

NOVA VOICE



Volume 33, No. 4, Summer 2015

The Voice of the Legal Profession in Nova Scotia

**A2J:
Pro Bono Clinics
& Court Closures**

**Life in
Truro**



Summer Fun!

**Advice for
Articling Clerks**

PRESIDENT'S REPORT



By **DAVID CAMERON**

Burchells LLP

Since the last edition of Nova Voce, the joint CBA-NS and NSBS “Futures” consultations have wrapped up. The kick-off was held in November with section chairs and vice-chairs participating, followed up by three further consultations occurring in February, March and April. Over 100 members provided their input and views on, among other topics, possible regulatory changes in Nova Scotia.

Our sections continue a stellar year of activity. To date, 130 section meetings have been held or are scheduled for the current year, with over 1800 attendees. On-line CLEs also continue to attract more registrants, with five being held since late February. More members are discovering these present an economical and efficient means to grab an hour of CPD over lunch - and without leaving the desk.

CBA's Re-think project continues to advance with consultations beginning at Mid-winter and continuing this spring with regional workshops scheduled in Moncton, Montreal, Toronto, Calgary and Vancouver. Those members who are interested but unable to attend a workshop can participate in a “virtual workshop” by visiting the CBA national website.

Also at the national level, the Ad Hoc Committee (of which I am a member) charged with reviewing the CBA's Public Interest Intervention policy is completing its work. After it prepares and submits its report to the Board, any proposed changes should be ready for debate and decision at National's annual meeting held in conjunction with the Canadian Legal Conference (August 14-16), this year in Calgary. To this end, please consider joining us at this year's Conference, entitled “Building a Better Lawyer – Do Yourself Justice”. And who among us doesn't want to be a better lawyer?

This column marks my last as President. Over the past 5 years I have thoroughly enjoyed my service on the Executive Committee and the opportunity to renew friendships and make new ones across Nova Scotia and Canada. I am privileged to have served with some wonderful volunteers provincially and nationally. And I am thankful to have worked closely with and received guidance from our staff, especially our Executive Director, Tina, and our professional development guru, Jill. In these years of service, I am grateful our Branch has not only maintained but enhanced its membership numbers and services. And I look forward to a final year, pledging right now to serve quietly and unobtrusively as your Past President.

My best wishes to all for a long, sunny and productive summer.

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TABLE OF CONTENTS

		
7	8	11
3	11	11
4	12	12
5	13	13
6	14	14
7	15	15
8	16	16
10	17	17
		11

Advice for Incoming Articling Students



By **THERESA GRAHAM**

Wickwire Holm

What would I have wanted to know before starting my articles?

This was the question we kept asking ourselves when writing this piece. The difficulty with the question is that it is nearly impossible to answer. Everyone has a different articling experience, and there is no one lesson or piece of advice that would have eased the challenges of articling.

However, in an attempt to capture the impossible, here are a few pieces of “wisdom” that may be helpful to those starting their articling year:

1) You know the Law

For many lawyers at your firm, law school is years, if not decades, ago. Most lawyers develop a particular niche or practice area and chances are, many are a leading authority in their chosen field. However, as a recent graduate, you have a breadth of recent, up-to-date knowledge of the law. Don't be afraid to use the knowledge you gained throughout your years of studying at law school.

2) Welcome to the practice business of law!

The business of law is not a phrase that is heard often in law school, but for those in private practice, recognizing the business aspect of being a lawyer is a key lesson. When researching and working on files, it is important to keep the expenses involved in mind, as costs often play a significant role when determining how to pursue a matter.

3) Be an efficient researcher

To build on our last tip, learn how to research efficiently. Law school teaches us to identify and learn legal principles by reading case after case. Turning to a textbook first is often the most efficient way to find your answer, or at least will give you a useful starting point. There is no need to spend hours reading cases when a leading authority on the subject has already done a comprehensive review for you. Just be sure to avoid the classic articling student mistake – check that the law cited in the textbook is the most recent decision!

4) Deadlines and timekeeping

The billable hour is something you will (hopefully) get used to. Develop a system. There is no single correct way to keep track of your time. Find a lawyer who is organized and try to emulate their system. Whatever system you settle on, it has to work for you. The last thing you want to do is spend a significant amount of time, recording your time!

5) Notebook and pen

Always carry one! There is nothing worse than sitting down at your

desk and frantically trying to remember the instructions that a senior partner just gave you on an urgent matter. Also, always make sure to ask the lawyer when your assignment is due.

6) Hireback

For most articling students, the possibility of getting hired back is a constant concern. Stop worrying! Twelve months is a long time to be stressed about an event that is largely out of your control. The decision about who gets hired is based on any number of unpredictable variables. The only one that you can control is your performance, so focus on that.

7) BAR EXAM (and Bar Course) (and Bar Assignments)

One of the biggest hurdles of the articling year is the Bar Exam. There is no special magic to the exam. After almost a decade of university, studying is likely second nature. The only advice we have is to develop a studying schedule and stick to it (which we recognize is always easier said than done!).

Don't forget about Bar Course - it is a welcome change of pace and a good opportunity to meet future peers. Especially don't forget about your Bar Assignments! These can be time consuming, so make sure to mark them in your calendar. There is no worse feeling than frantically realizing on a Sunday night that your assignment is due bright and early Monday morning.

Remember, there is no single articling experience. With that in mind, hopefully some of these tips are helpful to you. Enjoy your year and good luck!

Career Compass is a recurring feature focusing on a workplace issue of interest to CBA members.



President David Cameron and Vice-President Amy Sakalauskas prior to attending the annual Supreme Court of Canada and CBA Board of Directors dinner, June 4th 2015.

Sex Work in the Municipality



By JENNIFER TAYLOR

Stewart McKelvey

Bedford. Bill C-36. Now what? Maria Powell has some ideas.

Powell just completed her LLM at Dalhousie. Her thesis, entitled *Sex Work and the City: Creating Municipal Licensing Regimes for Brothels*, suggests that Canada should follow New Zealand's lead in decriminalizing sex work and regulating brothels. In April, she

presented to the CBA-NS Municipal Law and Constitutional Law and Human Rights sections and shared the results of her research.

Municipal licensing of sex-related businesses, like escort services, is a current issue – even though at this point, Canada seems to be a long way from decriminalizing the actual sale of sex and allowing brothels to legally operate.

Recall that the Supreme Court in Canada (*Attorney General v Bedford*, 2013 SCC 72) struck down three *Criminal Code* prohibitions related to sex work. In particular, the sections banning keeping or being in a bawdy house; living off the avails of prostitution; and communicating in public for the purpose of solicitation were found to infringe the section 7 rights of sex workers, primarily for exposing them to unjustifiable risks of harm.

Parliament was given a year to remedy these constitutional wrongs. In response, it passed Bill C-36, the *Protection of Communities and Exploited Persons Act*, to amend the *Criminal Code*. Some might say this regime “doubles down” on criminalizing sex work, in many respects.

Purchasing sexual services is now clearly criminalized, although selling sex is not; there is a new criminal offence for advertising sexual services, although communicating for the purpose of selling sexual services is not illegal unless it occurs near a school, playground, or daycare. The target of the new offences is obviously the purchasers, but the sellers can't work without them. As Powell sums up, the federal government took a “denounce and prohibit” approach to sex work, one that “makes all sex workers victims.”

There is also a new offence for receiving a “material benefit”

related to sexual services, in section 286.2 of the *Criminal Code*, to replace the “living off the avails” offence that the *Bedford* Court found unconstitutional. According to Powell, the exceptions to the offence were meant to allow for the hiring of security guards, drivers, and other employees who can keep sex workers safe, but there is no exception for anyone who has “received the benefit in the context of a **commercial enterprise** that offers sexual services for consideration.”

Powell says it will be difficult to determine whether and when escort; massage; and strip club businesses rise to the level of “commercial enterprise” – an especial challenge for the municipal licensing of such businesses.

She provided an overview of the current licensing regimes in Vancouver and Toronto for these categories of business, pointing out how a moral and social stigma against sex work is often built into the current criteria.

For example, in Vancouver, the cost of a licence to run an escort business is over \$1,000 – much higher than licences to run, say, a hair salon. Licences can be denied on the basis of criminal record checks. And the onerous record-keeping requirements raise privacy concerns.

Powell also gave the example of “body rub parlours” in Toronto, where the \$12,000 cost of a licence trounces the few hundred needed for a tattoo parlour. Health and safety concerns apply to both, and yet there are vast differences in how municipalities treat them – perhaps more so now that there is a fresh batch of uncertainty surrounding what, exactly, is legal and what is not.

It will take a while for fresh constitutional challenges to the Bill C-36 provisions to wind their way through the courts and even longer for decriminalization to become a viable option in Canada. But Powell argues that municipalities will play an even more integral role if sex work is decriminalized, and points to New Zealand as a model for the decriminalization of “voluntary adult sex,” and the corresponding licensing of brothels.

It costs around \$200NZD for a commercial brothel operator's certificate. Small owner-operated brothels **do not** require a certificate (this means four people or less working from a private location, usually a home). Depending on the city, a commercial brothel may also require a business licence

Continued on page 7

Letters to a Young Lawyer



By **THERESA GRAHAM**

Wickwire Holm

I was fortunate enough to attend the Young Lawyers Section & Women's Forum Breakfast Meeting on March 31, 2015. The meeting was part of a recurring series that the Young Lawyers Section has been producing for the last year entitled "Letters to a Young Lawyer," inspired by Alan Dershowitz's novel of the

same name. The series has opened an important dialogue between the junior and "slightly less junior" members of the Bar.

