

NOVA VOCE

Formerly the Ad Hoc! The Voice of the Legal Profession in Nova Scotia!



President's Message

By Daniel A. MacRury, Q.C.



Daniel A. MacRury, Q.C., President CBA-NS

As of 1 September 2012, I was privileged to become President of the CBA for Nova Scotia. On behalf of our branch, I would like to thank and acknowledge the tremendous job our outgoing President, Jessica Lyle, did in representing our branch at the national level.

I am a very fortunate President to be leading a wonderful executive team for the 2012/2013 year. Our team includes the executive committee members presented on pages three and four.

The CBA's ongoing success has been the ability to continue to move forward with new initiatives to improve the legal profession. At our CLC conference in Vancouver this summer, the CBA

launched a trio of initiatives. One which aims to improve the access to justice and another at helping the legal profession prepare for the future. The third initiative is the release of an on-line guide that will assist firms in measuring diversity to enhance their inclusiveness.

As our fellow Nova Scotian, CBA National President, Trinda Ernst, said in Vancouver: "These projects center on a vision for justice and how that can be achieved." It is clear that these initiatives are at the heart of what CBA is all about and will enhance our association's offering to both the members and the public. In Vancouver, our National Council approved a new

membership fee structure and a new strategic plan for the CBA.

At the provincial level, we are moving forward with a change in our one (1) day annual professional development conference to a two (2) day mid-winter business meeting and conference. This will be held at the Marriott Harbourfront Hotel in Halifax on January 31st and February 1st, 2013. The expanded hours will allow us to offer attendees the opportunity to complete the required twelve (12) hours of mandatory, continuing legal education all during the two (2) day conference. We are very honoured to have as our guest speaker at our bench and bar dinner on 31 January 2013, Chief Justice Beverley McLachlin of the Supreme Court of Canada. This dinner will honour former Nova Scotia Chief Justices Lorne Clarke and Constance Glube.

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NOVA VOCE!

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Andrew Taillon

Membership and Member Services Chair

Sean Foreman

Legislation and Law Reform Chair

Matthew Moir

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Tina Tucker

Ahoy Law Day Volunteers!

CBA-NS will celebrate the 2013 anniversary of Canada's Charter of Rights and Freedoms with Law Day events, returning to the theme of educating and informing the public about the role and importance of law – but this time with a twist!

In a blast from the past, this year we will center our celebration on Law Day itself, Wednesday April 17 2013, with the theme "Rule of Law Spring: Engaging the Next Generation" by directly working with High School students across Nova Scotia.

We are looking for energetic, innovative and fun CBA-NS folks, either to plan the events or to help on Law Day itself.

Our first planning meeting will be held at 4pm on Tuesday, 13 November at the JAG library, Young Street Tower suite 506, 6080 Young Street, Halifax – attend either in person or by calling in (CBA-NS sponsored snacks will be available for those attending!)

Ideas we are working towards include:

- Work with High Schools across Nova Scotia to run a mock trial on Law Day
- Law Day birds – twittering and tweeting the word out
- Working with the "next-next" generation – grade school student engagement
- Sponsor Engagement

More ideas are welcome, as are planners to help organize them! To volunteer, please contact Law Day Co-Chairs, David Cameron at dcameron@burchells.ca or Darin Reeves at darin.reeves@forces.gc.ca.

Be there or be talked about!

Continued from front page...

President's Message

I hope during the upcoming year to be able to fairly and strongly represent the interests of Nova Scotia CBA members, both here and on the Board of Directors in Ottawa.

I welcome the feedback of our membership throughout the year and encourage our members to become more engaged in this great organization.

Finally, we should all applaud the work of our staff: Tina Tucker, Jill Thomson, and Ian MacDermid. We are very fortunate to have such a tremendous staff assisting the membership in Nova Scotia.

Getting to Know Your Executive Committee...

CBA-NS President Dan MacRury



Dan, who was born and raised in Sydney, learned public service at an early age from his father Archie, who for many years was a municipal councillor

in Sydney, and mother Beatrice, who worked in the healthcare field. Following a political science degree at St. Francis Xavier University, he studied law at the University of New Brunswick and, after graduating, worked as a legal aid lawyer, Crown attorney and now chief Crown attorney for Cape Breton. A Queen's Counsel, he is also chair of the national criminal justice section of the Canadian Bar Association, and was recently awarded the 2012 Canadian Bar Association Louis St-Laurent Award of Excellence for distinguished service to the Association. In 2010, he received the John Tait Award, which is handed out to a public sector lawyer in Canada each year. He is married to Donna MacRury and has a 12-year-old rescue dog named Tess.

What was your first job? *Washing pots at a hospital.*

What talent would you most like to have? *Playing the fiddle.*

Coffee or tea? *Tea.*

What is your favourite food? *Lebanese food.*

Favourite movie? *"Rudy".*

Favourite music? *Celtic.*

How do you spend your leisure time? *Swimming with the Cape Breton Crustaceans team, reading and travelling.*

What is your pet peeve? *Negative thinking.*

What is your motto or favourite saying? *You either stand for something or fall for everything.*

Where is your favourite place to travel? *Everywhere, and have been to Scotland, Lebanon, Egypt, Russia and Spain.*

Jessica Lyle, Past-President



Jessica has the honour of being not only the immediate past-president for this wonderful organization, but also the longest-serving executive

member around the table, having sat at it in some capacity non-stop since 2005. Over the years, she has managed to hold full-time employment outside of her CBA roles. Sometimes this surprises her. She has two small children and one university-attending stepson who consider the CBA a major part of their lives too. And her husband is now a national-meeting junkie as well. Long live the CBA and, of course, the CBA-NS especially!

Robyn Elliott, Vice-President

When not running her busy family law practice or at a CBA meeting, Robyn has spent much of her time lately on a bicycle preparing for a bike holiday in Italy. Although her bike's training wheels came off years ago, Robyn sees this year as CBA-NS Vice-President as the training wheels year for her upcoming presidency. In the photo (at left) Robyn continues her cycling and CBA training in Riccione, Italy with good friend and CBA-NS Past President Helen Foote. In addition to her duties as CBA-NS Vice-President, Robyn currently serves CBA as a member at large on the CBA National Sections Council Executive and sits on the National PD Committee. Robyn would be pleased to help President Dan learn to play the fiddle - having just this year commenced violin lessons herself!



