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:: NOTICES ::

SOCIETY NEWS

NSBS membership search tool goes mobile

The membership search function on the Nova Scotia Barristers' Society website is now available in an online tool designed for the Blackberry and other smartphone mobile devices. Visit <http://mobile.nsbs.org/>

This site also includes links to the websites for Courts Nova Scotia and the Legal Information Society of Nova Scotia.

Statistical snapshot of membership now online

Results from the 2009 Annual Members Reports have been tabulated, and a [Statistical Snapshot](#) is now available online. For easy reference anytime, it's located under "About the Society" on the homepage at www.nsbs.org.

The current numbers show the membership includes 1,849 practising lawyers and 767 non-practising members. You'll also find the geographic distribution of members, gender and diversity data, and percentages for types of practice and areas of law practised, among other numbers.

The Society extends its thanks to members for completing these reports each year. The resulting statistics provide very useful information about the legal profession in Nova Scotia, which assists in our planning process and program development.

NSBS in the news – Diversity Report

The Nova Scotia Barristers' Society ranks among the top three law societies in Canada to address equity and diversity issues in regulating the legal profession, according to the extensive Diversity Report published recently in *Canadian Lawyer*. <http://www.canadianlawyermag.com/Diversity/>

"The law societies in Ontario, Quebec, Nova Scotia and, to a lesser degree, British Columbia, are doing the most," the magazine's Editorial Director Gail J. Cohen says in the article "Making equity front of mind," in the November 2 online edition. In highlighting efforts in Nova Scotia, the diversity report features an interview with NSBS Equity Officer Emma Halpern.

FROM THE PROVINCE

Nova Scotia Mental Health Court now open

A specialized court that addresses the unique needs of those with mental illnesses opened on Thursday, November 5. It is located at Dartmouth Provincial Court, where Judge Bill MacDonald will hear cases recommended and deemed eligible by a mental health court team.

The first of its kind in Nova Scotia, the new court aims to treat accused persons with mental disorders fairly and compassionately, while also helping them improve their mental health to reduce the risk to public safety. For a detailed overview of the Mental Health Court program, a mission statement and public FAQ, visit the [Department of Justice](#) website.

Private security legislation introduced

On November 2, Justice Minister Ross Landry introduced updates to legislation for the private security industry. The proposed bill, an *Act Respecting the Provision of Security and Investigative Services*, aims to address public safety issues resulting from the heightened security environment and the growth of the security industry. Expanding the licensing requirements and introducing mandatory training will bring Nova Scotia in line with five other Canadian provinces that have introduced similar legislation. For details, visit <http://www.gov.ns.ca/just/>.

Error & Omission Notices – Queens County Land Registration Office

To view the following notices in full, please refer to the Errors & Omissions page on the [Property OnLine \(POL\)](#) website.

The Queens County Land Registration Office has provided a new Error & Omission Notice regarding an incorrectly expired judgment document. This error was corrected on November 5, 2009. Any questions should be directed to the Queens County Land Registration Office @ 1-902-354-5715.

Peggy Zwicker, Registrar

Proposed amendments to Summary Proceedings Act, Remission of Penalties Act and Powers of Attorney Act

The Department of Justice advises members that the provincial government is considering introducing amendments to the following Acts:

- [Summary Proceedings Act and Remission of Penalties Act](#)
- [Powers of Attorney Act](#)

Please review the proposed amendments at the links above. Members are invited to provide their comments to these proposals to **Judith A. McPhee**, Executive Director, Policy and Information Management Division, mcpheeja@gov.ns.ca.

FROM THE COURTS

Probate Taxes - increase now in effect

Amendments to Nova Scotia's *Probate Act* went into effect on November 1, 2009, as follows:

"26 Subsection 87(2) of Chapter 31 of the Acts of 2000, the *Probate Act*, as amended by Chapter 5 of the Acts of 2001, Chapter 5 of the Acts of 2002, Chapter 3 of the Acts of 2004 and Chapter 9 of the Acts of 2007, is further amended by

- (a) striking out "74.76" in clause (a) and substituting "77";
- (b) striking out "187.97" in the second line of clause (b) and substituting "193.61";
- (c) striking out "312.92" in the second line of clause (c) and substituting "322.31";
- (d) striking out "875.76" in the second line of clause (d) and substituting "902.03";
- (e) striking out "875.76" in the first line of clause (e) and substituting "902.03"; and
- (f) striking out "14.79" in the second line of clause (e) and substituting "15.23".