Julia E. Cornish, Q.C. (Sealy Cornish Coulthard) and Michelle C. Awad, Q.C. (McInnes Cooper) spoke at the meeting, which was whimsically (and appropriately) called the "Women's Power Hour." And what a power hour it was! Both Ms. Awad and Ms. Cornish gave thoughtful and candid advice to their younger selves, on which we had the benefit of eavesdropping. Among the lessons learned:

- It takes time to find your legal career. Whether you stay at the same place of employment for your entire career or move around, it might take a while to find the practice that is right for you. As the Honourable Justice Gerald R. P. Moir (a.k.a. my Dad) once told me, "it is not unlike Harry Potter: the wand chooses the wizard; the law chooses the lawyer." You might be surprised what legal career or practice area finally finds you.
- You will make mistakes, but you will learn from them. Although the thought of making a mistake is enough to make any lawyer's blood run cold, the truth is that we are all human and it is from our mistakes that we become the professionals that we aspire to be.
- A sense of humour goes a long way. Although neither speaker addressed this point explicitly, both kept us amused though out the meeting and the room often erupted into laughter. Knowing that our own struggles were so similar to those of our mentors not that long ago provided us young lawyers with a feeling of solidarity.... and relief!

Sections Spotlight is a recurring feature focusing on a recent meeting or initiative of a CBA-NS section.



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Courthouse Closures and Access to Justice



By ADAM RODGERS

The provincial government has announced the closure of three courthouses in eastern Nova Scotia and Cape Breton, as part of their 2015-16 budget. The courts in question are satellite facilities in Guysborough, Port Hood, and Baddeck, and cases that would have otherwise been heard at these locations will now be heard in regional Justice Centres. This is

going to present some serious access to justice difficulties for rural Nova Scotia, and is a decision that should be reversed.

With much greater distances to travel, many people (including accused persons, civilian and RCMP witnesses, and community members) will have difficulty participating in our justice system. Transportation costs are prohibitive over the distances involved, and public transit options are very limited where available at all.

It appears that the changes were ill-considered, and certainly no meaningful local consultation took place prior to the changes being announced. No mitigation plans were presented to allow (for example) brief court appearances by video, nor indeed to offset in any way the impact this will have on places such as Pleasant Bay, Cheticamp, Canso, and other places that will now be over two hours away from a Justice Centre (in clear weather).

The reasons given by Justice Minister Lena Metlege Diab for closing down the courthouses are open to question. The government has understated the usage that these courthouses receive (only using figures for Provincial Court plea dates, rather than including the additional dates for Supreme, Family, and Small Claims Court matters in their total) and overstated any relevant security concerns (there are none, and in the cases of Guysborough and Port Hood, recent renovations have taken security issues into account). Finally, the claim that there will be more court time available with Judges and staff not having to travel is simply false. Court starts at 9:30am wherever it sits.

It is true, as the Minister claims, that no job losses in the justice system will result from this decision. The lawyers, court staff, and Judges who travel to these satellite locations are generally

based in the towns where the regional Justice Centres are located. Nevertheless, there is strong support among all of these justice system participants to have the courts continue to sit in these satellite locations destined for closure.

The relatively small savings from these closures will be shouldered by those who must now do the travelling to the regional Justice Centres in Antigonish and Port Hawkesbury, by restaurants and other small businesses in the communities where court will soon no longer be held, by small RCMP detachments that will have to manage more days with officers far from the communities they serve, and by the municipalities that rented space to the Provincial Justice Department in their existing facilities. The overall economic benefit of this decision (if there is one once those costs are included), is insignificant within the context of a provincial budget.

There is a further, more subtle, benefit to both the communities in question and the justice system by having the participants travel to the areas outside the regional centres. Being in a place, and visiting it regularly helps judges and lawyers have a more fulsome and nuanced understanding of that place, and the people there who come before the courts, for whom so many decisions and judgment calls will be made.

From an access to justice perspective, it is particularly troubling that these locations were chosen for closure, given that in these smaller centres, the connection between the community and the court is perhaps at its strongest. In my experience traveling the “circuit”, these satellite facilities (including another recently closed local satellite location in Arichat) had the largest crowds of citizens on hand observing the proceedings. I believe this reflects the more close knit nature of rural communities, and should not be lightly dismissed.

Justice must not only be done, but also must be seen to be done, so that citizens understand that they are living in a society where they can depend on the rule of law. As these satellite courthouses close, justice will become more distant, both as a practical reality and as a foundational notion in our rural communities.

Viewpoint is a recurring feature giving our members the opportunity to share their thoughts and opinions on legislation, decisions, and legal issues making headlines.

The Truro Life!



By AMANDA DILLMAN

Department of Justice

Anyone who's heard me use the short vowel sound "a" can tell that I'm from rural Nova Scotia. I've returned to my home community to raise my son "in the country" and closer to my family. I've also taken a position with the Department of Justice and practice out of the Truro office. When I started to write this article I was thinking about what makes practicing law in rural Nova Scotia unique – how is it different to practice in Truro or other rural communities than in Halifax - and I realized: it's really not that different.

Maybe there is an idea that rural practice is full of house calls and trading estate work for potatoes, but that's simply not the case. Lawyers practice following the same rules, strategies, and standards as in Halifax; clients are fairly similar in their diversity and needs; courts are run with Sheriffs and court staff, albeit on a smaller scale; and my desk is as messy as it ever was!

To debunk a few other possible misconceptions:

1. No lawyer is an island; we may be slightly more spread out, but rural bars are collegial and active in practice groups.
2. There is a lot of great local and ethnic food in Truro and surrounding communities - from Thai to sushi to Stewiacke Bakery peanut butter chocolate chip cookies, your palate

will be well-served for a business lunch meeting or a quick snack.

3. It's really not that far – downtown Truro to downtown Halifax is about an hour and ten minutes driving (although in the winter you may need all wheel drive).

I was able to come up with a few unique aspects of a rural practice:

1. One may become familiar with the familial connections between clients and clients, clients and lawyers, and other interested parties. Of course I won't name names, but if you spend any amount of time here, you'll quickly see what I mean.
2. The pace may be slightly different. I'm not suggesting that lawyers aren't working hard or that there aren't important and interesting cases happening (they are and there are), but there is a collegiality even in the pace, that has that welcoming flare like the one Haligonians experience at the Farmers' Market.
3. There are big, free parking lots at all of the courthouses.

So if you're just starting out and thinking about laying roots or if you're looking to expand your practice, consider what rural Nova Scotia has to offer... and don't underestimate the free parking!

Nova Voices features the viewpoints of lawyers and communities around Nova Scotia.

TRENDING Continued from page 4

and is expected to follow all of the same business licensing requirements as other businesses (e.g. building codes, fire regulations, etc.). Brothel licences from the city are priced comparably to those for other businesses.

Ms. Powell noted that many people don't even know when there is a brothel in their neighbourhood – until parking becomes an issue.

Advocates for a licensing-focused approach list the benefits, many of which the Supreme Court acknowledged in *Bedford*: Working inside safely; being able to openly and legitimately

engage in related business transactions (renting property from a landlord, for example, or listing your employment when securing a car loan); and properly managing risk. Of course, decriminalization would open the door to a whole host of regulatory concerns at all levels of government – from municipal licensing to developing provincial occupational health and safety guidelines. But Powell advocates that increased regulation is surely a better approach than increased criminalization.

Trending is a recurring feature focusing on a new development in the law.

Water, Water Everywhere!

Nova Scotia is world renowned for its oceans and lakes. Many of our lawyers look forward to the warmer summer months where they can enjoy our beautiful outdoors and partake in their favorite water activities. We asked some of our members, what are your favourite water sports?



Jeff Flinn, Associate Lawyer, Litigation, Cox & Palmer: I started water skiing at the age of two, on a pair of homemade skis, tied together. This quickly developed into a deep-rooted passion that took me across North America, training, competing and coaching. Over the years, I competed in two Canada Games and won three National Championships, making life-long friends along the way. While I can no longer commit the time to training that I used to, I now enjoy being an executive member of Water Ski Wakeboard Nova Scotia. Also, I still take every opportunity to get out on the water with family and friends.



Daniel Burman, Partner, Khattar and Khattar: Whenever I can I like to get on the water. I like to kayak, pleasure boat, and fish. The great part is you can do all of these with family, friends, or on your own. This is a photo of me canoeing on the Salmon River when a hail storm came out of nowhere.



Anna Manley, Articled Clerk, Sampson McDougall: I've been canoeing since I was a kid. I was a canoe guide in early 20s – it paid nothing and it was the best job I ever had. Last year I took my younger sister on her first backcountry canoe trip in Northern, Ontario. Your first backcountry trip is tough. You're tired, hungry, and dirty 90% of the time. It takes a while to learn to like it - some never do. She had a great time and her strength and enthusiasm amazed me. She wants to go again. It fills me with joy to know we can slug it into the wilderness together.