David Cameron, Treasurer



A graduate of St. Francis Xavier University (1984) and the University of New Brunswick Law School (1987), David was admitted to

the Nova Scotia Bar in 1988. David has appeared before all levels of Nova Scotia's courts and many federal and provincial administrative tribunals. From 2008-2010, David served as a managing partner of Burchells. David is a former Executive Assistant to the Minister of Justice and Deputy Premier of Nova Scotia, a past President and Commissioner of the Nova Scotia Law Reform Commission, a past Secretary and Board member of the Legal Information Society of Nova Scotia, a past President and Board member of The Scots: The North British Society, and a past lecturer on constitutional law and government at St. Mary's University. For 10 years, he served on the Board of the Spencer House Seniors' Centre located on Morris Street in Halifax, Nova Scotia. For more than three decades David also has been active in the Nova Scotia Liberal Party and the Liberal Party of Canada and has served as a member of the National Executive of the Liberal Party of Canada and as the President of the Nova Scotia Liberal Party. David lives in Halifax with his wife and two daughters.

Matthew Moir, Legislation and Law Reform Chair

Matthew blindly makes his executive debut this year as the chair of the Legislation and Law Reform Committee, a position



Continued on page 4...

Continued from page 3...

he meekly takes over from outgoing chair, Heather Burchill. Matthew has practiced in various civil areas with Weldon McInnis in Dartmouth since being called to the bar in 2002. His goals for the upcoming year include continued communication with sections, the Law Reform Commission and the Legislative Council, but primarily seeing the last nail driven into the coffin which contains the remains of the rule against perpetuities. Upon achievement of this primary goal, Matthew would be pleased to accept well wishes from our law student members, but no gifts please!

Christine Doucet, Communications & Public Relations Chair

Christine is pleased to report that her decision to step away from the CBA executive only lasted two years. Now that her latest home-based project is complete, she is again looking for a way to spend at least a couple of suppertimes a month away from her rambunctious children (10-year-old stepson, 3-year-old daughter, and eight-month-old son). Christine comes back into the fray as Chair of the Public Relations and Communications Committee – a position she held from 2008 to 2010. Christine looks forward to involvement in Law Day planning and publicity, and contributing to Nova Voce magazine. Christine is a family lawyer with McGinty Doucet Walker in Halifax. She is also president of the Association of Collaborative Family Law Lawyers of Nova Scotia. Christine is married to Jamie Parsons, who is on parental leave and hard at work building a sound-proof office in their Dartmouth home.



Andrew Taillon, Young Lawyers Section Chair

Andrew is a lawyer at the Nova Scotia Department of Justice. He completed a B.A. at Mount Allison University and an M.A. at the University of Leeds in the



Dalhousie Law School where he was the recipient of the J. Gerald Godsoe Scholarship. He was called to the bar in 2007. He currently volunteers on the board of the East Coast Environmental Law Association and as a leader for the 1st Clayton Park Cub Pack. Andrew enjoys reading, camping and playing music (all things he rarely has time for). He lives in Halifax with his wife, two sons and a miniature wiener dog named Paprika.

Sean Foreman, Membership and Member Services Chair

Sean is a partner at Wickwire Holm, where he focusses on energy and environmental law, as well as commercial and civil litigation. Sean also has a strong interest in human rights law, and from 2002-2005, he represented five same-sex couples in constitutional litigation that successfully changed the common-law definition of marriage in Nova Scotia (September 2004) and Newfoundland & Labrador (December 2004) that legalized same-sex marriage in both provinces. Sean has served as a Director of several non-profit community organizations, including executive positions such as Treasurer, Vice-Chair and Chair of the Board. Sean has served the Canadian Bar Association, both in Nova Scotia and nationally, in numerous roles, including as provincial and national Chair of the Environmental Energy & Resources Law Sections, a member of the CBA National Finance Committee, National Sections Council and as a member of the CBA Board of Directors representing national

United Kingdom before working as a rural economic development consultant and freelance journalist in Newfoundland. He then attended



conferences. He served for many years as a member and then Chair of the Nova Scotia Lawyers' Assistance Program. He was honored to receive the inaugural Zoe Odei Young Lawyers Award from the CBA in Nova Scotia in 2003, one of three national Outstanding Young Canadian (Vanier) Awards for leadership and community service in 2005, and was particularly thrilled to receive the Dalhousie University Outstanding Young Alumnus of the Year Award in 2007. Sean continues to serve Dalhousie as a part-time faculty member at the Schulich School of Law, where he has taught since 2001.

Lester Jesudason, Equity Chair

Les is the Chair of the Equity Committee. While he was excited to take on the role for purely altruistic reasons, he also was hoping that doing so would result in his wife, Moneesha Sinha, who also sits on the Committee, to start referring to him as "Mr. Chair". Unfortunately, Moneesha quickly dispelled him of any such delusions of grandeur. His 12 year old beagle, Barkley, did, however, seem suitably impressed. On the other hand, Mr. B. is not particularly hard to impress given his tendency to drink from mud puddles and attempts to eat "leftovers" out of the compost bin. Les practices at Blois, Nickerson & Bryson, LLP primarily in the area of civil litigation. He has also has been the Chair of the Nova Scotia Police Review Board since 2007 and is currently a member of the Nova Scotia Barristers' Society Complaints Investigation Committee and Screening Committee. Les is extremely pleased to be the Chair of a very diverse Equity Committee and looks forward to working with its members, as well as other equity-seeking groups, in promoting equity and diversity within the CBA-NS and the legal profession as a whole.



Brown Bread

By Phil Star, Q.C.

CBA-NS Regional Representative for Region 1 (Digby, Yarmouth, Shelburne, Queens, Annapolis, Hants, Kings and Lunenburg Counties) and Voting Member of National Council

The Nova Scotia Code of Professional Conduct requires all lawyers to follow the same ethical standards. As such, the practice of law in a large metropolitan area is conducted in the exact same manner as one would in a small rural area. Or is it?

