduced. These latest reforms have not been reviewed by the committee at the time of publication.

Bill 40, amending the *Maintenance and Custody Act*, R.S.N.S. 1989, c.160, seeks to make changes to grandparents' rights. This bill has caught the attention of the Family Law section and the committee is working with the section and other stakeholders within the association to address this development.

Matthew Moir is the chair of the Legislation and Law Reform Committee of the CBA-NS. He practices with Weldon McInnis in Dartmouth.

LAW DAY 2014



For the second consecutive year, lawyers went back to school this year on Law Day, April 10, 2014. Thirty-six volunteers attended 14 different schools around the province, with a view to increasing students' knowledge about the law, access to justice and what it means to be a lawyer.

Additional volunteers targeted French speaking schools in the province, and some went into community colleges. Volunteers tweeted and posted their updates on Facebook throughout the day.

IDEALaw was recognized with the Law Day award for its outstanding contribution to access to justice in Nova Scotia. The committee, entirely comprised of law students from Schulich School of Law, aims to foster public understanding of social and legal issues. It hosted a conference in January entitled IDEALaw 2014: Aboriginal Rights – Connect, Reflect, Engage.

Law Day was chaired this year by David Cameron and Amy Sakalauskas.

Mentoring Moments



By **AMY SAKALAUSKAS**

Mentoring has a long tradition in our profession: It was once the very basis of legal education, and to this day the law has a rich tradition of informal mentoring relationships.

More recently, we have seen organized mentorship programs take root, and that is to be applauded. Still, we need to take a step back and leave the idea of a formal “mentor” aside while we consider the importance of lending a hand – mentoring, if you will – our colleagues.

After all to mentor is to advise or train. It is also to assist.

My mentors in law have been both women and men, my age and older. Sometimes we had similar interests and other times had little in common. They have all been dedicated to helping me by sharing their time and experience. They have been honest and approachable. There were times I knocked on their doors apprehensively, worried I was interrupting or that I sounded stupid, and hoping I was not too much of a nuisance. Now, I realize the rewards that come with being a mentor, whether you are an ol’ pro or even new to the practice. Indeed there are benefits for younger lawyers sharing recent experiences with those just behind them.

There need not be anything formal about it, though I have been involved with formal mentoring programs and understand their importance. It’s just that some people shy away from them because it strikes them as too formal or onerous a commitment, or because they are uncomfortable with the idea.

But what I have been thinking about a lot lately is the importance of having those mentoring moments.

Remember attending a Court for the first time? Navigating a new issue? Being in a new community? Now, do you remember those times when another lawyer showed you where the barristers’ lounge was located? Maybe when it was all said and done, they offered some encouragement or words of advice. Maybe a colleague had provided tips, stayed late to help you, or shared a precedent. Maybe you spent some time with another lawyer and they modeled by example. Those sorts of things are “mentoring moments”.

Also, mentoring is not only about the law. Take, for example, mentoring programs for LGBT or racialized lawyers. They can be important avenues for lawyers who have traditionally found themselves marginalized in practice to find support.

Legal practices are changing quickly and stress can be high. It’s true for newly admitted lawyers who cannot find work and have to strike out of their own. In family and criminal law, they might accept legal-aid work. They have clients depending on them in high stakes matters right away. They need assistance, as we all do sometimes.

In helping them out, you do not have to call yourself a mentor; just be a good colleague. It will help build everyone’s competence and confidence,

and encourage you to think about your own practice and whether there is room for improvement. It will build relationships and avenues for support. With the problems retaining young lawyers and diverse lawyers in private practice, we can all play a part. With the cries for more practical training in legal education, we can help build a bridge from theory to practice. Mentoring is also an important way to model civility and respect for other lawyers, staff, and clients.

Lee Akazaki argues that Rule 6 of the Ontario Rules of Professional Conduct should be amended to include an obligation for lawyers to accept requests from other lawyers for advice, in the absence of an adversarial or conflict situation. Mr. Akazaki makes excellent points, also noting the need for assistance to be available to more than just the newest in our profession, including on subject-matter issues.

Practising law is amazingly rewarding. But the stress can lead to bad decisions. Offering advice or assistance can keep someone from making a mistake. Offering a hand, even if it might not be requested, can open the door to support for those who need it. Also, modelling proper practice to new lawyers can help them not start off with bad practices. Perhaps if we each sought out more mentoring moments, both looking for and providing assistance, we would have an easier time of it and see fewer casualties along the way.