Christine Murray, Articled Clerk, Breton Law Group: I like to snorkel when I travel. I like seeing different types of fish and the corals. I did a semester of law school at James Cook University in 2013 in Queensland and while there, I had an opportunity to snorkel the Great Barrier Reef. It was a dream of mine to be able to see it!



Peter Harrison, Associate lawyer, Breton Law Group: Growing up fishing lobster in the Bras D'or Lakes, I always try and take advantage of Cape Breton's wonderful waterways during the summertime. This includes frequent sea-dooing trips to Baddeck Bay and the Mira River.



Richard Rafuse QC, Counsel, McInnes Cooper: Sailing and the melody of the sea is so much fun it is ILLICIT except in cold, wet and fog which is when you work on plan B.



Stephanie Myles, Associate Lawyer, LaFosse MacLeod: The water is the place to be in the summer! I've always like to swim and go fishing, and recently I took up triathlon, which involves swimming (before biking and running). This is a photo of me before the Port Hood triathlon in 2014.

Outside the Office is a recurring feature focusing on a lifestyle issue of interest to CBA members.

ADVOCACY

Interventions

The CBA is currently seeking leave to intervene in two cases, one at the Nova Scotia Court of Appeal and one at the Supreme Court of Canada.

In Nova Scotia, the CBA is seeking to intervene in the case of **Nova Scotia Barristers' Society v. Trinity Western University**, where its arguments will focus on several key points, including the need for law societies to respect Charter values, among other things, when considering a request for law school accreditation; the need for law societies to consider the balance of rights – including freedom of religion and individual rights; and to consider the impact of discrimination on LGBT individuals. Mathieu Bouchard (Irving Mitchell Kalichman LLP, Montreal), Amy Sakalauskas (Halifax) and Susan Ursel (Ursel Phillips Fellows Hopkinson LLP, Toronto) will represent the CBA on a pro bono basis in the intervention.

At the Supreme Court, the CBA is seeking leave to intervene in the case of **Attorney General of Canada v. Chambre des notaires du Québec**, a case involving a threat to solicitor-client privilege. The government says the Income Tax Act gives it access to records protected by the professional secrecy of legal advisors. The Quebec Court of Appeal said some provisions in the Act infringe s. 8 of the Charter of rights and freedoms. And this is what the CBA will argue if granted leave – that certain sections of the Income Tax Act breach s.8 of the Charter by not providing adequate protections for communications with legal advisors, putting confidentiality at risk by allowing the government to seize information and documents from legal advisors even where reasonable alternatives exist.

Spotlight on Sexual Harassment

The Women Lawyers Forum, in partnership with SOGIC and the Equity Committee, has launched a campaign called *Write your Wrong*, inviting lawyers – female and male – to tell their stories of sexual harassment in the workplace, to raise awareness of the issue.

For more details, go to <http://www.cba.org/cba/newsletters-eneews/2015-articles/2015-06-harassment.aspx>

WHAT'S A "RE-THINK" AND WHY ARE WE DOING IT?

The legal profession is changing. What lawyers and judges want from their professional association is changing too. With the Re-Think, the CBA is striving to get a deep understanding of the evolving needs of our members so that we can *grow with them* and truly be the best ally and partner to members of the legal profession. The CBA Re-Think Initiative is an opportunity to re-examine foundational questions and create a strong, focused direction for the future of the Association.

FAQS: <http://www.cba.org/cba/re-think/faq/>

HOW DOES IT WORK? WHAT ARE THE "3 GEARS?"
WHAT IS BUSINESS DESIGN?
WHAT IS THE TIMELINE? HOW CAN I GET INVOLVED?
WHAT HAPPENS WHEN IT'S DONE?
For questions and information,
email: cbarethink@cba.org.

Jennifer K. Reid

Called to the bar: June 2012 (Manitoba), September 2012 (Nova Scotia)

Firm: Casey Rodgers Chisholm Penny Duggan LLP

Area of Practice: Family, Criminal, General

Describe your professional experience to date: I articulated with Legal Aid in the Pas, in northern Manitoba, which was an all-in, hit the ground running, fantastic introduction to criminal and family law, where I worked primarily with First Nations clients. It was also, for me, an introduction to life in a part of Canada that reminds me daily how lucky I am to have a home, with windows that are not plywood, and good indoor plumbing, in the HRM. There I developed a passion for this profession that eluded me during third year law. I joined Casey Rodgers in July 2012 and continue to put those experiences to use daily.

Describe your current practice: I continue to practice both family and criminal law, as well as wills and personal injury, though family is now the majority of my practice. I've felt it is important for me to continue doing Legal Aid work and I take certificates, doing family law and child protection. For all my clients I strive to reach efficient, cost-effective resolutions that benefit them, and avoid unnecessary litigation wherever it is possible to do so. I also make it a goal to make the law more approachable and understandable to my clients.

Describe your past and present involvement with the CBA: I was introduced to the CBA in Manitoba and can't imagine not being part of it now, for the friends I have made, and the support I've received, not to mention the professional development opportunities. I am a member of various sections, and I have expressed an interest in co-chairing the NS branch of the Women's Forum.

What other activities and volunteer pursuits occupy your time? Between work, the CBA, my 5 year old son Gabe, my husband Chris, and the occasional martini and trip to the Symphony or Hamachi House sushi treat that's about all I can squeeze in.

When did you decide to practice law? What brought you to a practice in Nova Scotia? I decided to practice law a very long time ago (something like arguments with my mother as a child, and a "brief" I prepared on why we should get a dog, with supporting articles). I grew up in Ontario, but Nova Scotia has been my home for the last 10 years (aside from the one year



in Manitoba) and I always knew it would be. The people. The lifestyle. The scenery. The seafood. And a collegial Bar. Need I say more?

What do you wish senior lawyers understood about junior lawyers? Once upon a time, you were just like us.

What words of wisdom do you have for new lawyers? Care. Caffeine is your friend. So are your colleagues. Find a mentor you can lean on and friends you can trust. Do not try to do it alone and ask questions before you make mistakes. You will make mistakes anyway. It sounds obvious, but accept them and learn from them. Stay on top of your files. Do not forget why you started. Have fun.

What are your goals for your career as you become a more seasoned lawyer? To never forget how much I cared at the beginning and to strive to continue to care that much. I feel that as long as I maintain the passion for the work that I do, then that will show in the work I do and in the results I obtain for my clients, and for myself. The rest will follow.

Pro Bono Clinic At Law Courts



By CHIEF JUSTICE
M. MACDONALD

Imagine finding yourself in a foreign country, having to deal with an important life-altering problem. The language here is familiar but mixed in, are strange words and odd phrases. In this land, they not only use the language differently, but, the way to do things - their customs - are unfamiliar to you, too.

This is how many self-represented litigants describe their experience in the Courts.

Many other people don't make it to the courts. They give up early; once they discover how complex, and expensive, and slow it can be, they decide to put aside their legal troubles and simply get on with their lives. And still others, especially the poor and vulnerable, never even consider going to court as a way of resolving their legal problems.

These scenarios describe most of the nearly 12 million Canadians who experience at least 1 legal problem in any given 3 year period. And they are only part of the "... serious access to justice problem in Canada ..." that The Action Committee on Access to Justice in Civil and Family Matters details in its October 2013 report; "Access to Civil and Family Justice - A roadmap for change".

In its November 2013 report, "Equal Justice - Balancing the Scales", the Canadian Bar Association said a recent survey found that "People ... consistently described the justice system as not to be trusted, only for people with money, arbitrary, difficult to navigate, and inaccessible to ordinary people."

It was in the midst of discussions about those two reports and their "call to action" that the Pro Bono Legal Clinic idea had its beginnings. Samantha Jenkins, a former student at the Schulich School of Law, deserves the credit for getting us started. Earlier in 2013, while on placement at the Law Courts as the Cowan Intern, she came to me with her suggestion for a volunteer Duty Counsel at the Halifax Law Courts.

It wasn't long before Samantha's idea burgeoned into a proposal for a weekly clinic for self-represented litigants who are bringing their civil matters to the Supreme Court or the Court of Appeal. The clinic would not deal with criminal and family law matters because duty counsel services already exist in these areas.

The clinic idea was given further impetus when the Nova Scotia Access To Justice Co-ordinating Committee was formed. Co-chaired by Justice Minister Lena Metlege Diab and me, it is a collaborative

effort involving the Judiciary, the Government, the Bar, NS Legal Aid, the Law School, and the public; our broader response to Justice Cromwell's and the CBA's call to action. Its mission is to create an inventory of all of the various access to justice initiatives currently underway, to look for other justice system problems that may not be on anyone's radar, and to encourage and coordinate, as much as possible, both the current initiatives, as well as any new ones.

The Law Courts Pro Bono Legal Clinic fits neatly into our A2J Co-ordinating Committee's mission.

With the help of eight volunteer lawyers and eight volunteer law students, we held a pilot version of the clinic at the Halifax Law Courts earlier this year - five sessions, one each week. The lessons the pilot clinic taught us will be applied when we officially launch the new clinic this coming autumn. For example, we learned that some of the participants' needs were very simple; internet access or the use of a photocopier. Others lacked even more basic information and guidance than what we had expected to offer in the clinic setting. We are now considering including regular workshops on specific topics which litigants could attend before coming to the clinic. We also learned that the volunteer law students want more involvement and an opportunity, afterwards, to discuss the clinic session with the lawyer.