Many doctors have their offices in hospitals or fancy towers with a beautiful panoramic view. When I was a young boy, I recall our family doctor, Dr. MacDonald, who conducted his practice in a small office overlooking Main Street above Meyer's Electric Shop. More specifically, I can recall many a time when my parents would call Dr. MacDonald to come to our home. There he would be, coming through the front door with his glasses on his nose and his stethoscope around his neck. Doctors making house calls. For the most part, a thing of the past.

The same cannot be said for the practice of law. There is something about practicing in a small town setting whereby a lawyer will often become part of one's extended family. Often I am called upon to go to somebody's house to have a Will, Deed, Power of Attorney or some other documentation signed. Sometimes you may meet in a shopping centre parking lot while that person is out grocery shopping as it is more convenient for her/him than coming into your law office. I recognize that this also happens in the larger areas. However, at least to me, I think it rings a loud endorsement for the legal profession when lawyers can

"There are those who are intimidated by lawyers and expect to see some big, old man behind a desk in a fancy suit when they enter your office, hat in hand."

(and do) make themselves available to clients, especially in smaller, close-knit communities.

I make similar comments with respect to striking the appropriate balance between religiously following the Code of Ethics and yet providing legal services to those who need same for reasonable fees. For example, representing both sides of a property transaction, although permitted, is frowned upon (and for good reason). It is not done often. Having said that, there are clients who are even insulted if you suggest that you could/would not represent both sides of a transaction (especially when it is conducted between two friends in an amicable fashion).

There are those who are intimidated by lawyers and expect to see some big, old man behind a desk in a fancy suit when they enter your office, hat in hand. Many are relieved to see their lawyer dressed casually or, as indicated previously, attending at your home in similar attire that the client herself is wearing. I have some reasonably regular clients who are only able to compensate me with the best apple pie or brown bread known to mankind. They take great pride in delivering this to my office in lieu of fees. It makes them feel proud to say that they have "their lawyer".

It makes me more proud to say that I am "their lawyer".

It is often better to provide services pro bono as opposed to reducing your fee. If the fee is being reduced so much, why charge at all? Lawyers are not much different from most other people. They want to make a living

and support their families. However, at least where I grew up, I find most also want to be known as a "lawyer who makes house calls". I learned that from the late Irving C. Pink, Q.C., a patriarch of practice in rural Nova Scotia.

Lawyers in small towns are sometimes accused of being in cahoots with one another. Nothing can be further from the truth. Although the legal community maintains a reasonably close and collegial relationship in rural Nova Scotia, interests are protected and advocated in an effective adversarial fashion as it should be.

I would like to write more in this article but must run now. I have to go to a client's house to have a Power of Attorney signed. Although that could wait for later, the compensation cannot. I can smell the apple pie and brown bread coming out of the oven as I write this.

CALL FOR VOLUNTEER WRITERS

If you're interested in writing an article for Nova Voce, please contact Tina Tucker, Executive Director;
Tel.: 902-422-1905 or
email: tina.tucker@cbans.ca

We also welcome feedback and suggestions on the content and format of the Nova Voce newsletter.

Tina would like to hear from you!



Alberta Premier Alison Redford accepts a gift from outgoing CBA President Trinda Ernst, Q.C., at the CLC.

Canadian Legal Conference 2012, Vancouver

Delegates at this year's Canadian Legal Conference (CLC) in Vancouver on August 12-14 were treated to an array of speakers from the business, political and legal worlds, ranging from Wikipedia founder Jimmy Wales to Alberta Premier Alison Redford, Chief Justice Beverley McLachlin and Justice Minister Rob Nicholson.

Conference attendees also enjoyed

great networking events, informative professional development sessions on subjects ranging from social media in the courts to getting the most out of meetings, and a concert with veteran rocker Randy Bachman.

Numerous CBA members and supporters were presented with awards during the meeting, including Cape Breton Chief Crown

Attorney Dan MacRury, Q.C., of Sydney, who received the Louis St-Laurent Award of Excellence for distinguished service to the CBA.

"Dan is an exemplary CBA member whose dedication to both his profession and the criminal justice system knows no bounds," said Kentville's Trinda Ernst, Q.C., immediate Past President of the CBA. "He is well-known throughout the Association as an effective, personable leader of high integrity whose work demonstrates an enthusiastic commitment to the CBA's goals."

For a wealth of CLC coverage, check out National Magazine's CLC blog at www.clc-post.org, and visit the CBA's Facebook page at www.facebook.com/CanadianBarAssociation for conference photos.



Promoting the interests of lawyers

As the independent and authoritative voice of the legal profession, the CBA promotes the interests of lawyers and protects the core values of the profession through its extensive advocacy initiatives. Current initiatives include examinations of the future of legal practice, solicitor-client privilege, conflicts of interest, and access to justice and the rule of law.

To learn more, peruse the latest edition of CBA Advocacy, which outlines where the CBA stands on these issues and the useful tools it has produced to enhance your practice. Visit <http://j.mp/CBAadvocacy> to view the online version.

Resolution for new membership fee structure passed by National Council

Among the resolutions debated by CBA National Council at its August meeting was a proposal to change the membership fee structure of the CBA. The resolution, which passed with no dissenting debate, will take the fee structure from a static, one-size-fits all approach based on a lawyer's year of call to a tiered structure that emphasizes choice, value, and engagement.



Members vote at the CBA Meeting of Council.

While some changes to membership fees took place in September 2012, full implementation will be implemented in September 2013. For more information on the fee changes, visit <http://j.mp/newCBAfeestructure>.

The CBA's Inquiry into the Future of Legal Practice

A 21st-century doctor's office bears little resemblance to its 19th-century counterpart, but the same cannot be said of the 21st-century law firm (with the exception, of course, of women practitioners and electronic devices). There is a sense that the legal profession is madly treading water, concerned it may be approaching a waterfall, while other professions are gamely swimming for shore.

The CBA has launched an initiative aimed at helping the profession navigate these waters and emerge better-equipped to meet the challenges ahead.

The CBA's Inquiry into the Future of Legal Practice speaks directly to CBA members and the challenges they face as rapid changes in Canadian society affect both the delivery of legal services and the expectation of clients.

The CBA, as the only national voice of the Canadian legal profession, is doing its part by helping its members understand the source, meaning, and implications of those changes.

Starting with a comprehensive analysis of where we stand, the inquiry will focus on the future market for legal services and the work of practising lawyers, both in-house and in private firms. The inquiry will examine the economic, demographic, social, legal and technological factors that will affect the market for legal services in 2020 and beyond.