Please direct any inquiries to your local Court Administration Office.

Notice regarding pre-publication of proposed amendments to the Federal Courts Rules (Expert witnesses)

Two notices to the profession have been posted concerning the above-noted matter, by the Honourable Pierre Blais, Chief Justice of the Federal Court of Appeal, and the Honourable Allan Lufy, Chief Justice of the Federal Court. For details, visit this [memorandum](#), dated October 21, 2009, from Mr. R.P. Guenette, Chief Administrator, Courts Administration Service.

“Interactive” Pre-trial Conference Report Forms now available online

The Nova Scotia Supreme Court has created an "interactive" Pre-trial Conference Report Form, meaning it can be filled out on a computer. These PDF reports are available on the Courts Nova Scotia website. Please note, while they can be filled in electronically, these reports must still be printed out and filed with the Courts as a hard copy.

For details, technical instructions and links to the interactive forms, visit the following links:

- News: <http://www.courts.ns.ca>
- Forms: http://www.courts.ns.ca/Supreme/sc_forms.htm
- Notices to the Bar: <http://www.courts.ns.ca/General/bar.htm>

FROM THE DEPARTMENT OF JUSTICE CANADA

Federal / Provincial / Territorial Ministers committed to addressing key justice and public safety issues

Federal, provincial and territorial (FPT) ministers responsible for justice and public safety conducted meetings on October 29 and 30 in Fredericton, with in-depth discussions on key justice and public safety issues currently facing Canadians.

Ministers received an overview of recent federal legislative initiatives. They also agreed on the need for the following priority reforms to address organized crime: bail reform, wire tap reform, drug trafficking and the pre-trial process. Other issues on the agenda included major economic crime, the changing face of corrections in Canada, mental health and justice, RCMP modernization, First Nations policing, Legal Aid, and other topics. For more details, visit <http://canada.justice.gc.ca/eng/index.html>.

OTHER NEWS & NOTICES

Bulletin: International Financial Reporting Standards (IFRSs)

The Accounting Standards Board of Canada says its new bulletin on upcoming International Financial Reporting Standards (IFRSs) is "essential reading for lawyers, bankers, accountants and investors."

Titled [The Banker, The Lawyer, The Investor and IFRS](#), the publication explains the need to anticipate how trend analyses, debt covenants and financial ratios that are included in contracts and used to make decisions will change when IFRSs are adopted in 2011. For further details, visit <http://www.acsbcanada.org/>.

This notice was provided by the Canadian Institute of Chartered Accountants / L'Institut Canadien des Comptables Agréés. www.cica.ca / www.icca.ca

Awards & appointments – American College of Trial Lawyers

The Nova Scotia Barristers' Society extends its congratulations to two members recently inducted as Fellows of the American College of Trial Lawyers, Robert G. Grant QC and Ray Larkin, both of Halifax.

Created in 1950 to recognize excellence in trial lawyers, the College includes members from every segment of the civil and criminal trial bar of the United States and Canada. Its purpose, in addition to identifying and recognizing outstanding trial lawyers, is to improve and elevate the standards of trial practice, the administration of justice and the ethics of the profession. Membership is limited to just one per cent of the total lawyer population of any state or province.

Mr. Grant, a partner at Stewart McKelvey, has been practising law in Nova Scotia for the past 28 years as an advocate before courts and administrative tribunals. Mr. Larkin, co-founder of labour law firm Pink Breen Larkin, has practised for 32 years. Their induction ceremony took place during the recent 2009 Annual Meeting of the College in Boston, Massachusetts, before an audience of nearly 1,000 people.

Rock for Dimes raises more than \$30,000

For the fourth year, amateur musicians duked it out for the title of Nova Scotia's best corporate band while raising funds for the March of Dimes. Nine bands—five of which included musical lawyers—competed in Rock for Dimes at the Halifax Marriott on October 22, raising more than \$30,000 for Halifax children with physical disabilities.