Early this autumn, the Pro Bono Legal Clinic will be open for business at the Law Courts.

One morning each week, self-represented litigants can meet with a volunteer lawyer and a volunteer student (from the Schulich School of Law). During their 60 minute session they will be offered basic advice and guidance, on a limited engagement basis, to help them through their upcoming court process.

We hope to hold workshops as well; either in conjunction with the opening of the clinic or a little later on. Then, as increased awareness of the clinic and participation in the workshops generated more interest, we hope to expand to two days a week, possibly in the new year. In the fullness of time, I would want to see this type of offering province-wide.

The Law Courts Pro Bono Legal Clinic will benefit not only the litigants but the volunteer lawyers and students, and the Courts as well.

The Clinic will provide:

- for self-represented litigants, better access to justice
- for students, the hands-on experience of working with a practicing

Continued on next page

Law Day



By **JENNIFER TAYLOR**

Stewart McKelvey

Thirty years ago, section 15 of the Charter came into force. This year, Law Day celebrated equality rights. Here's how we did Law Day in Nova Scotia.

Following the model of the past few years, my co-chair Jonathan Hooper and I focused our Law Day efforts on sending lawyer volunteers into high schools across the province to

teach lessons on law and conduct mock trials. We had 16 schools participate this year, from Yarmouth to Sydney and pretty much everywhere in between, and around 34 lawyer volunteers. Both numbers were lower than our targets, but we feel quite justified in blaming the Snowpocalypse of 2015 and all the storm days – a few schools told us they just couldn't justify losing any more teaching time.

Nevertheless, we count Law Day 2015 as a success. We received fabulous reports from the schools and our volunteers – lots of engaged students and interesting questions (and debates about TWU's law school...). And thanks to our social media coordinator Carrie Ricker, we were able to share the news, along with some A2J

updates, on our Law Day social media (quick plug to follow us on Twitter @LawDayNS_2015).

Our PowerPoint presentation reviewed how section 15 of the Charter works, and provided a few "case studies" on specific grounds of discrimination. For the ground of race, we talked about the Viola Desmond case and how things are different today.

We explained the right to same-sex marriage and the case law that got us there, and we explored restrictions on religious dress – was that Quebec Judge right to ban a party from wearing a veil in Court? Can you wear a niqab when swearing a citizenship oath? These news headlines certainly sparked discussion.

Several schools conducted a mock trial in addition to or instead of the presentation. Keeping with the equality theme, the issue was whether Nova Scotia's voting age of 18 is unconstitutional for discriminating based on age. The students got quite into it, according to our reports.

Law Day is always a great way to welcome spring, and this year was no exception – especially after the winter we had. The equality rights message was even more welcome. Thanks to everyone who volunteered and we'll see you again next year!

GIVING BACK Continued from previous page

lawyer

- for lawyers, an opportunity to provide a valuable public service
- for opposing counsel, fewer complications in court because they will face better prepared, more knowledgeable self-represented litigants who have attended the clinic
- for Courts, a potential reduction in the number of frivolous actions and a more efficient process for those claims that do proceed

By our estimate, once up and running, the clinic will need 50 volunteer

lawyers from Metro Halifax, each offering four mornings of their time through the year. This would allow us to provide 200 sessions per year, two each day, twice a week, for approximately 50 weeks.

Over the summer, we will be looking to expand our roster of volunteer lawyers. We know how generous members of the Nova Scotia Bar already are with their free time. But we'll soon be knocking on your door to ask for just a few more hours, four times a year, as we take up the challenge put to us by the Canadian Bar Association's and Justice Thomas Cromwell's Access to Justice Committees.

TAKE NOTICE : The CBA-NS Annual General Meeting and President's Reception will be held 5 – 7 pm, Thursday, July 30th, 2015 at the Halifax Marriott Harbourfront Hotel. Everyone is welcome to attend the meeting, 5 – 6 pm and the reception, 6 – 7 pm.

What's It Like To Be a Female Judge: The process, the reality and the insight

By TARA MILLER

MDW Law

Members of the WLF were joined by Judge Derrick (Provincial Court), Justice Jollimore (Supreme Court – Family Division) and Justice Boudreau (Supreme Court – General Division) for a candid and entertaining discussion about sitting as a female judge in Nova Scotia.

The purpose of this WLF event was to demystify the application process and reality of presiding as a female judge such that members of the Nova Scotia bar will consider the judiciary as a future career option and goal.

Setting the forthright tone of the event, the three judges started the session by providing background information on their current age, their age at appointment, whether they had a QC, their relationship and child status, and practice background. Justice Jollimore provided further statistics on the average age of women when appointed to the NSSC (45), the average # of years at the bar before appointment (19 yrs/women, 26 yrs/men) and the percentage of appointments who had their QC (71% of men, 47% of women).

Justice Jollimore reviewed strong initiatives by the Nova Scotia bench aimed at encouraging and supporting female applicants, noting that diversity on the bench is a big priority for the judiciary. Such initiatives include compiling a list of female judges who are willing to speak confidentially with potential female applicants to provide guidance and answer any questions in a form of mentorship.

As the most recent appointee, Justice Boudreau shared her experience on the application process which included identifying appropriate references and the wait which followed until she received a call from the Federal Minister of Justice advising of her appointment.

Her work as a judge in the Supreme Court General Division involves doing “everything”. Judges do not specialize in specific practice areas, with all doing criminal, civil, regulatory and family matters. She noted travel is built into the judicial rotation system and is a routine part of the job with her longest period of time away from home being one month. While time is assigned every six weeks to allow for writing of decisions, the realities of the workload often present challenges for writing decisions in the time allotted. She highlighted that despite the challenges of the job, it is the “*best job in the world*” given its importance.

Judge Derrick reviewed the application process for Provincial and Family Court appointments, noting a short-listed group of applicants **are** interviewed which is a distinct difference from the federal application process. Applications are reviewed by the Judicial

Appointments Advisory Committee and the Committee determines which applicants to interview. The Provincial Judicial Application Form is on the Provincial Department of Justice Website.

Oral decisions are more the norm in Provincial court given the volume of matters and need for immediate decisions. Judge Derrick sits in the long trial criminal court, hearing matters which require a significant number of written decisions.

Provincial court judges are also expected to deal with matters in a variety of areas. Since 2002 all provincially-appointed judges are cross-appointed to the Provincial and Family Courts of Nova Scotia although most judges are dedicated to one court. Judges appointed to the Provincial Court will deal almost exclusively with criminal and regulatory matters, including offences under provincial statutes. A background in criminal law is an obvious asset to doing the work and, Judge Derrick noted, familiarization with the fundamental principles and concepts of criminal law, such as reasonable doubt, is essential.

All three judges shared they had applied on several occasions prior to their appointments. They also provided the following general advice if considering applying:

- Do not wait for others to encourage you to apply. While some female judges received support from others which encouraged them to apply, others did not;
- Fill out the application form “*like you mean it*”. Do not be shy about your accomplishments, skills and assets. Many women are very humble in noting their successes and it can help to write the application in the third person to ensure none of your positive features are minimized;
- Select references who are familiar with and will speak positively of you. Having references who know you well is more important than having “big names”. Providing your completed application in draft to your references for review and comment is wise as it allow them to provide feedback to you and become familiar with your accomplishments. You may also wish to provide them with either the provincial or federal professional competence and experience requirements as this will allow them to highlight those qualities relative to you when they are contacted for a reference;
- Do not eliminate yourself from applying because you are not a litigator. The professional competence and experience requirements for a successful federal judicial candidate are: general proficiency in the law, intellectual ability, analytical skills, ability to listen, ability to maintain an open mind while hearing all sides of an argument, ability to make decisions, capacity

Continued on next page

Rainshower Showerheads are Not For Toddlers



By **GAIL GATCHALIAN**

Pink Larkin

I am writing this in a darkened hotel room while my toddler is having her afternoon nap. We are on vacation and things are going well. There was one hiccup when we checked in, when I realized that the hotel room, like all others I had stayed in recently for work, only had a shower and no bathtub. I tried to imagine sticking a three-year old, who does not like getting water in her eyes, in a glass and marble encased shower stall under a rainshower showerhead. Thankfully the hotel was eventually able to give us one of the few rooms they have left that has a bathtub.

In my last article, I mentioned that in private law firms, there are three male partners for every female partner. I began wondering whether the underrepresentation of women in decision-making roles has any direct, verifiable effect on the working conditions of women lawyers. It made me recall Sheryl Sandberg's story in *Lean In* about being the only woman in a meeting at a private equity firm in New York; when she asked where the women's restroom was, the senior partner drew a blank.

In a 2014 Report on the 200 largest U.S. Law firms, the National Association of Women Lawyers reported that, in a typical firm, less than 20% of equity partners are women. Only 48 of those firms were willing to share information about equity partner compensation. The data from these firms seems to indicate that gender diversity on governance and compensation committees is directly related to the pay gap between men and women equity partners: where there were two or more women on the governance committee, women equity partners earned roughly 95% of their male counterparts' compensation, but when fewer than two women were on the governance committee, they earned only about 85% of what their male counterparts made. When two or more women were on the compensation committee, women equity partners' compensation was roughly on par, but when fewer than two women were on the compensation committee, women equity partners typically earned only 85%-89% of their male counterparts' compensation. Something to think about.

