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InForum is an electronic newsletter published approximately twice a month. To receive a free subscription, please contact the Society at info@nsbs.org.

:: NOTICES ::

SOCIETY UPDATES

Vote soon

NSBS elections close on April 30 for Cape Breton District, Dartmouth and Halifax District – [vote here](#)

Task Force on Council Composition – Final Report

The NSBS Task Force on Council Composition has completed its [Final Report](#) regarding the size and composition of Council. The report, as submitted to Council on March 27, is available for viewing now on the website. Many thanks to the membership for providing such valuable and detailed input throughout this process – concerns raised are summarized in the [new report](#).

2009 June Bar Admission Ceremony

The Nova Scotia Barristers' Society is pleased to announce the [2009 June Bar Admission Ceremony](#) on June 12, 2009, at Pier 21 in Halifax.

Twitter with NSBS

With the explosion in popularity of online social networking tools, NSBS now offers a Twitter feed with our current news updates. This is in keeping with our ongoing efforts to improve member and public awareness of our activities and events. Have a look and please “follow” us if you’re Twittering! <http://twitter.com/nsbs>

You can also find us on Facebook, with a page dedicated to our UnCommon Law initiative for youth: <http://www.facebook.com/pages/Uncommon-Law/55744851905>.

2009 Council Elections in Cape Breton District, Dartmouth and Halifax District

This is a Council Election Year. Nominations closed on March 16, and a number of Districts have acclaimed their Council members. The Society will be conducting elections in these three Districts: **Cape Breton District, Dartmouth and Halifax District**, in accordance with Regulations 2.3.1.

Voting will be open to the membership in these Districts throughout April 2009. Please check the [website](#) on **Wednesday, April 1** for our special 2009 Council Election section. It will include details about the electronic voting procedure and an area for candidates to outline their election platforms. It will also include a list of acclaimed members of Council. Please note, elections close on May 1.

Disposal of Undistributed Trust Funds

The next Application for Disposal of Undistributed Trust Funds has been set for **April 29, 2009**. Submissions should be received at the Society's office **no later than April 15**.

Members who wish to make an application for disposal of undistributed trust funds should refer to the procedures at www.nsbs.org under "Trust Accounts," or contact Glen Greencorn, Director of Finance and Administration; Tel: (902) 422-1491; ggreencorn@nsbs.org.

NSBS changes to Articling Program for 2009-2010 articling year

The NSBS will **not** be holding a 2009-4 Skills Course Session (March 2010). All Articled Clerks will be placed in one of the three sessions being held this year. In addition, there will be no Articling Orientation. The topics covered in the Orientation will be incorporated into the Skills Course. The revised Application to Enroll as an Articled Clerk and the Skills Course Schedule are on the NSBS website at www.nsbs.org (see "Forms").

If you have any questions, please contact Karen Trites, Admissions Officer, at 422.1491 or ktrites@nsbs.org.

Civil Procedure Rules Subcommittee

The Civil Procedures Rules Subcommittee of the Administration of Justice Committee has been reconstituted. The members of the committee are: Andrew Fraser (Stewart McKelvey), John A. Keith (Cox & Palmer), Michael F. Donovan, QC (Department of Justice, Canada), Catherine J. Lunn (Department of Justice, Canada), Raymond F. Wagner (The Law Practice of Wagner & Associates), Guy LaFosse, QC (LaFosse MacLeod), Donald A. (Rollie) Thompson, (Dalhousie Law School) and Paul L. Walter, QC (Waterbury Newton).

Members are invited to submit any comments or issues regarding the new Civil Procedure Rules to the subcommittee by addressing comments, concerns or issues to the Society's Executive Director, Darrel Pink at dpink@nsbs.org.

Since the Rules are new, it is important to be able to identify both what seems to be working well and, more importantly, what is not. As lawyers gain experience and the Court addresses matters for the first time, members are invited to share their experiences.

The subcommittee will review concerns brought forward by members of the Bar about the Rules and consider whether and to what degree these concerns should be investigated and recommendations for reform made or other actions taken. The subcommittee meets regularly with the judges, who are on the Supreme Court Rules Committee, and through that mechanism has a consultative role regarding ongoing amendments to the Rules.

COLUMNS & TIPS

Risk Management Tip from Deborah E. Gillis, QC

Risk Management Tip from Deborah E. Gillis, QC, Risk and Practice Management Advisor, Lawyers' Insurance Association of Nova Scotia

Have a backup system in place when you and your regular staff are away from the office, either because of illness or holiday. Be particularly vigilant of work completed by a fill-in. Deadlines are often missed and other mistakes made when someone not familiar with the file is filling in for your regular assistant.

GREENING YOUR OFFICE – new tip from the NSBS Green Team

A number of members, as well as the NSBS Green Team, suggest using tap water or filtered water for meetings. Provide a jug and reusable glasses and avoid using bottled water, to cut down on unnecessary waste.

Celebrate World Water Day with Nature Trust, with its **Walk for Water** on April 22 @ 8:30pm, in Point Pleasant Park, Halifax. The event aims to raise awareness about the importance of clean water for all, and the work of the Nature Trust. Participate by joining in on this 6km walk, or by supporting a walker with a pledge. For more information see www.nsnt.ca.

FROM THE PROVINCE

Department of Justice – new Provincial Court guidelines regarding judicial appointments

The Department of Justice recently revised its guidelines regarding judicial appointments made by the Province of Nova Scotia for Provincial Courts. To review the changes, [please find the new guidelines here](#).

Service Nova Scotia & Municipal Relations: *Land Registration Act* amendments effective May 4

Please be advised that changes to the *Land Registration Act* and the Land Registration Administration Regulations are planned for this spring. The implementation date is May 4, 2009, subject to Cabinet approval. This will result in some changes to the requirements and practice of authorized lawyers who work in the land titles system. Find details on the NSBS website: http://www.nsbs.org/news.php?news_id=72

New issue of Common Ground newsletter

It seems that winter is more reluctant than usual to release its grip on Nova Scotians, but as snow gives way to rain that washes away winter's last traces, change is in the air. You will also find some changes announced in the latest issue of Common Ground: Pictou LRO has moved into a new building, NSCAF will soon be interfaced with Property Online, and changes will be brought about by the soon-to-be proclaimed Bill 156. The newsletter also contains the latest E-Land Registry update, fee changes, helpful hints on submitting documents and plans, and news about Halifax County's conversion of property to the new land registration system. With this issue, the Registrar General is releasing a Communiqué with details on the changes to be brought about by Bill 156.