Printed from National Magazine post <http://www.nationalmagazine.ca/Blog/April-2014/Mentoring-moments.aspx>

CBA Nova Scotia would like to thank the following organizer and speakers for their exceptional contribution to:

THE PERFECT PROPERTY FILE - A CONFERENCE FOR REAL ESTATE SUPPORT PERSONNEL, MARCH 21, 2014

Organizer:

Matthew Moir, Weldon McInnis

Speakers:

Stephen M. Campbell, Cox & Palmer

F. Alexander Embree, Weldon McInnis

Theresa M. Graham, Weldon McInnis

Josh Kogon, Century 21 A.B.C. Realty Ltd.

Robert Lachowicz, RBC Mortgage Specialist

Dennis Levandier, Stewart Title Guaranty Company

Ian MacLean, QC, MacLean & MacDonald

Philip Schofield, Property Valuation Services Corporation

Catherine Walker, QC, Walker Law Inc.

How to Maximize the Value of Your CBA Membership

CBA PORTFOLIO AND PORTFOLIO PLUS

The redeveloped membership model provides two new options that you can purchase in addition to your CBA Membership — **Portfolio and Portfolio Plus**.

These options provide you with opportunities to maximize the value of your CBA Membership by accessing and engaging in CBA Professional Development, Sections enrollment, Rebate Rewards and other CBA products, services and activities, at a discounted price that is 20 per cent less than if they were purchased separately.

(You must be a CBA Member to realize the value and benefits of either the Portfolio or Portfolio Plus options).

Portfolio and Portfolio Plus options can be purchased any time during your membership year.

Current CBA Members

It is important to know that you can simply renew your CBA Membership as you did before, without choosing one of the new options.

New CBA members

New members can simply join the CBA without purchasing one of these new options.

Portfolio Option – what is included? Includes all benefits enjoyed by members, plus:

- A \$250 education credit, at a 20 per cent discount — a \$50 saving — that can be applied to education products, services and activities from CBA National, CBA Branches and CCCA, for the term of your membership year
- Section enrollment — the number and level of included Sections depends on your provincial or territorial branch offering. In Nova Scotia, a member may enroll in an unlimited number of our 31 sections.
- A rebate off next year's membership fee invoice, equivalent to 3 per cent of your total spend outside of membership fees and option purchased, from the

previous year

- Access to many CBA resources including special publications and tools.

Go to <http://www.cbamembership.org/Branch-Offerings.aspx> to find the purchase price and specific elements of the Portfolio option in Nova Scotia.

How can a member purchase the Portfolio option?

There are a number of ways a CBA member can purchase the new Portfolio option:

Membership Renewal Invoice: sent to active members up for renewal. The invoice will include a detailed description of the option (customized by Branch) and pricing.

Join Online: lapsed and returning members and new members of the CBA will be presented with the options in the Join Online application. The application contains a description (customized by Branch) of the two options available for purchase, in addition to the regular CBA membership.

Renew Online/Package Purchase: members who are up for renewal will continue to be able to renew their membership online and have the capability to add one of the Options, should they wish. Members who are active but not up for renewal will have the option to visit the same page to simply purchase one of the options.

Members may also purchase the new options by contacting the Member Services department, either by phone at 1-613-237-2925 or 1-800-267-8860, or via e-mail at memberservice@cba.org

Portfolio Plus Option – what is included? Includes all benefits enjoyed by members, plus:

- A \$500 education credit, at a 20 per cent discount — a \$100 saving — that can be applied to education products, services and activities from CBA National, CBA Branches and CCCA for the term of your membership year

- An increased number of Section enrollments — depends on your provincial or territorial branch offering. In Nova Scotia, a member may enroll in an unlimited number of our 31 sections

- A rebate off next year's membership invoice, equivalent to 5 per cent of your total spend outside of membership fees and option purchased from the previous year

- Increased access to CBA resources including special publications and tools

Go to <http://www.cbamembership.org/Branch-Offerings.aspx> to find the purchase price and specific elements of the Portfolio Plus option in Nova Scotia.

How can a member purchase the Portfolio option?

There are a number of ways a CBA member can purchase the new Portfolio option:

Membership Renewal Invoice: sent to active members up for renewal. The invoice will include a detailed description of the option (customized by Branch) and pricing.

Join Online: lapsed and returning members and new members of the CBA will be presented with the options in the Join Online application. The application contains a description (customized by Branch) of the two options available for purchase, in addition to the regular CBA membership.

Renew Online/Package Purchase: members who are up for renewal will continue to be able to renew their membership online and have the capability to add one of the Options, should they wish. Members who are active but not up for renewal will have the option to visit the same page to simply purchase one of the options.