Time to wake the kid up. Now I'll have to remember to ask for a bathtub every time I book a hotel room for a family vacation, at least for the next couple of years. I wonder about those responsible for the design of new hotel bathrooms. How do they bathe their toddlers when they go on vacation?

BREAKFAST FROM THE BENCH Continued from previous page

to exercise sound judgment, reputation among professional peers and in the general community, area(s) of professional specialization, specialized experience or special skills, ability to manage time and workload without supervision, capacity to handle heavy workload, capacity to handle stress and pressures of the isolation of the judicial role, interpersonal skills - with peers and the general public, awareness of racial and gender issues and bilingual ability. The requirements for a provincial appointment are very similar. There is NO requirement that includes having been a litigator. Corporate lawyers, in-house counsel and/or any other practice areas are appropriate provided the competence and experience requirements are met;

- Although there is no requirement to have been a litigator prior to being a judge, litigation is an essential component of court room work. Candidly ask yourself if you enjoy litigation as there is no way to avoid it as a judge;
- Ensure you enjoy the work you are currently doing. That helps distance yourself from your application and its end result;

- Identify and contact female judges who will speak with you. This may mean speaking with a judge you do not know but will prove invaluable insight and advice;
- Trust that you will learn what you need to preside as a judge. Lawyers are highly educated and critical thinkers. These skills will allow you to cover the array of subject matters which will come before the bench; and
- Successful applicants do have to give things up. Judges cannot make public statements and cannot be involved in fundraising in any manner.

The WLF is grateful to Judge Derrick, Justice Jollimore, Justice Boudreau, and the many others judges who continue to support the goal of diversity on the bench. Collaboration between the bench and bar continues to have many benefits for all stakeholders in the justice system. "Alone we can do so little; together we can do so much" – Helen Keller.

NOMINATING COMMITTEE REPORT 2015-16

PURSUANT TO the Canadian Bar Association–Nova Scotia By-Law 15(b), the Nominating Committee, comprised of Robyn L. Elliott, QC, Immediate Past-President and Committee Chair, David Cameron, President, Amy Sakalauskas, Vice-President, and Gail L. Gatchalian, Equity Committee Chair, submits the following Report for the election of Treasurer and Council Members for 2015-16:

1. The Committee nominates for the position of Treasurer, who shall be a voting member of National Council:

M. Jean Beeler, QC, Dartmouth

2. The Committee nominates the following persons to Council:

a) One (1) member representing Region 1 (Digby, Yarmouth, Shelburne, Queens, Annapolis, Hants, Kings and Lunenburg Counties), who shall be a voting member of National Council:

Terry Kelly, Kentville

b) Two (2) members representing Region 2 (Halifax Regional Municipality), who shall be voting members of National Council:

Susan MacKay, Halifax
Carrie E. Ricker, Halifax

c) One (1) member representing Region 3 (Colchester, Cumberland, Pictou, Guysborough and Antigonish Counties), who shall be a voting member of National Council:

Kimberley D. Pochini, Truro

d) One (1) member representing Region 4 (Inverness, Victoria, Cape Breton and Richmond Counties), who shall be a voting member of National Council:

Gail Rudderham Chernin, QC, Sydney

e) Two (2) Members-At-Large, who shall be voting members of National Council:

Annette M. Boucher, QC, Halifax
David Cameron, Halifax

f) Sixteen (16) Additional Members-At-Large, who shall sit as non-voting members of National Council:

Sandra L. Barss, Halifax	Adriana L. Meloni, Halifax
Heather E. Burchill, Halifax	Matthew Moir, Dartmouth
Peter Dostal, Halifax	Bradley D.J. Proctor, Halifax
Carol F. Gillies, QC, Antigonish	Robert F. Risk, Sydney
David Hirtle, Lunenburg	Hanaa Al Sharief, Halifax
Jonathan Hooper, Halifax	Terrance G. Sheppard, Dartmouth
Karen Hudson, QC, Halifax	Jennifer Taylor, Halifax
Brian E. McConnell, Digby	John S. Underhill, Halifax

AND TAKE NOTICE that if no alternative nominations are received at the office of the Executive Director by July 23, 2015, a single ballot will be cast at the Annual General Meeting on July 30th, 2015, in favour of those named in the Report of the Nominating Committee set out above. (By-Law 15(e): an alternative nomination for any position mentioned in 15(b) may be made by any member in good standing of CBA-Nova Scotia if consented to in writing by the member nominated and if recommended in writing by at least five (5) members in good standing of CBA-Nova Scotia.) NOTICE GIVEN BY: Tina Tucker, Executive Director, June 25, 2015

SECTIONS MEETING SCHEDULE 2015-2016



THE CANADIAN
BAR ASSOCIATION
Nova Scotia Branch



DELIVERING VALUE TO OUR MEMBERS

SECTION MEETINGS

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 April and May 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.

ABORIGINAL LAW

Terms of Reference: This Section deals with law and practice of aboriginal law including federal and provincial legislation relating to aboriginal people; aboriginal and treaty rights including native land claims; constitutional reform; administration of justice, traditional aboriginal law and selected matters.

Chair: Jason Cooke
Burchells LLP
1801 Hollis Street, Suite 1800
Halifax, NS B3J 3N4
Phone: 902-423-6361
Email: jcooke@burchells.ca

Vice-Chair: Bryna Fraser
Evans MacIsaac MacMillan
409 Granville Street
Port Hawkesbury, NS B9A 2M5
Phone: 902-625-0580
Email: bryna@emmlaw.ca

Dates and Proposed Topics:

Date & Time: (Date and Time To be Determined, Joint Meeting with the Constitutional & Human Rights Law Section)

Topic: Federal Court Decision on Metis Constitutional Status

Speaker: To Be Determined

Location: Stewart McKelvey, 900-1959 Upper Water Street, Halifax, NS

ADMINISTRATIVE LAW

Terms of Reference: Administrative Law deals with legislation conferring judicial or rule-making powers upon any public official and the administration thereof; the jurisdiction, procedure and organization of administrative tribunals and the practice of lawyers before such tribunals; the organization of government insofar as it affects the foregoing or the practice of lawyers; judicial review of the exercise of administrative powers.

Chair: Sandy MacIntosh
Nova Scotia Workers' Compensation Appeals Tribunal
1002-5670 Spring Garden Road
Halifax NS B3J 1H6
Phone: 902-424-2299
Email: macintac@gov.ns.ca

Vice-Chair: Amy Bradbury
Barteaux Durnford
1200-1809 Barrington Street
Halifax, NS B3J 3K8
Phone: 902-429-3400
Email: amy.bradbury@barteauxdurnford.com

Dates and Proposed Topics: NO MEETINGS SCHEDULED

BANKRUPTCY AND INSOLVENCY

Terms of Reference: The purpose of this Section is to examine the law practice related to bankruptcy, receivership and insolvency.

Chair: Joel Henderson
Patterson Law
PO Box 1068, 10 Church Street
Truro, NS B2N 5B9
Phone: 902-897-2000
Email: jhenderson@pattersonlaw.ca

Vice-Chair: Benjamin Durnford
McInnes Cooper
1300-1969 Upper Water Street, PO Box 730
Halifax, NS B3J 1V1
Phone: 902-425-6500
Email: ben.durnford@mcinnescooper.com

Dates and Proposed Topics: NO MEETINGS SCHEDULED

BUSINESS LAW

Terms of Reference: This Section deals with law and practice affecting business, commerce, trade, mercantile pursuits and banking.

Chair: Jennifer Glennie
Nova Scotia Department of Justice
8th Floor, 1690 Hollis Street
Halifax, NS B3J 3J9
Phone: 902-424-7244
Email: glennija@gov.ns.ca

Vice-Chair: Jennifer Hamilton Upham
Patterson Law
PO Box 1068, 10 Church Street
Truro, NS B2N 5G9
Phone: 902-897-2000
Email: jupham@pattersonlaw.ca

Dates and Proposed Topics:

Date & Time: Wednesday, January 13, 2016, 12:00 noon – 1:00pm (Joint Meeting with the Real Property Section)

Topic: “Insurance Coverage for Organizations”

Speaker: To Be Determined

Location: NS Department of Justice, 8th Floor, 1690 Hollis Street, Halifax, NS

CANADIAN CORPORATE COUNSEL

Terms of Reference: This Section deals with particular problems of concern to in-house lawyers who are employed by a single client, such as a corporation, a major business concern, or, to some extent, by federal, provincial or municipal governments and boards.

Chair: James G. Spurr
Halifax Regional Water Commission
450 Cowie Hill Road
Halifax, NS B3K 5M1
Phone: 902-490-6101
Email: james@halifaxwater.ca

Vice-Chair: To Be Determined

Dates and Proposed Topics: NO MEETINGS SCHEDULED

CHARITIES AND NOT-FOR-PROFIT

Terms of Reference: The scope of CBA Nova Scotia Charities and Not-For-Profit section is to address various key practice issues for those lawyers who are involved with charitable and not-for-profit organizations. This is performed in one or more of the following ways:

- Acting for charities and not-for-profit organizations as part of their regular clientele, either as a staff lawyer or as outside counsel, whether for fee or pro bono. Volunteering in a leadership or other role in an organization where he or she brings unique expertise and skills to these organizations.
- Advising and representing clients who volunteer or are employed by these organizations.
- Advising charitably inclined clients on the most effective means of charitable giving as part of their estate and tax planning, or who wish to create a charitable organization or foundation as part of their charitable giving goals.