As you prepare for the renewed activity of spring, take a few minutes to relax with these publications; you'll find them at www.gov.ns.ca/snsmr/property/registry/news.

Veronica Price Brown, Publication Assistant
Land and Property Programs

You Can Make a Difference...

The Province of Nova Scotia is accepting applications from individuals interested in being appointed to serve on its various Adjudicative and Non Adjudicative Agencies, Boards and Commissions. To learn more visit www.gov.ns.ca/exec_council/abc or call 1-902-424-4877 in HRM (Toll-free: 1-800-206-6844).

The Government of Nova Scotia has an Employment Equity Policy and we welcome applications from Aboriginal People, African Nova Scotians and Other Racially Visible Persons, Persons with Disabilities and Women. If you are a member of one of the equity groups, you are encouraged to self-identify, on either your application form, covering letter, or your resume.

FROM THE FEDERAL GOVERNMENT

Courts Administration Service: Update on proposed amendments regarding expert witnesses

Please find a memorandum from Mr. Guenette concerning the above-noted matter, dated April 6, 2009 posted on Internet at the following link: http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/CAS/circulars-circulaires_eng/5-2009_eng

Service administratif des tribunaux judiciaires: Mise à jour sur modifications proposées / témoins experts

Veillez trouver une note de service de M. Guenette en date du 6 avril 2009 concernant le sujet mentionné en rubrique affichée sur l'Internet à l'adresse suivante : http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/SATJ/circulars-circulaires_fra/5-2009_fra

The Government of Canada reintroduces legislation regarding identity theft

The Honourable Rob Nicholson, P.C., Q.C., M. P. for Niagara Falls, Minister of Justice and Attorney General of Canada, has reintroduced tough legislation that will target identity theft, a fast-growing problem in Canada and throughout the world.

For more information: http://www.canada.justice.gc.ca/eng/news-nouv/nr-cp/2009/doc_32347.html

LE GOUVERNEMENT DÉPOSE DE NOUVEAU UN PROJET DE LOI SUR LE VOL D'IDENTITÉ

L'honorable Rob Nicholson, C.P., c.r., député de Niagara Falls, ministre de la Justice et procureur général du Canada, a déposé de nouveau un projet de loi strict sur le vol d'identité, un problème qui gagne rapidement en importance au Canada et ailleurs dans le monde.

Pour de plus amples détails, veuillez consulter: http://www.canada.justice.gc.ca/fra/nouv-news/cp-nr/2009/doc_32347.html

MISCELLANEOUS NOTICES

Haul out your guitars – Fourth Annual Halifax Rock for Kids set for October 22, 2009

This coming October, lawyer-musicians will once again battle for the title of "Halifax's Best Band" and raise money for Nova Scotia children with physical disabilities. Over \$30,000 has been raised to date by March of Dimes Canada at this annual rocking event. Please note however, there are three big and exciting twists this year.

This fall marks the 40th anniversary of Woodstock, one of the best known musical happenings of the last century. To commemorate the anniversary, there will be a groovy "Woodstock Theme" for the event. In addition, with the goal of increasing the amount of funds raised, the Battle will expand to include not only lawyers but also other professionals, such as doctors and accountants, which will prove to be a very entertaining and memorable experience. Lastly, the venue for the event will be the **Halifax Marriott Harbourfront Hotel**, which will attract a larger audience than ever before. The scheduled date is **Thursday, October 22, 2009**. Mark your calendars now.

Organizers are currently seeking musicians to participate at the event. In 2006, there were 3 lawyer bands competing and in both 2007 and 2008, 4 lawyer bands participated. It is hoped that there will be more than 5 bands this time (given the expanded eligibility). If you are a musician (and lawyer, doctor or accountant) or know of any lawyer or doctor or accountant bands who might be interested in participating in performing, please contact Marc Belliveau at Stewart McKelvey (902-420-3343 or mbelliveau@smss.com) or David Graves at McInnes Cooper (902-444-8544 or david.graves@mcinnescooper.com) for more information.

Halifax Rock for Kids benefits March of Dimes Canada's Conductive Education Nova Scotia Program, which helps children and adults in our province who have physical disabilities to improve their mobility and increase their self-confidence and motivation. March of Dimes Canada is a nationally registered charitable organization providing support services to people with disabilities, their families and caregivers across Canada.

Canadian Lawyer reminder – Annual Legal Fees Survey closes April 15

Canadian Lawyer magazine is conducting its Annual Legal Fees Survey, which asks the legal profession to provide some basic fee benchmarks — what lawyers are actually charging for various transactions and services, nationally and regionally. The survey closes tomorrow (April 15) and the results will be published in the June issue of *Canadian Lawyer*.

The coverage will break out the results nationally and regionally, to provide an overview of the economic health of the profession. As well, the figures will be compared with next year's results to see any marketplace impact on the delivery of legal services. Your responses & your identity will be treated with the highest degree of confidentiality. Participants who provide their contact information will also be entered into a draw for two pairs of cufflinks with a legal motif.

Click [here](#) to participate in the survey.

ASIL Award

Doug Johnston's book, *The Historical Foundations of World Order*, has been selected by the American Society of International Law to receive its annual prize for "Preeminent Contribution to Creative Scholarship." The prize was announced and presented at the ASIL annual general meeting on March 26th at the Fairmont Hotel.

Link to Brill: <http://www.brill.nl/default.aspx?partid=227&pid=28398>

PRO BONO OPPORTUNITIES

Excalibur After School Society seeks volunteer lawyer

Excalibur After School Society is seeking an attorney to check three application forms, as soon as possible. This is a volunteer position. Excalibur offers the Family School POP (Pre-school Over-activity Program) to parents of hyperactive children 3-6 years of age, and other caregivers. These courses are free of charge. The other caregivers receive a certificate for taking the course. Excalibur needs to be able to videotape the sessions and its application forms need to be legally binding on this issue. Also seeking someone to fill a vacancy on the board.

Please contact Maya Warnock at 461-1761 or ex.info@excaliburafterschool.org. For more information on Excalibur please, visit www.excaliburafterschool.org. Excalibur is a registered charity.

CALL FOR NOMINATIONS

Frances Fish Women Lawyers' Achievement Awards 2009 – nominations due May 15

Do you know a woman deserving of recognition for her dedication to the advancement of women in and through the legal profession through professional excellence and leadership, and/or commitment and service to the legal profession, legal education or the community?