Celebrating the 40th anniversary of Woodstock, nearly 500 guests came dressed in bellbottoms, and love beads to be entertained by The Trough, Red C, Project 501, The Piranha Brothers, Terminal Road, Ultrafied, Loose Garage, Flower Cannon and The Unforgettables. Judges included Halifax actor John Dunsworth and radio celebrities Anna Zee and Tom Bedell from Q104.

This year's winners were first-time participants The Trough, a six-member band that includes J.C. Reddy and Phil Leefe from the Bridgewater law firm Power, Dempsey, Leefe & Reddy. The McInnes Cooper band, Red C, was also recognized for raising the most funds through sponsorships and ticket sales.

All proceeds benefit March of Dimes Canada's Conductive Education® (CE) Nova Scotia program. This innovative program blends elements of education and rehabilitation to improve the independence, mobility and confidence of children with disabilities, and has proven especially beneficial to children with cerebral palsy, multiple sclerosis and developmental apraxia.

MISSING WILLS

Assistance requested in locating missing will in Bedford/Halifax area

Lawyers with any information regarding the last will and testament of Megan Joye Dauphinee are asked to please contact her mother or father Corinne and Don Dauphinee in Bedford as soon as possible. Megan's DOB was September 4, 1976 and she is survived by her son Andrew Michael Donald Dauphinee. If you can provide any details, please contact Corinne or Don at 576-5329 (h) or 221-3858 (c).

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 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 htcurrie@hotmail.com.

CAREER OPPORTUNITIES www.nsbs.org/careers.php

Counsel - Civil Litigation & Advisory Section

The Department of Justice (Federal) is seeking to fill a vacancy in its Halifax office. The classification is LA – 01 and salary range is \$54,580 to \$77,865.

Closing Date: November 18, 2009 - [Further details](#)

Appointments to Non-Adjudicative Agencies, Boards and Commissions

You can make a difference... the Province of Nova Scotia is accepting applications from individuals interested in being appointed to serve on its various 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: 1-866-206-6844). The Government of Nova Scotia has an Employment Equity Policy and welcomes applications from Aboriginal people, African Nova Scotians and other racially visible people, people with disabilities and women. Members of the equity groups are encouraged to self-identify on applications, covering letters or resumes.

GREENING YOUR OFFICE

Save energy with programmable thermostats

Installing a programmable thermostat is one of the easiest ways to save energy – and reduce heating costs – at home and the office. It's also a time-saver, automatically turning down the heat when you are asleep or away. Look for the Energy Star label.

With furnaces back on again as the temperatures dip, it's also timely to ponder the state of the world's oil supply, in two upcoming events:

2009 E. W. Guptill Memorial Lecture – Dalhousie University

Thursday, November 12, 8:00 pm
Ondaatje Hall, Marion McCain Building
6135 University Avenue, Halifax

This year's guest speaker is David Keith, Canada Research Chair in Energy & the Environment, University of Calgary. His lecture is titled: "Dangerous Abundance: Navigating the Twin Challenges of Oil Scarcity and Climate Change." For details about the annual lecture, hosted by the Department of Physics and Atmospheric Science, visit http://physics.dal.ca/Seminars/2009_EW_Guptill_Lect.php

WWF—Canada's Oil and Ice Tour

Friday, November 13, 7:00 pm
Scotiabank Auditorium, Marion McCain Building
Dalhousie University, 6135 University Ave., Halifax

WWF-Canada (World Wildlife Fund Canada) is hosting the cross-country speaking tour of award-winning authors Andrew Nikiforuk (*Tar Sands*) and Ed Struzik (*The Big Thaw*). WWF aims to stimulate debate among Canadians about the choices and consequences—political, cultural, legal, economic and environmental—involved in how we develop the tar sands and respond to a changing Arctic. The event is free but RSVP to events@wwfcanada.org or call **1-800-26-PANDA**.

For details or to join the discussion online, visit <http://wwf.ca/>.

Note: This InForum feature is an initiative of the NSBS Green Team. If you have any suggestions to pass along to the membership, please send them to info@nsbs.org.