Like other areas of law, the law relating to charities and not-for-profit organizations is becoming increasingly complex. This new section was created to assist lawyers in addressing these new complexities while continuing profession's proud tradition of service for charities and not-for-profit organizations.

Chair: Alayna Kolodziechuk
Patterson Law
1718 Argyle Street, 5th Floor
Halifax, NS B3J 3N6
Phone: 902-405-8000
Email: akolodziechuk@pattersonlaw.ca

Vice-Chair: Dary Jessome
Stewart McKelvey
900-1959 Upper Water Street
PO Box 997
Halifax, NS B3J 2X2
Phone: 902-429-4111
Email: djessome@stewartmckelvey.com

Dates and Proposed Topics:

Date & Time: (Fall 2015 – Exact Date to Be Determined, Joint Meeting with Taxation Law Section)

Topic: Charitable Giving for Small Business Owners

Speaker: James K. Cruickshank, Stewart McKelvey

Location: To Be Determined

Terms of Reference: The primary objects of this Section are to:

- Maintain a dialogue with the Immigration and Refugee Board and to conduct continuing liaison with its Senior Officials;
- discuss existing legislation and proposed legislative changes;
- ensure that abuses in the enforcement and administration aspects of immigration are publicly voiced;
- conduct continuing legal education seminars;
- enhance the professionalism of lawyers dealing in the area of Immigration Law.

Chair: Andrew J. Munro
Barrister & Solicitor
502-1684 Barrington Street
Halifax, NS B3J 2A2
Phone: 902-405-8550 Email: amunro.law@gmail.com

Vice-Chair: David Nurse
David Hunt Nurse Law Inc.
PO Box 10
Mahone Bay, NS B0J 2E0
Phone: 902-640-3033 Email: david@nurselaw.ca

Dates and Proposed Topics:

Date & Time: September 2015 (Date and Time to Be Determined)
Topic: Federal Express Entry Programs – Federal Express Entry system and Nova Scotia Express Entry Streams
Location: To Be Determined

Date & Time: October 2015 (Date and Time to Be Determined)
Topic: A Meeting with the NS Office of Immigration Featuring Updates on the Nova Scotia Nominee Program – Express Entry Streams
Location: To Be Determined

Date & Time: December 2015 (Date and Time to Be Determined)
Topic: A Meeting with the Employment and Social Development Canada on the Temporary Foreign Worker Program
Location: To Be Determined

Date & Time: February 2016 (Date and Time to Be Determined)
Topic: A Meeting with the NS Office of Immigration on PNP Program Update
Location: To Be Determined

Date & Time: April 2016 (Date and Time to Be Determined)(Joint Meeting with the Labour & Employment Law Section)
Topic: Unique Issues When Employing Foreign Workers
Location: To Be Determined

Date & Time: May 2016 (Date and Time to Be Determined)
Topic & Location: A Tour of the Halifax Airport CBSA Operations

CIVIL LITIGATION/ADR

Terms of Reference: This Section deals with any matter of substantive law, not of a criminal nature, and not coming within the work of another section; the administration of civil justice in all the courts of Canada with particular reference to the jurisdiction, procedure and organization of the courts, and the practice of lawyers before the courts.

Chair: Gary A. Richard
Burchell MacDougall
710 Prince St, PO Box 1128 RPO Prince
Truro, NS B2N 5H1
Phone: 902-895-1561
Email: grichard@burchellmacdougall.com

Vice-Chair: Donn Fraser
MacIntosh MacDonnell & MacDonald
260-610 East River Road, PO Box 368
New Glasgow, NS B2H 5E5
Phone: 902-752-8441
Email: dfraser@macmacmac.ns.ca

Dates and Proposed Topics: NO MEETINGS SCHEDULED

CONSTITUTIONAL & HUMAN RIGHTS

Terms of Reference: The purpose of the Section is to examine all constitutional and human rights law issues, including division of legislative powers, judicial review of the Constitution, constitutional reform, the Canadian Charter of Rights and Freedoms, human rights codes, and international human rights law.

Chair: Ian McIsaac
Burchell MacDougall
210-255 Lacewood Drive
Halifax, NS B3M 4G2
Phone: 902-445-5511
Email: imcisaac@burchellmacdougall.com

Vice-Chair: Naomi Metallic
Burchells LLP
1800-1801 Hollis Street
Halifax, NS B3J 3N4
Phone: 902-423-6361
Email: nmetallic@burchells.ca

Dates and Proposed Topics: NO MEETINGS SCHEDULED

CONSTRUCTION LAW

Terms of Reference: The purpose of this Section is to examine the law and practice relating to problems in the construction industry, including negotiation and conclusion of contracts, bonding and insurance, claims, arbitration and litigation.

Chair: Peter Rumscheidt,
Weldon McInnis
118 Ochterloney Street
Dartmouth, NS B2Y 1C7
Phone: 902-469-2421
Email: prumscheidt@weldonmcinnis.ca

Vice-Chair: Kevin Gibson
McInnes Cooper
1300-1969 Upper Water Street
Halifax, NS B3J 2V1
Phone: 902-425-6500
Email: kevin.gibson@mcinnescooper.com

Dates and Proposed Topics: NO MEETINGS SCHEDULED

CRIMINAL JUSTICE

Terms of Reference: This Section deals with federal and provincial legislation creating offences and crimes, jurisdiction, procedure, and organization of all criminal courts in Canada, the establishment of such courts and the practice of lawyers before such courts; any other matters of a criminal nature.

Chair: Ian Hutchison
Garson MacDonald
1361 Barrington Street
Halifax NS B3J 1Y9
Phone: 902-425-0222 Email: ih@garsonmacdonald.ca

Vice-Chair: Brian Bailey
Bailey & Associates
800-46 Portland Street
Dartmouth, NS B2Y 1H2
Phone: 902-465-4888
Email: bbailey@baileylawyers.com

Dates and Proposed Topics: NO MEETINGS SCHEDULED

ELDER LAW

Terms of Reference: The objectives of the Elder Law Section are tri-fold: to improve the law affecting seniors; to educate the public, the individual Bars, the Judiciary and members of the Association on important Elder Law issues; and to foster professionalism in the practice of Elder Law through communication among Elder Law practitioners.

ELDER LAW *(continued)*

The Elder Law Section addresses legal issues and problems of the elderly, including:

- Age Discrimination;
- General Planning for Aging: A Case-Management and Multidisciplinary Approach;
- Elder Abuse and Exploitation;
- Undue Influence;
- Housing of Older Persons and Care Facility Regulation;
- Ethical and Practical Aspects of Advising the Older Client;
- Mental Capacity and Consent;
- Guardianship and Court Appointed Substitute Decision Making;
- HealthCare Decision-Making;
- Powers of Attorney/ Mandates;
- Elder Divorce and Separation; and Lawyer referral panels, and advocacy and pro bono work for the elderly of low or middle incomes.

Chair: M. Ann Levangie
Patterson Law
10 Church Street
PO Box 1068 RPO Prince
Truro, NS B2N 5G9
Phone: 902-896-6129
Email: alevangie@pattersonlaw.ca

Vice-Chair: Jessica L. Lyle
Sealy Cornish Coulthard
200-56 Portland Street
Dartmouth, NS B2Y 1H2
Phone: 902-466-2500
Email: jllye@scclaw.ca

Dates and Proposed Topics: NO MEETINGS SCHEDULED

ENVIRONMENTAL, ENERGY & RESOURCES LAW

Terms of Reference: Environmental, Energy & Resources Law deals with matters of legal reform and legal education and management relating to the environment, as well as law and practice relating to natural resources and energy and the development and distribution thereof.

Chair: Mark V. Rieksts
Department of Justice (NS)
8th Floor, 1690 Hollis Street
Halifax, NS B3J 3J9
Phone: 902-424-1705
Email: riekstmv@gov.ns.ca

Vice-Chair: Trevor MacDonald
Stewart McKelvey
900-1959 Upper Water Street, PO Box 997
Halifax, NS B3J 2X2
Phone: 902-420-3200
Email: tmacdonald@stewartmckelvey.com

Dates and Proposed Topics: NO MEETINGS SCHEDULED

Terms of Reference: This Section deals with law and practice relating to the family unit, relations between members of the family and the family and society, and matters related thereto; the establishment, jurisdiction, procedure and organization of the courts and other tribunals dealing with these matters, and the practice of the lawyers before such courts and tribunals.