We already know that in a "more-for-less," technology-driven information age, lawyers face unprecedented pressures – to lower costs, to commoditize, to

liberalize, and to embrace the changes technology offers. At the same time, the problems we are often called on to help address are increasingly complex.

Our clients are dealing with other professionals who have found other ways to provide services – and some of them are providing things that were traditionally the purview of lawyers. Being familiar with how those professionals package their services in turn changes what is expected of others they deal with, including lawyers. For that reason, the inquiry will also look at the likely shifts in the services that clients seek, how they want them delivered, and what we can learn from other professions.

Prof. Richard Susskind, who has written extensively on the future of the legal profession, will be a special adviser to the inquiry team, which will be made up of lawyers, regulators, legal academics, consumers, and judges.

The team will gather and analyze the information, consult with lawyers and their clients, make recommendations, and develop tools and resources to help lawyers, judges, teachers, and regulators make the most of the opportunities before us. The analysis will include guidance for the training, education and regulation of lawyers.

There remains a fundamental role for legal services in Canadian society. But the legal profession must be responsive to the changes taking place around it. The best way to predict the future is to invent it. But if lawyers don't invent the future of their own profession, others, who may lack the requisite training in law and justice, will.



Fred Headon is first vice-president of the CBA and represents the executive on the Futures Inquiry.

I hope you will participate in the inquiry's consultations and watch for its report.

New online home for National magazine

With a quick click of the mouse, you can now fully enjoy National magazine online!

The magazine's all-new website complements the print edition, offering thought-provoking videos, blogs, and up-to-date stories on the latest legal news and trends. It's searchable, easy to browse, and interactive. Check it out at www.nationalmagazine.ca.



The CBA's Futures Project

By Fred Heaton,
CBA 1st Vice-President

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One of a trio of initiatives

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I hope you will participate in the Inquiry's consultations and watch for its report.

Fred Heaton is first vice-president of the CBA and represents the executive on the Futures Inquiry.

NOVA VOCE RATES

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

3" x 5" display ad
four issues
\$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
(8.5 x 11)**
is \$260.00 plus HST
of 39 = \$299.00*

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



THE CANADIAN
BAR ASSOCIATION
Nova Scotia Branch



2012/2013
Section Program

31 Good Reasons to Belong to CBA Nova Scotia

Your CBA Section Meetings provide a relevant, easy and cost effective method for obtaining some or all of your mandatory 12 hours of continuing professional development. Other than the cost of your sandwich and drink, CBA-NS Section meetings are free!

SECTIONS MEETINGS

Section Meetings Essentials

Tentative dates are outlined in the Section agendas. **MEETING DATES AND TOPICS CAN CHANGE!**

Notices will be sent to those who register for particular Sections prior to each meeting, with date, topic, speaker, and location confirmed. In addition, notices of upcoming meetings can be found at and registered for in the following location: http://www.cba.org/pd/province_en.aspx and choose Nova Scotia.

The Section program year begins in September and concludes in June.

To Receive Proper Notice of Meetings, Please Return Your Section Registration Form!

If you have not received your form, please contact the CBANS office at (902) 422-1905. CBA members can attend any Section meeting by confirming attendance with the Branch Office and paying the attendance fee. In addition, in May and June we host the "Bring a Buddy" event, where CBA members are able to bring a non-member buddy to a Section Meeting. Sections provide opportunities for lawyers to further their professional education and to keep ahead of current developments within the profession. The Nova Scotia Branch wants to show non-members what they're missing!! Your buddy must register and pay the registration fee as well – spread the word so as not to miss out on this opportunity!

Teleconferencing of Section Meetings:

For those registrants unable to attend Section meetings in person, teleconferencing is available for a \$10.00 fee. Selection of this option should be made at time of registering.

Mandatory Continuing Professional Development:

The Nova Scotia Barristers' Society has introduced a Continuing Professional Development Policy that began on July 1, 2012. Under the policy, all members are required to complete twelve (12) hours of "Accredited Continuing Professional Development (CPD) activities relevant to their practice of law each year. The educational component of any Canadian Bar Association –Nova Scotia section meeting is an acceptable method of obtaining mandatory CPD hours.

Section Chairs 2012-2013:

Aboriginal Law

Brian Hebert

Administrative Law

Joshua Judah

Bankruptcy & Insolvency

Gavin MacDonald

Business Law

Jared Schwartz

Canadian Corporate Counsel

Penny Harding

Charities & Not-For-Profit

Gregg Knudsen

Citizenship & Immigration Law

Suzanne Rix

Civil Litigation/ADR

Christopher Wilson

Constitutional & Human Rights Law

Alison Strachan

Construction Law

Donn Fraser

Criminal Justice

Mark Knox

Elder Law

Sandra Barss

Environmental, Energy & Resources

Ian Bilek

Family Law

Daniel Walker

General Practice, Solo & Small Firm

Damian Penny

Government & Public Sector

Lawyers

Karen Brown

Health Law

Catherine Gaulton

Insurance Law

Adriana Meloni

Intellectual Property

Robert Cowan

Labour & Employment Law

Rebekah Powell

Law Student

Cassandra Armsworthy

Military Law

Jason Samson

Municipal Law

Kirby Grant

Privacy & Access Law

Kevin Kindred

Real Property

Mark Everett

Securities Law

Patrick Fitzgerald

Sexual Orientation & Gender Identity

Melanie Petrunia

Taxation Law

Henry Visser

Wills, Estates & Trusts

Margot MacDonald

Women's Forum

Annette Boucher, QC and Tyana Caplan

Young Lawyers

Andrew Taillon

SECTIONS MEETINGS

2012/2013 Section Meetings

Administrative Law	Oct 18	Human Rights Commission: Procedure Update (Joint with Constitutional & Human Rights)	<i>Lisa Teryl</i>
Business Law	TBA	45-106 Capital Raising Exemptions (Joint with Securities Law)	
	TBA	Rectifications (Joint with Taxation Law)	
	TBA	The New Place of Supply Rules (Joint with Taxation Law)	
	TBA	Employment Issues in the Purchase & Sale of a Business	
	TBA	Perils and Pitfalls of Adjustment Clauses in Commercial Transactions	
	TBA	Business Names, Trademarks and Extra-Provincial Registrations	
Charities and Not-For-Profit Law	Nov 22	CRA's Guidance on Fundraising for Registered Charities & Registered Charities & Business Activities	<i>David Oyler</i>
Citizenship & Immigration Law	Nov	A Lunch Meeting with Representatives of the Local Office of the Service Canada Foreign Worker Program	
	Dec	A Holiday Social	
Civil Litigation/ADR	Fall	Shareholder Remedy Litigation in Nova Scotia	
	TBA	Best Strategies for Mediation	
	TBA	How to establish Effective and Efficient Arbitrations	
	TBA	Best Practices for Electronic Disclosure	
	TBA	Do's and Don'ts for Preparing for Trial	
Constitutional & Human Rights	Oct 18	Human Rights Commission: Procedure Update (Joint with Administrative Law)	<i>Lisa Teryl</i>
	Fall	Annual Update on the NS Human Rights Commission: Trends and Initiatives - Restorative Process at the Tribunal Level	<i>David W. Shannon</i>
Construction Law	Fall	Occupational Health and Safety and Related Issues	
	Fall	Alternate Dispute Resolution in the Construction Context	
Criminal Justice	Nov	Document Examination	<i>Brian Fillmore</i>
	TBA	Criminal Law v. Military Law	
	TBA	Prosecutorial Discretion	
General Practice Solo & Small Firm	Oct 25	Tips and Tricks for Lawyers Using MS Outlook	<i>Paul Saunders</i>
Government & Public Sector Lawyers	TBA	A presentation on the recent new Auditor General Act and the expanded powers of his office and the scope of its oversight	
	TBA	A presentation on the powers of the House of Assembly and its committees to compel the testimony of witnesses and the production of documents	
	TBA	A presentation on government procurement rules and related issues	

SECTIONS MEETINGS

2012/2013 Section Meetings (*continued*)

Health Law	Nov 15	The New Personal Information Act	Maria Lasheras & Suellen Murray
Insurance Law	Nov 21	Bad Faith Damage Awards Against Insurers	Robert Pineo & Kevin Burke
Labour & Employment Law	Nov	A selection of the more senior members of the Labour & Employment Bar will share the cases that stand out “for all the wrong reasons”	
Military Law	Nov 23	Law of Impairment, including the Use of Drug Recognition Expert (DRE) Evidence	
Real Property	Nov	Title Insurance-Endorsements 101	
Securities Law	Dec	Private Placement Refresher – Listed and Unlisted Companies (TBC)	
Sexual Orientation & Gender Identity	Oct 24	Meet and Greet with OUTlaw members from the Schulich School of Law	
	Dec	Holiday Party	
Taxation Law	TBA	GST/HST Place of Supply Rules	
	TBA	Rectification (Joint with Business Law)	
	TBA	U.S. Cross Border Tax Issues	
Wills, Estates & Trusts	TBA	Refresher Course on the Tax Consequences of Death	
	TBA	Professionalism: A discussion of the standard of Professionalism among lawyers and clients	
Women’s Forum	Nov 5	What Does It Take To Become A Managing Partner?	
	Dec 10	What Can A Life Coach Do To Help Especially At This Crazy Time?	
Young Lawyers	Fall	A Mixer With the Law Student Section	
	Nov/Dec	Real Estate Law	

Mark Your Calendars and Watch for Further Details

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For more information on making your voice heard please contact Tina Tucker, Executive Director;
Tel.: 902-422-1905 or email: tina.tucker@cbans.ca

SCHEDULE OF MEETINGS AND CONFERENCES FOR 2012-2013

Council:

November 1, 2012 (Thurs) 3:00 pm - 6:00 pm
 Meeting/Reception
 CBA Top Floor Boardroom

January 31, 2013 (Thurs) 3:00 pm - 6:00 pm
 Meeting/Reception
 New location: Marriott Harbourfront, Acadia Rooms A/B

April 18, 2013 (Thurs) 3:00 pm - 6:00 pm
 Meeting/Reception
 CBA Top Floor Boardroom

Annual General:

August 8, 2013 (Thurs) 5:00 pm - 7:00 pm
 Meeting & President's Reception,
 Marriott Harbourfront, Acadia Rooms "A/B"

Note - Executive meets 3:00 pm - 4:45 pm

Conferences:

October 26, 2012 (Fri) *Tax for Non-Taxation Lawyers (all day)*
 Casino Nova Scotia, Schooner Room

December 7, 2012 (Fri) *Legal Assts Conference (all day)*
 Marriott Harbourfront Hotel

January 31/February 1, 2013 (Thurs/Fri) *Mid-Winter Meeting*
 Marriott Harbourfront Hotel

May 10, 2013 (Fri) *Serious Personal Injury Conference (all day)*
 Casino Nova Scotia, Schooner Room

National Meetings:

November 17 - 18, 2012 (Sat-Sun) Board of Directors
 Ottawa, ON

February 15, 2013 (Fri) Board of Directors
 Mont-Tremblant, QC

February 16 - 17, 2013 (Sat-Sun) Mid-Winter Meeting
 Mont-Tremblant, QC

June 7, 2013 (Fri) 2013/14 Orientation
 Ottawa, ON

June 8 - 9, 2013 (Fri-Sun) Board of Directors
 Ottawa, ON

August 16, 2013 (Fri) Board of Directors
 CLC Saskatoon, SK

August 18 - 20, 2013 (Sun-Tues) Annual Meeting
 CLC Saskatoon, SK

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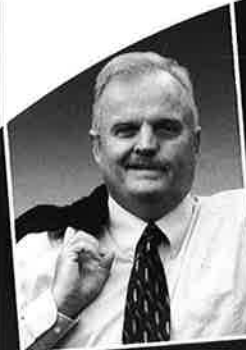


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**Chartered Mediator
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Peter is a full time commercial and labour mediator and arbitrator serving Atlantic Canada. He is a Chartered Mediator and Chartered Arbitrator as designated by the ADR Institute of Canada, a Distinguished Fellow of the International Academy of Mediators and has received an AV Peer Review Rating from Martindale-Hubbel.