If you do, nominate her for the 2009 Frances Fish Women Lawyers' Achievements Awards. Click [here](#) for additional information and the nomination form or contact:

NSAWL, Frances Fish Women Lawyers' Achievement Awards Nominating Committee
c/o Lyndsay Jardine, Wickwire Holm

Toll free: 1-866-429-4111 | **Tel:** (902) 482-7021 | **Fax:** (902) 429-8215 | ljardine@wickwireholm.com

Nominations close May 15, 2009

Ramon John Hnatyshyn Award for Law – nominations due April 30

The Canadian Bar Association is seeking nominations for the 2009 Ramon John Hnatyshyn Award for Law. The deadline for applications is April 30, 2009. Established by the Governor General in 1993, the medal recognizes outstanding

contribution to the law or legal scholarship in Canada. The selection committee is seeking nominations from law schools, law societies and Chief Justices.

Details, including the formal nomination form and a list of previous award recipients, are available at www.cba.org/CBA/Awards/hnatyshyn.

Le Prix pour le Droit Ramon John Hnatyshyn

Le Comité des prix et récompenses est à la recherche de candidats et de candidates pour le Prix d'excellence pour le droit Ramon John Hnatyshyn 2009. La date limite pour soumettre les candidatures est le 30 avril 2009. Établie par le gouverneur général en 1993, cette médaille récompense la contribution exceptionnelle apportée par une ou un juriste au droit ou au savoir juridique au Canada. Le Comité de sélection est à la recherche de candidatures en provenance des facultés de droit, des barreaux et des juges en chef.

De plus amples détails, y compris le formulaire officiel de proposition de candidature, sont aussi disponibles sur notre site Web www.cba.org/ABC/Prix/prix_hnatyshyn.

FROM THE FEDERATION OF LAW SOCIETIES:

Register now for 2009 National Criminal Law Program

2009 National Criminal Law Program: Evidence
presented by The Federation of Law Societies of Canada

Victoria Conference Centre
Victoria, British Columbia
July 6 to 10, 2009

For details and to register: <http://www.flsc.ca/en/lawSocieties/criminalLaw.asp>

This program offers comprehensive coverage of the law of Evidence - both in the presentations and in the printed materials written by faculty members specifically for this program. Faculty are chosen from the legal profession across the country to provide up-to-date information and a cross-section of points of view from the Crown, defence and the judiciary. This program is for all practitioners and judges involved in criminal law - it is a week full of instruction using panels, lectures, unique presentations and group workshops.

CALL FOR PAPERS

National Family Law Program July 12 – 15, 2010

Victoria Conference Centre
Victoria, British Columbia

CALL FOR PAPERS: <http://www.flsc.ca/en/lawSocieties/familyLaw.asp>

Your proposal must be received no later than May 30, 2009

Please submit your Family Law proposal to:

Heather Walker, Program Co-ordinator
P.O. Box 244, Woodville, ON K0M 2T0

e-mail: nationalfamilylawprogram@sympatico.ca

Note: Presenters will receive a contribution toward travel and accommodation expenses.

Missing Wills

▸ Assistance requested in locating missing will for Joan Fredina Pelly of Dartmouth (late widow of William E. Pelly, or William Gordon Pelly)

A search is under way for a missing will for Joan Fredina Pelly, late widow of William E. Pelly (or William Gordon Pelly), who lived at 57 Louisburg Lane in Dartmouth, B2W 3A8. Mrs. Pelly's date of birth was 1923 in Chester, Nova Scotia, and her maiden name was Joan Mills. She passed away at age 85 on November 9, 2008. The original will was written in 1996, however it is believed that it was altered and updated or rewritten in the year 2005 or thereabouts.

Anyone with information is asked to contact Garry Monett at garry_monett@live.ca or 404-8987 or 452-4486 (cell).

▸ Assistance requested in locating missing will in Halifax / Eastern Shore area

Rotraud Vusten of Myers Point, Head Jeddore, NS, passed away Friday, January 16 in Munich, Germany, following heart surgery. She has no family here in Canada and her friends have been trying to determine who should be attending to her affairs. Her financial power of attorney (until her death) in Germany is also asking for a contact person in Nova Scotia. Her friends are very sure she would have had a will (as she was aware of the risk of the surgery). If any lawyer knows of her executor, would you please advise any one of the following, as soon as possible:

- Pearl Akers 889-3440 (akerspe@yahoo.ca);
- Penny Bennett 889-3285 (penelope.westjeddore@yahoo.ca);
- Gary Young 889-3002;
- or Paul Scott 889-2914

▸ Assistance requested in locating missing will in Kentville/Kings County area

We are seeking any information regarding a last will and testament of **William Walter ("Bill") MacNeil, late of Kentville, NS**. The family believes a will was prepared for Mr. MacNeil but are unable to locate a copy and hopes that a lawyer in the Kentville/Kings County area may have a copy or the original on file.

Mr. MacNeil lived in Kentville and was the owner/operator of a boarding house located at 148 Main Street, Kentville, which deeded to him in October 1989. He died on December 12, 2008 at home. He had previously been owner and operator of MacNeil's Red and White Grocery Store in Kentville and was also employed with the Department of Highways.

Please contact Tim Hergett at 902 542-5450 or thergett@ns.sympatico.ca.

▸ NOTICE: Assistance requested in locating missing will in Sydney/Glace Bay area

Lawyers with any information regarding the last will and testament of Emma Theresa Currie are asked to please contact her niece Helen Currie in Dartmouth as soon as possible. Executors are unable to locate a copy of her will, and hope that a lawyer in the Sydney/Glace Bay area may have a copy on file.

Ms. Currie lived in MacKay's Corner, Glace Bay, all her life. She was an elementary school teacher and principal of MacKay Corner Memorial School. If you can provide any details, please contact Helen Currie at 902.469.1319 or hcurrie@hotmail.com.

Bookmark Professional Responsibility [BEST PRACTICES](#) — an online ethics resource for Nova Scotia lawyers.