Members may also purchase the new options by contacting the Member Services department, either by phone at 1-613-237-2925 or 1-800-267-8860, or via e-mail at memberservice@cba.org

Payment Options

For links to forms and more information, go to: <http://www.cbamembership.org/Payment-Options.aspx?lang=EN>

The CBA offers a variety of payment options to its members. We not only accept one-time payments by cheque, Visa, Mastercard or American Express but also offer the following alternative payment methods for the convenience of our members:

Online Membership Renewal

Renew online: All you need is your membership number, last name and credit card information.

Pre-authorized Monthly Payment Plan

The Pre-Authorized Monthly Payment Plan offers members the convenience and affordability of monthly withdrawals from a bank account rather than a lump sum payment.

If you are interested in this payment plan, please complete and print the application form and mail or fax it

along with a void cheque to our National office.

For more information on this program, please contact the Membership Department.

10 Equal Credit Card Payments

This new payment option offers members an alternative to monthly withdrawals from a bank account. Ten equal payments will be charged to your credit card to cover your dues for your annual membership.

If you are interested in this payment plan, please complete and print the application form and mail or fax it to our National office.

For more information on this new option, please contact the Membership Department.

Fixed Annual Membership Renewal Date

Special Transition Year Renewal Payment Options

You are renewing your membership in the last five (5) months of the membership year where the CBA is transitioning from a revolving membership year to a fixed annual renewal date of September 1. As a result, your

current membership renewal fee includes the pro-rated amount for your next five months of membership based on your previous renewal period (to bring you to August 31, 2014), plus the full twelve months of your new annual membership year (September 1, 2014 to August 31, 2015).

During this transition period, individual members have the option to pay your membership fee in 2 ways; all at once, or in two equal credit card payments. To pay all at once, please continue the renewal process now, online.

To pay in two equal credit card payments, please print and complete the appropriate form. Once completed, please FAX the form to CBA National Member Services at 1-613-237-0185 (fax).

Thank you and please do not hesitate to contact us if you have any questions.

CBA National Member Services

memberservice@cba.org

Tel: 1-800-267-8860

Fax: 1-613-237-0185

Welcome New Members of the Canadian Bar Association - Nova Scotia



THE CANADIAN
BAR ASSOCIATION
Nova Scotia Branch

NAME	FIRM/ORG.	CITY	STUDENT MEMBERS		
Corinne Boudreau	Two Certainties Law	Halifax	Sarah Belong	William Leahey	Gerard Pothier
John Cameron Q.C.	John R. Cameron	Bridgetown	Kathleen Conrad	Cassandra Lilley	Adam Ronan
John Di Costanzo	Noseworthy, Di Costanzo & Diab	Halifax	Amelia Cooke	Katharine Lovett	Amanda Shaw
Clifford Hood Q.C.	Hood & Fraser Law Inc.	Yarmouth	Jad Debs	Caitlin MacDonell	Paul Sheppard
Kent McNally	Landry, McGillivray	Dartmouth	Mary-Elizabeth Dill	Sachiko Marshall	Caitlin Urquhart
Alison Morgan	Patterson Law	Truro	Kevin Fernandes	Elizabeth McIsaac	Timothy Young
Greg Turner	Stewart & Turner	Berwick	Agathon Fric	Natasha Meier	
Ryan Blood	BOYNECLARKE LLP	Dartmouth	Juliet Kim	Sylvie Okros	

CBA Nova Scotia would like to thank the following organizers and speakers for their outstanding contribution to the 2014 Mid-Winter Conference, February 6 and 7:

ORGANIZERS:

George P. Ash, Boyne Clarke LLP
 Clarence A. Beckett, QC, Patterson Law
 Julia E. Cornish, QC, Sealy Cornish Coulthard
 Brian C. Curry, Nova Scotia Power Inc.
 Janet E. Curry, Workers' Compensation Board of Nova Scotia
 Marc Dunning, Wickwire Holm
 Stacey M.A. Gerrard, Lawyers' Insurance Association of Nova Scotia
 Gavin Giles, QC, McInnes Cooper
 Kelly Greenwood, Burchells LLP
 Emma Halpern, Nova Scotia Barristers' Society
 Susan Hayes, Stewart McKelvey
 Lester Jesudason, Blois Nickerson & Bryson
 John A. Keith, Cox & Palmer
 Mark T. Knox, Knox Law Office
 Jennifer Kooren, Sealy Cornish Coulthard
 Kenneth A. MacLean, Municipal Enterprises Ltd.
 Daniel MacRury, QC, Public Prosecution Service
 Aileen McGinty, Weldon McInnes
 Robert L. Mellish, Patterson Law
 Matthew Moir, Weldon McInnes
 Heather R. Oke, Nova Scotia Department of Justice
 Robert G. Patzelt, QC, New Millennium Iron Corp
 Amy Sakalauskas, Nova Scotia Department of Justice
 Lisa Teryl, Nova Scotia Human Rights Commission