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mackeigan.ca

Alternative Dispute Resolution

CBA Professional Development and Sections Update


The Professional Development Committee has been hard at work planning exceptional offerings for the 2012/2013 program year. Most importantly CBA Nova Scotia's inaugural Mid-Winter Meeting will take place on Thursday, January 31st and Friday, February 1st, 2013. Join with your colleagues to hear from experts and leaders in the legal world at the signature event of the year. In addition CBA Nova Scotia will be hosting a Bench and Bar Dinner on Thursday, January 31st with special guest The Right Honourable Beverley McLachlin, Chief Justice of Canada. Plan on attending to renew or make new acquaintances, enjoy a delicious dinner, live entertainment and door prizes. This is an event not to be missed!

The Mid-Winter Meeting and Conference will



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(Clockwise from top left: Angela Walker, Christine Doucet, Michelle Rogers, Sandra Bairs, Mary Jane McGinty)

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offer an opportunity to learn and engage with skilled practitioners from various fields; some topics to be covered include "Alternative Mechanisms for Structured Settlements", "Experts/Personal Injury", "Social Media-Linked In" and "Cultural Competence". Two morning plenaries will be offered, one on "Client Services" and the other "A Roundtable Discussion with the Chief Justices". Many more sessions have been planned and a full registration brochure will be available in the very near future.

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.

In addition, one day conferences are now booked and their programs are being fleshed out. The first conference has already been held on Friday, October 26th at the Casino Nova Scotia in the Schooner Room, "Tax Law: Tips and Traps for Non-Tax Practitioners". The conference focussed on corporate commercial law and was a tremendous success with over 150 registrants attending. "Face to face: A Conference for Litigation Support" will be held on Friday, December 7th at the Marriott Harbourfront Hotel in the Halifax Ballrooms and a program on Serious Personal Injury is planned for Friday, May 10, 2013 in the Schooner Room at the Casino Nova Scotia. Again, be sure to mark these dates in your agendas and plan on registering.

Once more, by registering and attending any of CBA's Section meetings and professional conferences, you can earn continuing professional development hours (CPD) which can be applied towards your 12 hour mandatory continuing professional development requirement for 2012/2013. Just another enticement to register and attend any of our worthwhile programs.

CBA Nova Scotia Sections are off to a tremendous start with over 18 meetings held or planned as of the middle of October. Our Section meetings will provide you with quality legal education either through an on-site presentation or through a conference call, your preference. Come hear from the experts. You can find updates on Section offerings in your Weekly Bulletin or by returning your Section Registration Form indicating your interests. Need a Section Registration Form? Email me at jill.thomson@cbans.ca.

Last but not least, we are pleased to welcome all new Section Vice-Chairs and, as always, we thank all Section Chairs and Vice-Chairs for devoting their time and talents to provide carefully planned and relevant topics offered at Section Meetings.

Sweet Dreams Are Made of This

By Robert Patzelt, Q.C.

Sometimes when people ask how things are going, I used to joke by saying that I slept like a baby, I woke up every two hours and I cried. Or that I would sleep when I am dead. The other day (or rather night) I went to bed earlier than normal, slept through the night and got up to shave and shower. I do get up by normal standards at an ungodly hour, or so I am told, but old farm habits are hard to break and I truly enjoy the solitude of the morning. On this particular day, I felt so tired that I went back to bed and slept almost all of the morning away. I did check my schedule and I was free to play a little bit of health hooky. It made me think, "why did I sleep so much?". The obvious answer, "I was tired". But massive Type A, high energy lawyers don't get tired, do we?

Turns out I was more than right. In our modern world notwithstanding all our time saving modern devices we are "wired and tired". The Atlanta Center for Disease Control estimates that nearly a third of working adults in America get less than six hours of sleep. That is an increase of 16% since 1990. Another study done for the National Center for Health Statistics showed that the profession that got the least amount of sleep are home health aide workers. Not surprising, it is estimated that a new baby typically results in 400-750 hours of lost sleep for parents in the first year. Just wait until they start driving! The number two for lack of shut eye - you guessed it - lawyers. The professions who get the most magic dust from the Sandman, respectively one and two, are loggers and hairdressers. I guess, caring is harder than cutting.

Sleep, or the lack thereof, is big business. In the US, they estimate that insomnia costs \$2,280 per worker for a total of \$63.2 billion. Forget that! There were 60 million drug prescriptions filled in US in 2011 up from 48 million in 2006. The global market is expected to reach \$9.0 billion by 2015. By the way, it turns out that this may be a waste of money. The National Institutes of Health study in 2007 found that patients using a sleeping pill only fell asleep 13 minutes faster and slept 11 minutes longer than those who were given a sugar pill placebo. Logic, flawed as it may be, says that if we cannot sleep then we should make sure we are at least awake. Coffee franchises are clear winners. Again, coffee may be no help in the longer term because you require larger amounts to achieve the same level of stimulation. The National Sleep Foundation found that 13% of people drink more than 6 caffeinated beverages on an average weekday. What I would have given to have been in on the ground floor of energy drink business. Advisors never miss a trend. Over half of the Fortune 500 companies now employ "fatigue management consultants". Insert your own pick up line here.

Our health, mental acuity, creativity, mood, sex and relationships, to name a few, depend on how much sleep we actually get. Lack of sleep is linked with an increased risk of car accidents;

increase in body mass index (certainly true in my case and not the cookies); increased risk of diabetes, heart problems and certain cancers; increased risk of psychiatric conditions including substance abuse and depression; decreased ability to pay attention, react to signals or remember new information, and decreased ability to pay attention, react to signals or remember new information. Joke: last line repeated on purpose and for effect, besides it was late at night. One of the theories is that our time for beddy-bye is a natural way for our bodies to repair themselves on a cellular level. Amnesty International lists sleep deprivation as a form of torture. Why are we inflicting this abuse on ourselves? An hour of less sleep is not going to give us an hour of more time or productivity.

We cannot blame Edison for the light bulb or even Google for cruising the Internet in the wee hours. None of us is going to give up those great conveniences. We certainly cannot blame our parents. Remember when we complained about having to go to bed so early. We need to take back the night. It turns out there are things we can do:

- Create a routine (consistent wake/sleep schedule and wind down routine)
- Create a good sleep environment (comfortable mattress and pillows, cool, dark and quiet room)

Continued on page 16...