[Recent Decisions from Professional Responsibility](#)

:: CONFERENCES & SEMINARS ::

NSBS CONTINUING PROFESSIONAL DEVELOPMENT UPCOMING COURSES:

[Click here to visit the CPD page at NSBS.org](#)

Register now online – upcoming CPD Lunch & Law seminars

- Lunch & Law: [Condominium Law & Insurance 101 Part II](#)
Wednesday, April 29, 2009
 - Lunch & Law: [Seizing the Opportunity of Diversity in the Workplace](#)
Wednesday, May 6, 2009
 - Lunch & Law: [Environmental Registry](#)
Wednesday, May 20, 2009
-

NSBS Annual Meeting

The Business of Law During Times of Uncertainty

Keynote Address: Mr. Gerald J. McConnell, Q.C. Etruscan Resources Inc.

June 19-20, 2009

Inverary Inn in Baddeck

For more information and to register, please visit: <http://www.nsbs.org/annualmeeting.php>

Also featuring a performance by Cape Breton's own Raylene Rankin!

Land Registration Act – next online training course offered in May

The Nova Scotia Barristers' Society is proud to provide ongoing legal education for our members. Among our current offerings:

The NSBS continues to offer the **ONLINE Land Registration Act** training course. Completion of the course is mandatory for all lawyers wishing to practise property law (and who haven't already completed the course) in the online system. The course will commence with a conference call and will take place entirely online – from the comfort of your home or office. You will have seven days to complete the course, and questions may be submitted to trainers on weekdays.

Due to the large demand, we would like to request that you register for a later session if you are able to do so, in order to accommodate those who have the greatest need to complete the course. First priority will be given to NSBS members. If you are support staff or a title searcher and wish to register, please contact Katherine Oxner (koxner@nsbs.org) to be placed on a waiting list.

The next course is offered on May 4 - 11, 2009.

More dates will be added later in the year.

Price: \$600 + tax

Registration is completed online only, and you will need your member username/password for this. If you do not have one, please contact Pierre Benoit at pierreb@nsbs.org.

To register: click on <http://members.nsbs.org/>

Lunchtime Seminar Series Tickets **\$40 each or 10 for \$300 plus HST**

Location: Continuing Professional Development Centre, 4th Floor, Centennial Building, Suite 408, Halifax, NS

CPD is now offering a booklet of ten seminar tickets for \$300, a discount of \$10 per session! Booklets may be purchased by individuals or firms and are transferable. Tickets may be redeemed for any single seminar offered by CPD that is less than 1.5 hours in length.

OUTSIDE CONFERENCES & SEMINARS

Last chance for tickets: LISNS Law Day Lunch

Date: Wednesday, April 22

Time: doors open at 11:20 am; lunch starts promptly at 11:45 am

Location: World Trade and Convention Centre

Tickets: \$65 each - tables of 10 for \$650

This year's guest speaker is **Brian Thwaits, the Brain Trainer**. In his very funny presentation, he will explain a little about how your brain works, as well as how to train it to work better. This annual fundraiser for the Legal Information Society of Nova Scotia is always a fast-paced and entertaining lunch. Expect to win with the "Everyone Wins Raffle" (tickets are \$10 cash) and bid on some great live auction lots.

Book your ticket or table online at <http://www.legalinfo.org/> or contact the Legal Information Society at 454-2198.

CCEPA Trust in Education series

"Quality of Education: What Should We Want? How Can We Get It? When Will We Know?" – Canadian Centre for Ethics in Public Affairs (CCEPA)

Join CCEPA in debating these and other questions, featuring:

- Dr. Bernard Shapiro, former Federal Ethics Commissioner and past Principal and Vice-Chancellor McGill University
- Ray Ivany, the new President of Acadia University
- Veronica Lacey, President and CEO of the The Learning Partnership
- Moderator Allan Shaw, Chairman of The Shaw Group

Thursday, April 16, 7pm - 9pm, Scotiabank Theatre Auditorium, Saint Mary's University
FREE ADMISSION, For more info: www.ccepa.ca or 428.4731

Law Week, April 13 – 17, 2009

The annual Law Day Open House in the Courts will focus this year on Access to Justice in the Provincial Court of Nova Scotia. On **Saturday, April 18**, the Provincial Court building on Spring Garden Road in Halifax will open its doors to the public from 10 am to 2 pm, providing an opportunity for youths and adults to learn more about the law and justice system “from the inside,” through informative mock trials, tours and exhibits.

Also: the Canadian Bar Association, Nova Scotia Branch, together with the Legal Information Society of Nova Scotia, present the 2009 Law Week Poster Challenge for Elementary Students. See:

http://www.cba.org/NS/News_and_Events/law_day.aspx

Alice Housing: ArtWorks dinner and art auction

Wednesday, April 29

Starting at 6 pm

Westin Nova Scotian, 1181 Hollis Street

Alice Housing presents ArtWorks, a fundraising dinner and art auction hosted by CBC Information Morning's Elizabeth Logan, with Blain Henshaw as auctioneer. Tickets are \$65, available at www.alicehousing.ca or by calling 466.8459.

Alice Housing offers a window of opportunity to women and children fleeing domestic abuse by providing safe and supported housing and programs over an extended period of time.

Presentation by former US President Bill Clinton – early bird tickets available now

“The Honourable William Jefferson Clinton on The Global Economy,” talk will be followed by a question & answer session with Frank McKenna, Deputy Chair of TD Bank Financial Group. Event presenters, The Power Within Inc., are pleased to invite members of the bar to attend this event at Halifax's **Cunard Centre**, on **Thursday, May 28 from 3:30 – 5:30 pm**.

For a limited time, NSBS members are eligible to participate in this session at an “early bird” rate of \$99 plus GST for general seating, which is a savings of \$30 off the public rate of \$129. VIP executive tickets (preferred seating) are available at \$169 (a savings of \$30 off the public rate of \$199). Emerald Exclusive Tickets (meet President Clinton and have your photo taken with him) are available for \$995, in limited quantities. Group rates are also available for a limited time – purchase 9 tickets and receive the 10th for free.

Call Toll Free 1-866-883-5198 and be sure to let Peter know that you are calling for the NSBS “Early Bird” rate. Visa, MC and AMEX are accepted forms of payment. For complete details, please visit

http://www.powerwithin.com/pdf/Clinton_Halifax_2009_PH.pdf

UPDATE: National conference for Administrative Tribunals – early bird registration ends Apr. 24

The Canadian Council of Administrative Tribunals' 25th annual conference will be held at the **Halifax Marriott Harbourfront May 31- June 2, 2009**.