SPEAKERS:

Hanaa A. Al Sharief, Ritch Durnford Lawyers
 Paula M. Arab, Workers' Compensation Board of Nova Scotia
 Professor Bruce Archibald, Schulich School of Law
 George P. Ash, Boyne Clarke LLP
 Rachel Barnes, McInnes Cooper
 E.A. Nelson Blackburn, QC, Blackburn English
 Honourable Cindy Bourgeois, Supreme Court of Nova Scotia
 David J. Bright, QC, Boyne Clarke LLP
 Michael R. Brooker, QC, Burchell MacDougall
 Krista Brookes, Atlantic Policy Congress of First Nations Chiefs Secretariat Inc.
 Amanda Carew, Boyne Clarke LLP
 Don Carey, Stantec Consulting Ltd.
 Julia E. Cornish, QC, Sealy Cornish Coulthard
 James K. Cruickshank, Stewart McKelvey
 Elaine Cumming, Nova Scotia Barristers' Society
 Janet E. Curry, Workers' Compensation Board of Nova Scotia
 Timothy G. Daley, QC, Goodman MacDonald
 Peter A. Doig, Nova Scotia Power Inc.
 Honourable Justice Patrick J. Duncan, Supreme Court of Nova Scotia
 Marc Dunning, Wickwire Holm
 Wayne J. Francis, Ritch Durnford Lawyers
 David T. Fraser, McInnes Cooper

Isabelle M.A. French, Ritch Durnford Lawyers
 Stacey M.A. Gerrard, Lawyers' Insurance Association of Nova Scotia
 Gavin Giles, QC, McInnes Cooper
 Jennifer A. Glennie, Nova Scotia Department of Justice
 Robert G. Grant, Stewart McKelvey
 Emma Halpern, Nova Scotia Barristers' Society
 Robert J.S. Hanf, Nova Scotia Power Inc.
 Simon Hodge, David G. Bartlett Law Incorporated
 Karen L. Hudson, QC, Nova Scotia Legal Aid
 Jack A. Innes, QC, McInnes Cooper
 John A. Keith, Cox & Palmer
 Mark Knox, Knox Law Office
 Bernadine MacAulay, Scotia Investments Ltd.
 Professor A. Wayne MacKay, Schulich School of Law
 Alan C. MacLean, Patterson Law
 Kenneth MacLean, Municipal Enterprises Ltd.
 David MacNeil, Cox & Palmer
 Gillian D. Marriott, QC, Widdowson Kachur Ostwald
 Menzies LLP
 Stephen T. McGrath, Nova Scotia Department of Justice
 M. Kathleen McManus, Department of Justice (Canada)
 Robert L. Mellish, Patterson Law
 Naomi Metallic, Burchells LLP
 C. Patricia Mitchell, Stewart McKelvey
 Lisa Mitchell, LJM Environmental Law

Dorianne Mullin, Nova Scotia Department of Justice
 Jane E. O'Neill, McInnes Cooper
 Bradley Proctor, McInnes Cooper
 Ali Raja, MacGillivray Law Office Incorporated
 Victoria L. Rees, Nova Scotia Barristers' Society
 Richard Devlin, Schulich School of Law
 Roderick H. Rogers, QC, Stewart McKelvey
 Kelly Rowlett, Nova Scotia Legal Aid
 Amy Sakalauskas, Nova Scotia Department of Justice
 Dianne Saxe, Saxe Law Office
 Valerie B. Seager, Halifax International Airport Authority
 Derek Simon, Burchells LLP
 Dr. Andrew Starzomski, East Coast Forensic Hospital
 Lisa Teryl, Nova Scotia Human Rights Commission
 J. Walter Thompson, QC, Burke Thompson
 Professor Rollie Thompson, Schulich School of Law
 Kimberley W.H. Turner, QC, Pink Larkin
 Raymond F. Wagner, QC, Wagners
 Honourable Justice Gregory M. Warner, Supreme Court of Nova Scotia
 Darlene Willcott, Nova Scotia Department of Justice
 The Honourable Chief Judge Pamela Williams, Provincial Court of Nova Scotia