Sharon Avery: Young Lawyer Profile

Reflecting on her first few years as an associate practicing medical defense, estate planning and litigation at Cox & Palmer, Sharon Avery acknowledges that her journey to the legal profession took a very different path than that of many of her colleagues. Her detour, which led her through a diploma in Community Service, a Public Relations degree at Mount Saint Vincent University, over ten years of management roles in various charities, five beautiful children and countless hours of volunteer work, all framed the perspective she brings to the practice of law.

Sharon has been fortunate to have had strong influencers in her life and now she tries to repay those valuable contributions to her career by making time in her practice for formal and informal mentoring. “I believe that our successes and our struggles both result in life lessons that should be shared. I have had my share of both. As associates we need to rely on each other to work through the early years. If I could share a few tips that were given to me along the way, I would tell new lawyers to be thankful to be practicing law; learn to listen with empathy; and conduct yourself with a sense of purpose in everything you do.”

Sharon becomes animated when discussing her love of the legal profession. “To me, law opens doors to meeting and helping people. It’s a way to offer assistance to people and to hopefully influence lives in a positive way,” says Sharon.

She sees her ability to practice law as an honour and a privilege. “Every client that walks in the door gives us a chance to use the skills and resources available to us to try to make a difference in that client’s work or personal life.”

Like most lawyers, Sharon’s practice brings her into



constant contact with people, both clients and colleagues. Sharon says she works to listen with intent and empathy. “The best listeners, hear not just the words, but to the underlying meaning that lies behind the words. Most communication is about the message but also the emotion. I try to listen for both.” She sees most client communication as having both a legal side and an emotional side. She believes the emotional side of the communication often plays the larger role in finding a resolution to most legal issues.

As a lawyer, your time is constantly being measured; how you spend it, what you spend it on, billable versus non-billable – it changes how you value time. Sharon’s advice to associates that are feeling the pull of the time demand in relation to marketing and community commitments: “When you are deciding how to spend your time away from the office, do what you like to do, but do it with a purpose.” If you decide to commit time to a charity, make sure it is one close to your heart and then give it your all so your time commitment is sincere and beneficial. If you are just going through the motions, you can’t truly make connections and the role becomes work rather than a rewarding part of your life.

Sharon’s time outside the office is currently dedicated to Mount Saint Vincent University and the CBA. She plays a lead role in the Mount’s capital campaign as the Chair of the Project Twenty-12 Business & Tourism Committee.

Sharon also serves as a national member of the Equity Committee for the CBA. “I am so inspired by so many among us that have made such valuable contributions to our community – many of those folks are lawyers. My hope is that my small contributions will someday give others that same kind of inspiration.”

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- Avoid alcohol and caffeine close to bedtime
- Use your bedroom for only sleeping and sex (always good advice)
- Write down problems, ideas or things to do beforehand so you don’t worry about them

- And for us list makers – make it a priority – cross it off the list and don’t make it the last thing to do after everything else is done.

Canadians are a practical people and it has been shown that putting back the clocks during daylight savings and thus gaining an extra hour of sleep has

been found to coincide with a drop in the number of traffic accidents. Now be a good Canadian: lie down and get some rest. Sleep well my learned friends, Love Robert

Movember

It's almost Movember and time to make a difference, so please sign up as a Mo Bro or a Mo Sista and join your Firm team to support men's health by helping raise vital funds and awareness for prostate cancer and male mental health.

Last year our Legal Community's efforts spearheaded by the Judiciary (aptly named Putting a New Face on Justice) raised roughly \$105,000.00 in Nova Scotia and of equal importance, our collective efforts as a Community raised an enormous amount of awareness to the cause.

This year the Judiciary and Legal Community are joining forces once again to get men talking about their mental and physical health and help eliminate prostate cancer.

If you'd like to find out more about what you'll be helping to fund please visit <http://ca.movember.com/about/funding-overview/>.

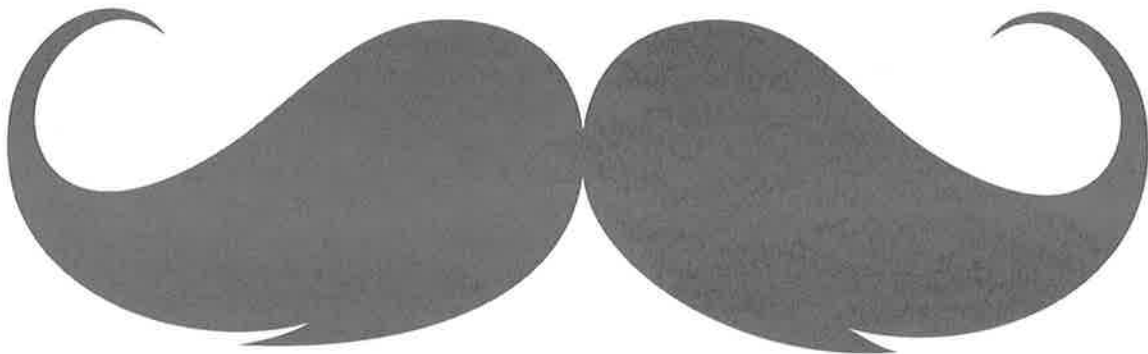
To highlight the importance of what we are doing, take a look at these statistics:

- 1 in 7 men will be diagnosed with prostate cancer in their lifetime
- This year 26,500 new cases of the disease will be diagnosed
- 1 in 5 men will be experience a mental illness this year

As our forefather's always knew, the moustache is the mark of a man. Today, it is a man's ribbon, a symbol to spark conversation and help change the face of men's health. We pay respect to the simple truth knowledge is power, the moustache is king.

Please stay tuned for information regarding the official Judicial Launch and other events.

If you require help setting up your team, gathering information, or anything in between contact Andrew A. Nahas at anahas@boyneclarke.ca or visit www.movember.com



Dan MacRury starts his Presidency on winning streak

Daniel A. MacRury, Q.C., Chief Crown Attorney for the Cape Breton Region of the Nova Scotia Public Prosecution Service and incoming CBA-NS president, was awarded in August the 2012 Canadian Bar Association (CBA) Louis St-Laurent Award of Excellence for distinguished service to the Association. Also in August, Dan's work as chair of the National Criminal Justice Section was recognized when the section was awarded the National Sections Council Award of Excellence.