CCAT is a national, non-profit organization, created in 1986, promoting excellence in administrative justice. CCAT's mission is to provide a forum and act as a catalyst for discussion, education, research, and policy development in the field of administrative justice. The organization holds annual national conferences to bring together CCAT members,

adjudicators and staff of tribunals, and others from the legal community across Canada and abroad. This is the first time the conference has been held east of Montreal, so this is a great opportunity for members of the administrative law community in Atlantic Canada to benefit from the conference.

The theme of the 2009 conference is “**The Modern Canadian Tribunal: 25 Years in the Making.**” The workshops will explore topics of relevance to the creation, support, training and development of administrative tribunals, members, and those who provide support to the tribunals. Roundtable discussion forums will provide opportunities for interactive exchange of ideas about emerging issues in administrative law. Speakers are subject matter experts, including academics, practitioners, and the judiciary from across the country as well as from the US. There will also be a training day in connection with the conference (June 3rd) on the topic of using plain language in the work of a tribunal from intake to decision writing and beyond.

To encourage maximum participation at this administrative justice learning event and to celebrate CCAT's 25th Anniversary, the Conference Organizing Committee has decided that the early-registration rates will be extended until April 24th. They will apply to both the conference and the post-conference training day on June 3rd.

For detailed program and registration information, please visit CCAT's website at www.ccat-ctac.org.

1st Annual Symposium on HIV, Law and Human Rights

The Canadian HIV/AIDS Legal Network invites you to its first Annual Symposium on HIV, Law and Human Rights: “From Evidence and Principle to Policy and Practice.”

June 12–13, 2009, Toronto, Ontario

This day-long symposium launches with an evening reception at Convocation Hall, Osgoode Hall, featuring a public lecture by Justice Edwin Cameron, human rights advocate and author openly living with HIV. Justice Cameron, who was recently appointed to the Constitutional Court of South Africa, will address the growing trend, in Canada and internationally, of criminalizing HIV transmission and exposure.

Please join us — register at www.aidslaw.ca/symposium

ABA TECSHOW® 2009 – Register early for discount

Join the ABA Law Practice Management section, as it presents **ABA TECSHOW® 2009 from April 2-4, 2009** at the **Hilton Chicago hotel**, and the magnificent Windy City! Take advantage of the world's premier legal technology conference and expo.

To register, visit the website at www.techshow.com, choose “Event Promoter Registration” and enter the Lawyers’ Insurance Association’s event promoter code [EP916] where indicated. One-day passes are available for Thursday and Friday; however, the association discount cannot be applied to the one-day registration rate.

APTLA Online Legal Education

The Atlantic Provinces Trial Lawyers Association invites you to enhance your practice through online legal education! Eliminate travel expenses and hear from top trial lawyers from the convenience of your office, home, or hotel room using a desktop computer or laptop. **SeminarWeb Live!** provides real time delivery of papers, presentations, podcasts and video

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: : CLASSIFIEDS : :**Office space available on Quinpool Road**

Two offices are available for rent on Quinpool Road in Halifax: one large office measuring approximately 12 by 18 feet, and a second of approximately 10 by 12 feet, which would be suitable for an assistant.

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Our office currently has two sole practitioners and an administrative assistant. Contact Fergus Ford at 454-0921 or fford@ns.sympatico.ca.

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Laudable Legal Links

Library & Information Services assess and select publicly-available, law-related web sites for inclusion in our [Legal Links](#) database. Search or browse this collection of vetted web resources by clicking on [Legal Links](#) on the [Library Search](#) page of the Society's website.

Recently added or updated web sites:

Directory of Open Access Journals

<http://www.doaj.org>

The Directory, maintained by Lund University Libraries, Sweden, covers a wide variety of subjects and languages and provides full text access to more than 4,000 journals, including 69 law journals. Browse journals by title and subject. Full text search is available for approximately one third of the journals included in the DOAJ service.

Federal Corporations Canada Database

http://www.ic.gc.ca/eic/site/cd-dgc.nsf/eng/h_cs03750.html

The Corporations Canada database provides access to information for federally incorporated companies, not-for-profit organizations, and co-operative associations. Search by name, number, location, status, Act, or creation date. Use this resource to confirm incorporation status, view director and officer information, and access other company details.

Tip: Web v. PDF version of the Nova Scotia Annotated Civil Procedure Rules online

Some members may consult the annotated Civil Procedure Rules (CPR) online using Ctrl+F to find sections of interest in the [PDF whole version](#). Ctrl+F is a reasonably powerful function, allowing you to

- Find instances of a word or phrase throughout the text; searching for *action* will find *actions* and *actionable* also

However, the weaknesses of Ctrl+F are with multi-concept searching and viewing results:

- It cannot find two separate words in the document with a single search
- You must "jump" through the whole PDF document instance by instance to view results, including instances of your term in the table of contents and names of forms

The [searchable web-based version of the CPR](#) provides more powerful advanced search features, results management, and forms usability:

- **Proximity searching** - search terms appearing within *n* words of each other (*/n*), or within the same sentence (*/s*) or paragraph (*/p*)
- **Boolean search** using AND, OR, NOT
- Search within Rule text only, Educational notes only, or both

- Search result pages identify the section and provide **key-word-in-context preview** of your search term. Scan through search result pages to find the most relevant result, and then click through to view.
- Open and use **forms in editable Word format**

Consult the annotated CPR [search tips](#) for examples of how to use the advanced search features mentioned above.

Some members may prefer to print the PDF whole and work from the paper copy. As a paper publication, it features a good table of contents, an excellent index, an easy-to-read layout, and contains all relevant text, including Rules, Forms, and Educational notes.

- Remember to print selected pages from the **separate PDF Parts** as required to update your paper copy. You will encounter errors attempting to print a range of pages from the PDF whole version.

Remember that, when on the road, the online annotated CPR is available to you anytime, anywhere there is a laptop/computer and Internet connection.

More Nova Scotia decisions available online

In 2008, Library & Information Services (L&IS) undertook a de-identification project to anonymize Nova Scotia decisions that for various reasons could not be posted online. The decisions were mostly young offender or family decisions that required the removal of identifying information. Two contract lawyers were hired to review the altered decisions before making them available online.

Over the course of the project, approximately 1,100 anonymized decisions have been posted to Law News Online and submitted to CanLII (some still in the process of being added to the CanLII site). Previously, these decisions were only available in hard copy at the Nova Scotia Barristers' Society Library in Halifax.

This work was done in conjunction with another project in which L&IS staff converted nearly 4,500 Court of Appeal and Supreme Court decisions from print to electronic format. The end result is a collection of Nova Scotia decisions dating back to 1990 available free to **all** Nova Scotians!