Chair: Krista Forbes
 Nova Scotia Legal Aid
 102-137 Chain Lake Dr
 Halifax, NS B3S 1B3
 Phone: 902-420-3450
 Email: krista.forbes@nslegalaid.ca

Vice-Chair: Jennifer Kooren
 Sealy Cornish Coulthard
 200-56 Portland Street
 Dartmouth, NS B2Y 1H2
 Phone: 902-466-2500
 Email: jkooren@scclaw.ca

Dates and Proposed Topics:

Date & Time: Wednesday, September 23, 2015 – 5:30 pm cash bar / 6 pm dinner
Location: Prince George Hotel, 1725 Market St, Halifax, NS
Topic: To Be Announced
Speaker: The Honourable Associate Chief Justice Lawrence I. O’Neil, Supreme Court of Nova Scotia, Family Division

Date & Time: Wednesday, November 25, 2015 – 5:30 pm cash bar / 6 pm dinner
Location: Prince George Hotel, 1725 Market St, Halifax, NS
Topic: The Updated User’s Guide to the Spousal Support Advisory Guidelines
Speaker: Professor Rollie Thompson, Schulich School of Law

Date & Time: Wednesday, January 27, 2016 – 5:30 pm cash bar / 6 pm dinner
Location: Prince George Hotel, 1725 Market St, Halifax, NS

Date & Time: Wednesday, February 24, 2016 – 5:30 pm cash bar / 6 pm dinner
Location: Prince George Hotel, 1725 Market St, Halifax, NS

Date & Time: Wednesday, March 23, 2016 – 5:30 pm cash bar / 6 pm dinner
Location: Prince George Hotel, 1725 Market St, Halifax, NS

Date & Time: Wednesday, April 27, 2016 – 5:30 pm cash bar / 6 pm dinner
Location: Prince George Hotel, 1725 Market St, Halifax, NS

Date & Time: Wednesday, May 25, 2016 – 5:30 pm cash bar / 6 pm dinner
Location: Prince George Hotel, 1725 Market St, Halifax, NS

GENERAL PRACTICE, SOLO & SMALL FIRM

Terms of Reference: The General Practice, Solo and Small Firm Section addresses the needs of lawyers in general practice, ranging from sole and small firm practitioners in both rural and urban settings, to those practising law in medium and large firms. More than 10 per cent of CBA members identify themselves as being in general practice. The Section represents the common interests of general practitioners within the CBA.

GENERAL PRACTICE, SOLO & SMALL FIRM *(continued)*

Chair: Ryan Brennan
Clyde A. Paul & Associates
Spryfield Professional Centre
349 Herring Cove Road
Halifax, NS B3R 1V9
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Vice-Chair: Laurie LaViolette
Bedford Law Inc.
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Phone: 902-832-2100
Email: laurie.bedfordlaw@gmail.com

Dates and Proposed Topics: NO MEETINGS SCHEDULED

GOVERNMENT & PUBLIC SECTOR LAWYERS

Terms of Reference: The Forum is a platform for CBA members who are employed as lawyers at various levels of government or in public sector agencies.
Its objectives are to:

- Provide mechanisms for public sector lawyers to exchange information and ideas; serve as a national network to enable public sector lawyers to connect on shared issues; advance the understanding of the roles played by public sector lawyers; raise the profile of its members by ensuring public sector lawyers interests are represented within the CBA; bring to the CBA the unique perspective of practicing law within a government setting; serve as the national voice of public sector lawyers within the activities of the Forum and those of the CBA; promote networking and delivery of programs through the Forum's provincial and territory branches

Chair: Karen Kinley
Legislative Counsel Office
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Vice-Chair: Katherine Carrigan
NS Department of Justice
1690 Hollis Street, 8th Floor, PO Box 7
Halifax, NS B3J 2L6
Phone: 902-424-5092
Email: carrigkf@gov.ns.ca

Dates and Proposed Topics:

Date & Time: Thursday, September 17, 2015 – 12:00 noon – 1:00 pm
Location: To Be Determined
Topic: The Implied Duty of Good Faith in Contract Performance
Speaker: To Be Determined

- Date & Time:** Wednesday, October 14, 2015 – 12:00 noon – 1:00 pm
Location: Nova Scotia Securities Commission, 5251 Duke St., Suite 600, Halifax, NS
Topic: Protecting your Financial Future – A Crash Course in Financial Literacy
Speaker: Heidi Schedler, Nova Scotia Securities Commission
- Date & Time:** Wednesday, November 18, 2015 – 12:00 noon – 1:00 pm
Location: To Be Determined
Topic: Waiver of Solicitor-Client Privilege in a Government Context
Speaker: Sheldon Choo, Nova Scotia Department of Justice
- Date & Time:** January 2016 – Exact Date To Be Determined
Location: To Be Determined
Topic: Workshop
Speaker: To Be Determined
- Date & Time:** Tuesday, February 16, 2016 – 12:00 noon – 1:00 pm
Location: To Be Determined
Topic: The Procedure for Proclaiming Legislation
Speaker: Tina Hall, Nova Scotia Department of Justice
- Date & Time:** March, 2016 – Exact Date To Be Determined
Location: To Be Determined
Topic: To Be Determined
Speaker: To Be Determined
- Date & Time:** April 2016 – During Law Week - Exact Date To Be Determined
Location: To Be Determined
Topic: A Career as a Government Lawyer. High school and college-aged sons and daughters to be invited for an interactive session
- Date & Time:** May 2016 – Exact Date To Be Determined
Location: To Be Determined
Topic: Update on the NSBS Journey into Entity Regulation
Speaker: To Be Determined

HEALTH LAW

Terms of Reference: Any aspect of the law relating to health care, institutions, and professions.

Chair: Margot Ferguson
Mayfly Legal Services
3045 Robie Street, Suite 3
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Vice-Chair: Kimberley Pochini
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Truro, NS B2N 5G9
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HEALTH LAW *(continued)*

Dates and Proposed Topics: NO MEETINGS SCHEDULED

INSURANCE LAW

Terms of Reference: The Insurance Law Section brings together CBA members with an interest in all facets of insurance law. Our members include in-house counsel and private practitioners from all parts of the country. Our members deal with all classes of life, accident, and casualty insurance, as well as corporate governance, human rights, insolvency and administrative law issues for insurance industry stakeholders.

Chair: Amy MacGregor
Cox & Palmer
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Vice-Chair: Stacey England
Burchell MacDougall
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Dates and Proposed Topics: NO MEETINGS SCHEDULED

INTELLECTUAL PROPERTY

Terms of Reference: Law and practice relating to all forms of ownership, licensing, transfer and protection of intellectual property and related property rights, including patents, trademarks, copyright, industrial designs, plant breeders' rights, as well as trade secrets.

Chair: Heather Oke
NS Department of Justice
8th Floor, 1690 Hollis Street
Halifax, NS B3J 3J9
Phone: 902-424-4222
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Vice-Chair: Cameron Foster
Stewart McKelvey
900-1959 Upper Water Street
PO Box 997
Halifax, NS B3J 2X2
Phone: 902-420-3200
Email: cfoster@stewartmckelvey.com

Dates and Proposed Topics: NO MEETINGS SCHEDULED

Terms of Reference: Law and practice affecting labour-management relations and trade unions and their members; jurisdiction, procedure and organization of boards and tribunals dealing with labour-management relations, employment standards and the like; the establishment of and appointments to boards and tribunals and the practice of lawyers before such boards; and, principles and practice relating to collective agreements and arbitration of labour disputes.

Chair: Isabelle French
Barteaux Durnford
1200-1809 Barrington St
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Email: isabelle.french@barteauxdurnford.com

Vice-Chair: Andrew Nielsen
Pink Larkin
201-1463 South Park Street, PO Box 36036
Halifax, NS B3J 3S9
Phone: 902-423-7777
Email: anielsen@pinklarkin.com

Dates and Proposed Topics: NO MEETINGS SCHEDULED

LAW STUDENTS

Terms of Reference: The current goals of the CBA Student Section are to increase awareness of the Section among law students, promote the benefits of becoming a CBA member and recruit law students to the section. The Section's ultimate purpose is to supplement law students with resources to excel in their law degree and effectively transition into the workforce.

Chair: Billy Sparks
5-5639 Fenwick Street
Halifax, NS B3H 1R1
Phone: 902-425-9777
Email: halfax@hotmail.com

Vice-Chair: Iain MacDonald
1478 Carlton Street
Halifax, NS B3H 3B7
Phone: 902-889-1043
Email: iain.macdonald@dal.ca

Dates and Proposed Topics: NO MEETINGS SCHEDULED

MILITARY LAW

Terms of Reference: This Section deals with military law, including the military system of justice and operational law, as well as uniquely military aspects of established substantive bodies of law practised by civilians such as criminal law, tort law, intellectual property, employment and human rights law, air law, maritime law and international law.

Chair: To Be Announced

MILITARY LAW *(continued)*

Vice-Chair: To Be Announced

Dates and Proposed Topics: NO MEETINGS SCHEDULED

MUNICIPAL LAW

Terms of Reference: Municipal lawyers practise entirely or substantially in areas of law relating to local government. The Municipal Law Section serves as a co-ordination and communications focus for issues of common interest to lawyers practising in the many areas which touch on the work of municipalities. If you are a member of the Municipal Section you are automatically a member of the National Municipal Section.

Chair: Colin Taylor
Halifax Regional Municipality
PO Box 1749 Stn Central
Halifax, NS B3J 3A5
Phone: 902-490-4226
Email: taylorc@halifax.ca

Vice-Chair: Heidi Walsh-Sampson
Municipality of the County of Kings
87 Cornwallis Street, PO Box 100
Kentville, NS B4N 3W3
Phone: 902-678-5290
Email: hwlshsmpson@county.kings.ca

Dates and Proposed Topics: NO MEETINGS SCHEDULED

PRIVACY & ACCESS LAW

Terms of Reference: This Section deals with domestic and international law, policy and education related to privacy matters and access to information. Where there is an overlap of interests concerning privacy or access to information matters, the Section works in consultation and communication with other Sections.