:: CONFERENCES & SEMINARS ::

NSBS ADMISSIONS & PROFESSIONAL DEVELOPMENT

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

2009 Criminal Law Conference – A Criminal Law Smorgasbord: A Meal Unlike Any Other

This program is filling fast – [register today](#) to guarantee your seat!

November 20, 2009

Best Western Chocolate Lake Hotel, Halifax

The Nova Scotia Criminal Lawyers' Association and the Nova Scotia Barristers' Society present **A Criminal Law Smorgasbord: A Meal Unlike Any Other**. The 2009 Annual Fall Criminal Law Conference will serve up a buffet of fresh information on the most cutting-edge topics!

Morning Keynote: The Honourable Justice David Watt, Ontario Court of Appeal

Afternoon Keynote: Dr. Stuart Grassian, MD – “The Effects of Segregation and Solitary Confinement on Inmates”

Other speakers include: the Honourable Chief Justice Michael MacDonald, the Honourable Chief Justice Joseph Kennedy, the Honourable Chief Judge Patrick Curran and a host of senior members of the Nova Scotia Public Prosecution Service and the Nova Scotia Criminal Lawyers' Association (NSCLA).

The Conference:

- Advocacy views from the Bench
- Impaired driving – are there any defences left?
- *R. v. McNeil*: the Ontario experience
- *R. v. McNeil*: the Nova Scotia experience
- Grant, Harrison and Shepherd – where do we go from here?
- Unsealing wiretap applications and attacking a warrant
- Recent changes to the *Criminal Code*

For details and to register, visit http://www.nsbs.org/development.php?events_id=53

Registration deadline: Friday, November 13 | 5:00 pm

Registration fee: \$325 plus tax

Did you know? Distance bursaries are available for Society members. If your practice is:

- 125 KM (one way) from Halifax, you qualify for a 25% reduction in registration fee.
 - 250 KM (one way) from Halifax, you qualify for a 35% reduction in registration fee.
-

UPCOMING CPD LUNCH & LAW SEMINARS

NEW: Social Networking in a Global Market: Marketing Strategies for Lawyers

Presented by David Fraser, McInnes Cooper

Wednesday, December 9, 2009, 12:00 - 1:30 pm

CPD Center, Suite 408, 1645 Granville Street, Halifax

[Details and registration](#)

The program: New technologies provide a plethora of unique opportunities for lawyers to raise their profiles and reach new clients. Join David T.S. Fraser of McInnes Cooper, who will provide an overview of blogs, social networking websites and other innovative means of marketing your law practice.

If LinkedIn and Twitter leave you scratching your head and wondering what it's all about, this seminar will provide practical insights into these dynamic marketing channels. David will also explore the issues of associated ethics challenges based on the CBA's new Guidelines for Ethical Marketing Practices Using New Information Technologies. Don't miss this unique opportunity to learn the latest and greatest trends for marketing your legal practice.

Fee: \$40 per person plus tax (*lunch included*)

Can't attend in person? Join us from the comfort of your office, with the webinar/teleconference option. The fee includes long-distance charges; instructions will be emailed one day in advance.

Further details about these and other future seminars coming soon – please watch *InForum* and <http://www.nsbs.org/development.php> for updates.

Online Land Registration Act training – seats available for November 30 session

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 begins with a conference call and takes 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.

Upcoming dates:

November 30, 2009 – spots are still available; we require 10 registrants to run this program

January 25, 2010

April 12, 2010

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

LIANS/RPM Solo and Small Firm Conference – *early-bird registration until October 30*

Monday, November 30, 2009

Best Western Chocolate Lake Hotel, Halifax

[Registration link](#)

Register soon for the LIANS/RPM Solo and Small Firm Conference, presented by the Risk and Practice Management Program and LIANS. This conference takes place in Halifax on Monday, November 30, and offers practical and information-packed sessions that will appeal to lawyers, office managers, paralegals and legal assistants.

Session highlights include:

- 60 Tips in 60 Minutes
- Legal Technologies for Solo and Small Firms
- Business of Law: Improving Your Bottom Line
- Managing Human Resources
- Organizing Your Electronic Data in a Paperless and E-Discovery World
- Role of Risk and Practice Management
- Vendor Expo

For information on speakers, session details and to register, please follow the conference link at www.lians.ca, or contact Deborah Gillis QC, Risk and Practice Management Advisor, at dgillis@lians.ca, 423-1300 ext. 345.