With the work L&IS has done in providing these full-text decisions and the new online *Nova Scotia Annotated Civil Procedure Rules*, members and the public have been well served.

Borrowing books, online help, reference questions – call us toll-free

For all information requests, members may contact Library & Information Services by telephone at **1-866-219-1202 (toll-free)** or 902-425-BOOK (2665), by fax at 902-422-1697, or by e-mail at nsbslib@nsbs.org.



:: NEW DECISIONS ::

Library & Information Services - Keeping you informed

NEW DECISIONS for the week ending April 10, 2009

CONTRACTS - Breach of contract - damages *Halifax Independent Elementary School Society v. Sackville Trenching Ltd.*, S.C.C.H. No. 298169, Parker, Adjudicator, January 26, 2009. 2009 NSSM 10; [SmCI12/23](#)

CONTRACTS - Release - validity and enforceability *Richmond v. Matar et. al.*, Hfx No. 237527, Robertson, J., April 8, 2009. 2009 NSSC 113; [S591/1](#)

CREDITOR AND DEBTOR - Loans - monies owing, loan versus gift *Driscoll v. Fennell*, S.C.C.H. No. 306328, Parker, Adjudicator, March 23, 2009. 2009 NSSM 9; [SmCI12/22](#)

CRIMINAL LAW - Aggravated assault - self-defence, guilty *R. v. Henskee*, No. 1746938 ; 1746939, Chisholm, J.P.C., April 7, 2009. 2009 NSPC 14; [M19](#)

CRIMINAL LAW - Assault - causing bodily harm, guilty *R. v. MacDonald*, No. 1931069, Tax, J.P.C., April 1, 2009. 2009 NSPC 12; [M19](#)

CRIMINAL LAW - Evidence - admissibility of results of search *R. v. Leblanc*, C.R.H. No. 298345, Beveridge, J., March 27, 2009. 2009 NSSC 99; [S590/19](#)

CRIMINAL LAW - Impaired driving - blood/alcohol sample excluded *R. v. Wiles*, C.R.A.D. No. 287935, Duncan, J., January 7, 2009. 2009 NSSC 17; [S590/28](#)

EMPLOYMENT LAW - Wrongful dismissal - issue estoppel, written contract, failure to mitigate *Boutcher et al. v. Clearwater Seafoods Limited Partnership*, S.H. No. 244471, MacLellan, J., April 3, 2009. 2009 NSSC 107; [S590/26](#)

FAMILY LAW - Custody - appeal dismissed *Burgoyne v. Kenny*, C.A. No. 297274, Bateman, J.A., April 8, 2009. 2009 NSCA 34; [S588/17](#)

FAMILY LAW - Custody - child support *Costandi v. Costandi*, No. 1207-003283 ; 062314, Scanlan, J., April 1, 2009 ; March 13, 2009 (orally). 2009 NSSC 105; [S590/22](#)

FAMILY LAW - Matrimonial property - application for exclusive possession of matrimonial home, spousal and child support *Hubley-Swider v. Swider*, No. 1201-062838, Jollimore, J., April 2, 2009. 2009 NSSC 106; [S590/23](#)

FAMILY LAW - Matrimonial property - matrimonial assets, equal division of assets and debts *S. (J.H.) v. S. (J.W.)*, No. 1201-059817 ; S.F.H.D. No. 040386, MacDonald, B. J., March 27, 2009. 2009 NSSC 101; [S590/20](#)

FISH AND GAME - Fisheries Act - multiple offences, appeal dismissed, license suspension *R. v. Henneberry et al.*, S.B.W. No. 268851, Stewart, J., March 30, 2009. 2009 NSSC 95; [S590/24](#)

INJUNCTIONS - Interlocutory injunction - operation of funeral home *Walker et al. v. Hadley*, Hfx. No. 308379, Goodfellow, J., March 31, 2009. 2009 NSSC 103; [S590/21](#)

MAINTENANCE - Spousal support - variation, application to vary *Whalen v. Whalen*, No. 1201-57536, Duncan, J., April 14, 2008. 2008 NSSC 244; [S590/29](#)

MOTOR VEHICLES - Failure to yield to a pedestrian within a crosswalk - defence of due diligence *R. v. Delaney*, Hfx No. 303424, Robertson, J., April 8, 2009 ; March 25, 2009 (orally). 2009 NSSC 111; [S590/31](#)

PRACTICE - Appeals - motion to file factum exceeding page limit *Jachimowicz v. Jachimowicz*, C.A. No. 304986, Hamilton, J.A., April 9, 2009. 2009 NSCA 36; [S588/18](#)

PRACTICE - Costs - form of order from decision *Westcott v. Dumont*, No. 41933, Forgeron, J., April 3, 2009. 2009 NSSC 102; [S590/25](#)

PRACTICE - Costs - Small Claims Court, expert's fees *French v. Checkmate Home Inspections Inc*, Hfx No. 284897A, Robertson, J., April 8, 2009. 2009 NSSC 114; [S591/2](#)

PRACTICE - Fresh evidence - costs, self represented litigant *Ocean v. Economical Mutual Insurance Co.*, C.A. No. 301593, Hamilton, J.A., April 7, 2009. 2009 NSCA 33; [S588/16](#)

PRACTICE - Non-suit - motion for non-suit denied *Clarke Estate v. Frenken*, S.C.C.H. No. 300753, Parker, Adjudicator, January 19, 2009. 2009 NSSM 11; [SmCI12/24](#)

PRACTICE - Stay of proceedings - extension *ScoZinc Ltd. (Re)*, Hfx. No. 305549, Beveridge, J., April 6, 2009. 2009 NSSC 108; [S590/27](#)

WILLS AND ESTATES - Power of attorney - application for substitution for a joint attorney *Wilson Estate (Re)*, S.N. No. 304863, Robertson, J., April 8, 2009 ; December 8, 2008 (orally). 2008 NSSC 418; [S590/30](#)

SUPREME COURT of CANADA — recent decisions

Library & Information Services - Keeping you informed

Recent Decisions from the Supreme Court of Canada

The following decisions were released on the [Supreme Court of Canada Judgments](#) Web site since the last *InForum*. The subject headings and summaries have been prepared by the Supreme Court of Canada.