Chair: Alayna Kolodziechuk
Patterson Law
10 Church St
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Phone: 902-896-6157
Email: akolodziechuk@pattersonlaw.ca

Vice-Chair: To Be Announced

Dates and Proposed Topics: NO MEETINGS SCHEDULED

Terms of Reference: The Real Property Section is concerned with the problems inherent in the ownership, devising, mortgaging, loaning, using, leasing and other dealings with real property, including:

- Estates; uses; trusts and settlements; perpetuities; fixtures; titles; workers' and mechanics' liens; leaseholds; mortgages; easements and licenses; planning legislation and restrictions on use, realty taxes, registration and land titles system; vendor and purchaser; ecological control of land; financing problems on real property security

Chair: Mark Tipperman
Barrister & Solicitor
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Vice-Chair: Maureen Ryan
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Dates and Proposed Topics:

Date & Time: Wednesday, September 23, 2015, 12:00 noon – 1:00pm
Topic: “Real Estate Practice Professional Standards”
Speaker: Mathew Moir, Weldon McInnis
Location: Weldon McInnis, 118 Ochterloney Street, Dartmouth, NS

Date & Time: Wednesday, October 21, 2015, 12:00 noon – 1:00pm
Topic: “Environmental Due Diligence”
Speaker: Robert Rains, Sampletech
Location: To Be Determined

Date & Time: Wednesday, November 18, 2015, 12:00 noon – 1:00pm
Topic: “Provincial Crown Lands”
Speaker: Mark Rieksts, NS Department of Justice
Location: NS Department of Justice, 8th Floor, 1690 Hollis Street, Halifax, NS

Date & Time: Wednesday, January 13, 2016, 12:00 noon – 1:00pm (Joint Meeting with the Business Law Section)
Topic: “Insurance Coverage for Organizations”
Speaker: To Be Determined
Location: NS Department of Justice, 8th Floor, 1690 Hollis Street, Halifax, NS

SECURITIES LAW

Terms of Reference: This Section deals with sources of securities regulation applicable in Nova Scotia including The Securities Act and the regulations, notices and rules arising from it, and the rules and policies set out by any other securities regulatory organizations.

SECURITIES LAW *(continued)*

Chair: Garnet Brooks
Wickwire Holm
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Vice-Chair: Claire Milton, QC
BoyneClarke LLP
600-99 Wyse Road, PO Box 876
Dartmouth, NS B2Y 3Z5
Phone: 902-469-9500
Email: cmilton@boyneclarke.ca

Dates and Proposed Topics: NO MEETINGS SCHEDULED

SEXUAL ORIENTATION & GENDER IDENTITY

Terms of Reference: The purpose of the SOGI Section is to:

- address the needs and concerns of lesbian, gay, bisexual, transgendered and two-spirited members within the Association
- provide a forum for the exchange of information, ideas and action on legal issues relating to sexual orientation and gender identity
- encourage lesbian, gay, bisexual, transgendered and two-spirited lawyers to actively participate in the work of the Association
- develop and provide continuing legal education and other professional development programs on legal issues relating to sexual orientation and gender identity
- develop member services relevant to lesbian, gay, bisexual, transgendered and two-spirited members of the Association

Chair: Scott R. Campbell
Stewart McKelvey
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Vice-Chair: Jack Townsend
Cox & Palmer
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Halifax, NS B3J 2V1
Phone: 902-457-9035
Email: jktownsend@coxandpalmer.com

Dates and Proposed Topics: NO MEETINGS SCHEDULED

- Terms of Reference:**
- Review federal and provincial legislation imposing taxes or duties and the practice under such legislation,
 - the jurisdiction, procedure and organization of special courts and tribunals relating to taxes and duties,
 - the establishment of such courts and tribunals, and
 - the practice of lawyers before such courts and tribunals.

Myles Bilodeau
Crowe Dillon Robinson
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Vice-Chair: C. Jennifer Campbell
Patterson Law
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Email: jcampbell@pattersonlaw.ca

Dates and Proposed Topics:

Date & Time: (Fall 2015 – Exact Date to Be Determined, Joint Meeting with Charities & Not-for-Profit Law Section)
Topic: Charitable Giving for Small Business Owners
Speaker: James K. Cruickshank, Stewart McKelvey
Location: To Be Determined

WILLS, ESTATES & TRUSTS

Terms of Reference: Law and practice relating to wills, trusts, estates and their administration, and matters including taxes and duties related thereto; and the jurisdiction, procedure and organization of courts dealing with the foregoing matters, the establishment of such courts and the practice of lawyers before such courts.

Chair: Tanya L. Butler
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Vice-Chair: Amanda Carew
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Dates and Proposed Topics: NO MEETINGS SCHEDULED

WOMEN'S FORUM

Terms of Reference: The Women's Forum is aimed at promoting the stature and influence of women in the profession, as well as developing programs, networking opportunities and mentoring programs.

air: Jennifer Knebel Reid
Casey Rodgers Chisholm Penny Duggan LLP
201-219 Waverley Road
Dartmouth, NS B2X 2C3
Phone: 902-434-6181
Email: jreid@crcplawyers.com

Co-Chair: To Be Announced

Dates and Proposed Topics: NO MEETINGS SCHEDULED

YOUNG LAWYERS

Terms of Reference: The Young Lawyers Section is made up of members who are under the age of 40 or who have been at the Bar for 10 years or less.
The purpose of the Young Lawyers Section is to promote the interests of young lawyers by:

- imposing responsibility at an early age;
- affording an opportunity of exchanging professional ideas among lawyers of similar age and experience;
- sponsoring programs of particular interest to young people including young lawyers, university or high school students;
- the study of problems peculiar to the young lawyer.

Chair: Amanda Dillman
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Vice-Chair: Ryan Brothers
Nova Scotia Department of Justice
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Dates and Proposed Topics:

Date & Time: September 2015, Exact Date and Time to be confirmed

Topic: "Research Methods Skills Workshop"

Speaker: Jennifer Taylor, Stewart McKelvey

Date & Time: October 2015, Exact Date and Time to be confirmed

Topic: "Half Day Conflict Resolution Workshop"

Speaker: Paul Hutchison, a Mediator from Northern Ireland, who has years of experience in mediation/ conflict resolution including ground work with some of the most entrenched conflicts in Northern Ireland

Date & Time: November 2015, Exact Date and Time to be confirmed

Topic: Annual Young Lawyers Bench and Bar

BRANCH SCHEDULE OF MEETINGS AND CONFERENCES FOR 2015-2016

Executive Committee:

September 10th, 2015 (Thurs)	4:00 pm – 6:30 pm (Meeting, Dinner and Orientation)
October 8th, 2015 (Thurs)	4:00 pm - 5:30 pm
November 19th, 2015 (Thurs)	4:00 pm - 5:30 pm
December 10th, 2015 (Thurs)	3:00 pm - 4:00 pm (Immediately preceding Council)
January 14th, 2016 (Thurs)	4:00 pm - 5:30 pm
February 11th, 2016 (Thurs)	4:00 pm - 5:30 pm
April 14th, 2016 (Thurs)	4:00 pm - 5:30 pm
May 12th, 2016 (Thurs)	4:00 pm - 5:30 pm
June 16th, 2016 (Thurs)	3:00 pm - 4:45 pm <i>Note - AGM follows this meeting at 5:00 pm</i>

Council:

December 10th, 2015 (Thurs)	4:00 pm - 7:00 pm (Meeting & Dinner with special guest National CBA President)
March 10th, 2016 (Thurs)	4:00 pm - 6:00 pm (Meeting & Reception)

Annual General Meeting:

June 16th, 2016 (Thurs)	5:00 pm - 6:00 pm <i>Note - Executive meets 3:00 pm - 4:45 pm</i>
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Conferences:

October 23rd, 2015 (Fri)	Family Law Conference (Venue TBA)
January 28th & 29th, 2016 (Thurs & Fri)	Mid-Winter Conference (Marriott Harbourfront Hotel)
May 13th, 2016 (Fri)	Criminal Law Conference (Venue TBA)

Other Events/Meetings:

January 28th, 2016 (Thurs)	Mid-Winter Bench and Bar Reception & Dinner (6 – 10:00 pm, Casino Nova Scotia)
April 14th, 2016 (Thurs)	Law Day
June 16th, 2016 (Thurs)	President's Reception (6:00 - 7:00 pm, immediately following the AGM)

Roadways Conference Thank you

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

ROADWAYS TO RESOLUTION

Mediation Conference

May 29, 2015

Organizers:

Sara L. Scott, Stewart McKelvey
Jason Cooke, Burchells LLP

Speakers:

Honourable Justice Cindy A.
Bourgeois
Patrick Casey, QC
Chris Correia, QC
Michael Dull
Gail Gatchalian
Emma Halpern
Gerald Hashey

David G. Hutt
A. William Moreira, QC
A. James Musgrave, QC
Kathryn Raymond
Ann E. Smith
Honourable Elizabeth Van den
Eynden
Raymond F. Wagner, QC
Daniel F. Wallace

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