"Dan is an exemplary CBA member whose dedication to both his profession and the criminal justice system knows no bounds," says CBA President Trinda L. Ernst, Q.C., of Kentville, N.S. "He is well-known throughout the Association as an effective, personable leader of high integrity whose work demonstrates an enthusiastic commitment to the CBA's goals."

The Louis St-Laurent Award, which takes the form of a bronze statue of the former prime minister, recognizes distinguished and exceptional service to the goals and objectives of the CBA.

Dan has participated extensively in CBA activities. He has served on the Executive of the National Criminal Justice Section since 2008, and as Chair since 2011. In that position, he has led the Association's advocacy efforts surrounding Bill C-10 (the omnibus crime bill), appearing before the Senate Committee on Legal and Constitutional Affairs to express the CBA's serious concerns with the bill's objectives. As spokesperson, Dan spoke with news media across the country to convey the CBA's views on the bill to the general public and to raise the profile of the CBA's advocacy efforts.

"Dan brings a wealth of knowledge and a concern for fairness based on the public interest to his role as Chair of the National Criminal Justice Section," says B. William Sundhu, one of Dan's nominators. "His leadership of the section has required skill, coordination, public education, advocacy, and, above all, courage. A man of warmth and humility, Dan has achieved all this while generously sharing credit with others, humbly understating his own impressive contributions."

Dan is also a member of the CBA's Fetal Alcohol Syndrome Disorder (FASD) Advisory Committee, and has pushed for a review of the law dealing with FASD offenders. Dan has chaired numerous sections and committees, including the N.S. Criminal Justice Section and the Law Week Committee. He sits on the organizing committee for the Branch's first Mid-winter Meeting, set to take place in January 2013.

Dan has practised criminal law both as a Crown and defence counsel for 26 years. Before joining the Nova Scotia Public Prosecution Service in 1996, he practised primarily as defence counsel in the area of criminal law and family law with Nova Scotia Legal Aid. He was named Queen's Counsel in 2005.

Dan has been involved in more than 30 Supreme Court judge-and-jury cases, including several murder cases. As a member of the Appeals division of the Nova Scotia Prosecution Service, he has appeared on numerous occasions in the Nova Scotia Court of Appeal. He represented the Attorney General of Nova Scotia in the Supreme Court of Canada on three occasions including the case of *R. v. Sharpe*, the case which established the current law in relation to child pornography.

Dan's accomplishments have previously been recognized by the CBA through the John Tait Award of Excellence, which he received in 2010, and the N.S. Branch Community Service Award, which he received in 2006.

The National Sections Council Award of Excellence celebrates the outstanding contribution of a National Section in providing service to members and furthering the objectives of the CBA. The 2012 award was presented to the National Criminal Justice Section at the CBA Canadian Legal Conference in Vancouver in August.

Criminal Justice is one of the CBA's busiest National Sections. When Bill C-10, the Criminal Omnibus Bill, was tabled last fall, the Section went into overdrive. The Section made two presentations to the House of Commons and one to the Senate to express the CBA's very strong concerns about this legislation. The *Globe* and the *National Post* highlighted the CBA's deep reservations about some measures in the omnibus package and through social media, significant public interest and discussion was generated.

Tom Irvine, Chair of the CBA Legislation and Law Reform Committee, noted that in addition to the Section's high quality and quantity of work specific to criminal law, the Section has "a

Continued on page 19...

Continued from page 18...

unique approach that brings Crown and defence lawyers together to agree on and advocate for basic principles of criminal law and sentencing.

As part of the federal delegation the Section sends two representatives to the Uniform Law Conference of Canada (ULCC), to consider proposals to amend criminal laws. Resolutions on Justice in Sentencing adopted by CBA Council and the ULCC provided the impetus for a new project that will involve research on a “safety valve” to avoid the application of mandatory

minimum sentences in certain circumstances.

The Section also represents the CBA at the International Criminal Bar, National Associations Active in Criminal Justice and at a Federal/Provincial/Territorial Steering Committee on Fetal Alcohol Spectrum Disorder.

Editor's Note: The content of this article was compiled from press releases and acknowledgement of 2012 award recipients posted on CBA.org

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- The National – a monthly magazine that provides news of current developments of all aspects of the profession, the law, and the administration of justice;
- A code of Professional Conduct, the CBA Act of Incorporation, By-Laws and Regulations (new members);
- The Nova Scotia Branch Nova Voce – published four times per year highlighting CBA activity in the province;
- Preferred rates at Avis Rent-a-Car and Budget Car Rentals;

- Corporate rates at selected hotels;
- Low cost insurance rates for personal term life insurance, permanent life insurance, accident insurance, disability income insurance, business expense insurance, home insurance, extended health insurance, critical illness insurance and travel medical plan. RRSP's and Bar Group Insurance Plans are also offered.

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Inaugural Mid-Winter Conference & Business Meeting



SAVE THE DATES!

January 31st & February 1st, 2013
Halifax Marriott Harbourfront Hotel

Canadian Bar Association Nova Scotia's inaugural Mid-Winter Conference will take place on Thursday, January 31st and Friday, February 1st, 2013. Join with your colleagues to hear from experts and leaders in the legal world at this signature event of the year. We will offer two full days of concurrent sessions which will fulfill your 12 hour mandatory continuing professional development (CPD) hours.

In addition to two morning Plenaries, some of the topics to be covered include:

- Alternative Mechanisms for Structured Settlements
- Powers of Attorney and Personal Directives
- The Practical Application of Social Media
- Child Protection 101
- Don't Like It? Let's Change It or Get Rid of It – How to Vary or Wind Up a Trust (or Will) That No Longer Suits
- Fifty Shades of Grey: Interpreting Contracts
- Experts/Personal Injury
- Court Confidential: Publication Bans, Sealing Orders & Lessons from the Trenches
- Cultural Competence

If you think these topics sound interesting, just wait until you find out about our speaker line-up!

In addition to this outstanding legal conference we will be proud to host a **Bench and Bar Dinner on Thursday evening, January 31st at the Casino Nova Scotia**. This event will be a separate ticket item and an event not to be missed, with special guest The Right Honourable Beverley McLachlin, Chief Justice of Canada.