April 13, 2009

[R. v. Patrick](#)

Neutral citation: [2009 SCC 17 \(CanLII\)](#); 2009 SCC 17

File No.: 32354

2008: October 10; 2009: April 9

Present: McLachlin C.J. and Binnie, LeBel, Fish, Abella, Charron and Rothstein JJ.

On appeal from the Court of Appeal for Alberta

Constitutional law — Charter of Rights — Search and seizure — Privacy interest — Abandonment — Police taking garbage bags placed for collection at edge of accused's property without warrant — Whether police breached accused's right to be free from unreasonable search and seizure — Whether accused abandoned his privacy interest in contents of garbage bags when he placed them at edge of his property for collection — Canadian Charter of Rights and Freedoms, s. 8.

The police suspected that P was operating an ecstasy lab in his home. On several occasions, they seized bags of garbage that P had placed for collection at the rear of his property adjacent to a public alleyway. The police did not have to step onto P's property to retrieve the bags but they did have to reach through the airspace over his property line. The police used evidence of criminal activity taken from the contents of P's garbage to obtain a warrant to search P's house and garage. More evidence was seized during the search. At his trial, P argued that the taking of his garbage bags by the police constituted a breach of his right guaranteed by s. 8 of the *Canadian Charter of Rights and Freedoms* to be free from unreasonable search and seizure. The trial judge held that P did not have a reasonable expectation of privacy in the items taken from his garbage and, therefore, the seizure of the garbage bags, the search warrant and the search of P's dwelling were lawful. He admitted the evidence and convicted P of unlawfully producing, possessing and trafficking in a controlled substance. A majority of the Court of Appeal upheld the convictions.

Held: The appeal should be dismissed.

April 2, 2009

B.M.P. Global Distribution Inc. v. Bank of Nova Scotia

Neutral citation: [2009 SCC 15 \(CanLII\)](#); 2009 SCC 15

File No.: 31930

2008: May 15; 2009: April 2

Present: McLachlin C.J. and Binnie, LeBel, Deschamps and Rothstein JJ.

On appeal from the Court of Appeal for British Columbia

Financial institutions — Banks and banking operations — Fraudulent cheque — Banks' rights to recover money paid under mistake of fact and to trace funds — Collecting bank releasing funds in customer's account after drawee bank cleared cheque — Customer transferring portion of funds in its account to related accounts — Drawee bank later finding cheque to be fraudulent and requesting assistance of collecting bank to recover funds — Collecting bank restraining funds in customer's account and related accounts under its control and transferring funds back to drawee bank — Whether drawee bank can recover payment made under mistake of fact — Whether collecting bank had right to claim funds in customer's account and to trace funds in related accounts.

Restitution — Mistake of fact — Fraudulent cheque — Whether money paid by bank recoverable from payee.

Commercial law — Bills of exchange — Fraudulent cheque — Whether money paid by bank recoverable from payee.

H and B owned interests in BMP, a company operating in British Columbia that distributed non-stick bakeware. They reached an agreement to sell the right to distribute the bakeware in the United States with a person they had recently met there. They subsequently received an unendorsed cheque of C\$904,563 payable to BMP. The cheque was drawn on the account of a company at the Royal Bank ("RBC"). Neither this company nor the name of the sender of the envelope containing the cheque was known to H or B or was apparently linked to the business purchasing the right to distribute the bakeware. H went to a branch of the Bank of Nova Scotia ("BNS") where BMP held an account to deposit the cheque. BNS did not provide BMP with immediate access to the funds, but eventually received the funds from RBC in the ordinary course of business and released them to BMP. On that day and over the next 10 days, BMP made numerous transfers to other BNS accounts related to H, B, and H's holding company. RBC subsequently notified BNS that the cheque for \$904,563 was counterfeit, as the drawer's signatures were forged and asked for BNS's assistance. BNS interrupted all transactions in BMP's account and in all related accounts and asked BMP for assistance in recovering the proceeds of the forged cheque. BMP insisted on retaining the amount it still held. BNS then restrained the funds in accounts under its control that it linked to the forged cheque. RBC and BNS entered into an agreement by which BNS was, at RBC's request, to transfer the restrained funds to RBC and RBC was to indemnify BNS for any losses related to the restraint and transfer. BNS transferred \$777,336 to RBC.

BMP, H, B, and H's holding company sued BNS and claimed damages equivalent to the restrained amount, as well as non-pecuniary, aggravated and punitive damages. The trial judge ordered BNS to pay \$777,336 in total pecuniary damages and also awarded damages for wrongful disclosure of information and defamation. In his view, BNS had violated the service agreement as well as the law applicable to banker/customer relations by charging back amounts credited to BMP's and the related accounts. The Court of Appeal allowed BNS's appeal against BMP by reducing the latter's damages to \$101. As to the funds traced in the related accounts, the court found that BMP's transfers were proper and that the cheques were actual bills of exchange and dismissed the appeals against H, B, and H's holding company. In this Court, BMP appealed the Court of Appeal's reversal of the trial judge's conclusion on damages and also asked for punitive damages. BNS cross-appealed on the issue of tracing in the related accounts. It seeks the reversal of the Court of Appeal's decision and of the trial judge's damage award in favour of the holders of the related accounts.

Held: The appeal should be dismissed and the cross-appeal allowed.

April 2, 2009

[Canada Post Corp. v. Lépine](#)

Neutral citation: [2009 SCC 16 \(CanLII\)](#); 2009 SCC 16

File No.: 32299

2008: November 17; 2009: April 2

Present: McLachlin C.J. and Binnie, LeBel, Deschamps, Fish, Charron and Rothstein JJ.

On appeal from the Court of Appeal for Quebec

Private international law — Foreign or external judgments — Recognition procedure — Parallel class proceedings commenced in different provinces — Whether Quebec court hearing application for recognition of judgment can take account of doctrine of forum non conveniens in determining whether foreign authority had jurisdiction — Civil Code of Québec, S.Q. 1991, c. 64, arts. 3135, 3155, para. 1, 3164.

Private international law — Foreign or external judgments — Recognition procedure — Parallel class proceedings commenced in different provinces — Notice procedure for Ontario judgment certifying class proceeding and approving settlement agreement — Quebec residents bound by settlement agreement — Whether notice procedure for Ontario judgment entailed contravention of fundamental principles of procedure that precluded recognition of Ontario judgment in Quebec — Civil Code of Québec, S.Q. 1991, c. 64, art. 3155, para. 3.

Private international law — Foreign or external judgments — Recognition procedure — Lis pendens — Parallel class proceedings commenced in different provinces — Whether Quebec and Ontario proceedings gave rise to situation of lis pendens — Civil Code of Québec, S.Q. 1991, c. 64, art. 3155, para. 4.

In September 2000, the Canada Post Corporation began marketing a lifetime Internet service in Canada, but it terminated its commitment in September 2001. This led to complaints and various proceedings. In Quebec, a customer who had purchased this service filed a motion for authorization to institute a class action on behalf of every natural person residing in Quebec who had purchased it. Subsequently, in Ontario, the Superior Court of Justice certified a class proceeding and approved a settlement agreement pursuant to which Canadian consumers could obtain a refund of the purchase price of the CD-ROM and receive three months of free Internet access. According to the Ontario judgment, the settlement agreement was binding on every resident of Canada who had purchased the service except those in British Columbia. On the next day, the Quebec Superior Court authorized the Quebec class action on behalf of a group limited to residents of Quebec. The Corporation then sought to have the Ontario judgment recognized under art. 3155 C.C.Q. The Quebec Superior Court dismissed the Corporation's application on the basis that the notice of certification of the Ontario proceeding was inadequate in Quebec and created confusion with the class action under way in Quebec, which constituted a contravention of the fundamental principles of procedure (art. 3155, para. 3 C.C.Q.). The Quebec Court of Appeal affirmed that judgment on this issue and added that although the Ontario court had jurisdiction over the proceeding, it should have declined jurisdiction over Quebec residents by applying the doctrine of *forum non conveniens* (arts. 3155, para. 1, 3164 and 3135 C.C.Q.). Finally, the two class proceedings gave rise to a situation of *lis pendens*, since the Quebec proceeding had been commenced first (art. 3155, para. 4 C.C.Q.).

Held: The appeal should be dismissed.

March 25, 2009

[R. v. Royz](#)

Neutral citation: [2009 SCC 13 \(CanLII\)](#), 2009 SCC 13

File No.: 32806

2008: August 14; 2009: March 25

Present: Binnie, LeBel, Deschamps, Abella, Charron, Rothstein and Cromwell JJ.

On appeal from the Court of Appeal for Ontario

Held: The appeal is dismissed.

: : NEW BILLS : :

Library & Information Services – Keeping you informed

Nova Scotia Bills

http://www.gov.ns.ca/legislature/HOUSE_BUSINESS/status.html

The House will resume sitting April 30, 2009.
There are no new Bills at this time.

:: LARA MORRIS ::

April 2009

Lara Morris is a certified life coach & facilitator. She has worked as a lawyer in various sized firms. For more information about individual or group coaching, workshops, and meeting facilitation see www.laramorris.ca or call 422-4096.

This column is designed to offer you practical tips for work and life. If you have questions or topic ideas send them to lara@laramorris.ca.

Seize the Moment

by Lara Morris, BA, LLB, CPCC

When my daughter gets sick, the precarious balance in our household routine is upset. Dishes pile up, the laundry doesn't get done and my partner and I scramble to meet work deadlines. The latest illness helped me reflect on what it takes to be flexible and seize the moments available, rather than lamenting the lost time.

So many of us set out with good intentions – commitments to eat better, exercise regularly or visit family on the weekend. And how do we handle it when the plan goes amuck? For some it means getting up at 4am to still get in a morning run. For others, it feels like there is little choice but to scrap the plan altogether.

But, you don't have to throw the baby out with the bathwater! Here are some tips for seizing the moment:

Make use of the time you have. If you're like me, you value being productive. I start my day with a list of things to do. Often I get interrupted and my best laid plans go awry. If I let myself slip into the "I have no time" mantra, it only feels worse. Rather than making half the phone calls on my list, I'll make none. Sound familiar? The better solution is to use the time available for the best results. What can I get done? Are there some short snappers on that to-do list? Even *starting* a task will help with a feeling of accomplishment.

Incorporate healthy choices into your daily schedule. If you've got a busy job where each day flies by, it's no wonder you feel like you don't have time to go to the gym or cook a decent meal. By installing even moments of good food or exercise into your day, you'll feel better about yourself and you'll have more energy to do the work you're struggling to keep up with.

For exercise, you could add a few minutes of walking by parking your car further away, taking some stairs instead of an elevator, or getting off the bus a few stops before you get home.

Taking a midday break to eat lunch and move around is a smart choice to maximize your efficiency in the afternoon. On days when you choose just to grab a snack, make it healthy. Lori Duggan of Moxie Health recommends baby carrots & red peppers with hummus, or yoghurt with blueberries as some options for high-energy fast food. Avoid muffins and granola bars which are typically full of sugar – the initial high is followed by a crash, which leaves you feeling lethargic.

Break work down into bite-sized chunks. So your last meeting took twice as long as expected and you only have an hour until the next client arrives. Is there part of a project you can start? Maybe this is a good time to organize your files and task list. Can you brainstorm what needs to be done for a brief and then delegate part of the work to someone else? Identifying specific tasks and getting started is a great way to seize the moment.

Get grounded. It helps you keep perspective and make healthy choices. Whether it's a crisis from a file blowing up, or a disruption to your usual routine, if something has interrupted your day, take a moment to get grounded. Find a fast way to get yourself back to a sense of calm and control. This will help you clear your head and make you better able to respond.

Breathing deeply and getting up to stretch are great ways to get grounded again. What else helps you settle feelings of stress?

Focus on what is. A positive attitude helps you seize the moment, rather than focusing on what's missing. Maybe you don't have time for a movie tonight – if it's escape you're seeking, can you pop into a book store for 20 minutes and get lost in the fantasy section?

Be present to the person in front of you. When you have a busy work life you may feel stretched for quality time with family and friends, let alone yourself. When things are hectic, I often find myself thinking about all the work I left at the office and not being present to whoever is right in front of me. It sucks for everybody. What helps is to make a conscious choice – either stay and get the work done, or leave and enjoy your time off, even when it doesn't feel like enough. How can you be more present to the moment and the people you're with?

Do nothing. Maybe that's your best way to seize the moment. I used to wonder what that meant. I still remember a friend laughing at me as I asked her to define "nothing." Could I read a book? Listen to music? Knit? What were the boundaries of nothing? Maybe it's age, but doing nothing comes a little more easily now. Challenge yourself to do this today.

In general, prioritizing exercise, healthy food and rest will help you be at your best. If you want to consistently seize the moment in meaningful ways, create a foundation of health. It'll go a long way.