VIOLENCE THREAT ASSESSMENT – PLANNING AND RESPONSE workshop – Nov. 25

Offered through the Crisis & Trauma Resource Institute Inc.

<http://www.ctrinstitute.com/publicwk.html>

Moncton - Nov. 24, 2009; **Halifax** - Nov. 25, 2009

WORKSHOP FEES

2-day workshop

\$260.00 - Early Registration (3 weeks prior to workshop date)

\$310.00 - Regular Registration

1-day workshop

\$150.00 - Early Registration (3 weeks prior to workshop date)

\$175.00 - Regular Registration

For a registration form to attend these workshops, please visit our website at www.ctrinstitute.com and click on the Public Workshops link.

ON-SITE TRAINING - Call or email to receive a fee structure.

For more information:

Web: www.ctrinstitute.com

Email: info@ctrinstitute.com

Phone: 204-452-9199

Toll Free: 877-353-3205

CTRI provides professional training and consulting services for individuals, communities and organizations affected or involved in working with issues of crisis and trauma.

Insurance Wars: Litigate to Win

Friday, November 13

Delta Halifax, Halifax

Follow this link for a copy of the complete registration brochure:

<http://www.apta.ca/AP/index.cfm?event=showPage&pg=InsWars>

The Atlantic Provinces Trial Lawyers Association is pleased to announce this upcoming event, which will include:

- Short Snappers & Case updates
- Legal Weapons Too - Plaintiff Friendly Insurance Law Principals You Need to Know
- Worth Fighting For - Targeting the Homeowner's Policy

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

- Business of War - Understanding the Commercial General Liability Policy
- Don't Win the Battle but Lose the War - Punitive, Exemplary and Aggravated Damages - Know What's Covered
- Enemy Within - Working with Worker's Compensation - What You Need to Know
- Collateral Damage - Maximise Your Client's Long-Term Disability Claim by Minimizing Collateral Deductions and more
- Truth About Truces - How NOT to Win the Battle but Lose the War - Mary Carter & Preminger Agreements
- Your Wounded - Tips on How to Help Your Disabled Client and Get Paid for It
- Taking on the Big Guns - Advocacy Against the Odds
- Private Battle - Litigating to Win Against the Self-Insured Defendant
- War and Peace - How a "Monk" Can Help You Win Against Your Own Insurer: Important Lessons from the Ontario Court of Appeal

APTLA is pleased to include a Keynote Address titled "Military Strategy - What Every Trial Lawyer Should Know About Probability but Probably Doesn't." Forensic Epidemiologist Dr. Michael Freeman will explain the most common misuses of probability in litigation and tell you how to use this knowledge to expose and defeat defense junk science.

Also featured is a luncheon address by Richard Halpern, Immediate Past President of OTLA, with "Preserving Access to Justice: Resisting the Push to Restrict Tort Rights."

INSURANCE WARS is open to APTLA Members and non-Members. Non Members who qualify for APTLA Membership may wish to join the Association in order to enjoy Member pricing and other valuable Member Benefits.

The Healthy Law Firm Workshop

A healthy law firm includes an environment where people feel safe, valued and appreciated; office policies encourage work/life balance; lifestyles support optimum health; and practice management skills ensure a healthy bottom line.

Coaches Lori Duggan (www.moxiehealth.ca), Lara Morris (www.loramorris.ca) and Shelley Wallace (www.bodylingo.ca) invite members to attend the following workshop:

- Friday, November 20 in Halifax

For more details, see [PDF](#).

Notice from the Institute and Journal of Parliamentary and Political Law / Institut et Revue de Droit Parlementaire et Politique

The Third Law and Parliament Conference – November 12 – 14

The Third Law and Parliament Conference 2009 is now scheduled to be held November 12 – 14, in downtown Toronto. Its theme will be: Parliament and Government; Partners and Adversaries.

For details and registration, visit: www.parlpol.ca.

APTLA Online Legal Education

The Atlantic Provinces Trial Lawyers Association invites you to enhance your practice through online legal education. Eliminate travel expenses and hear from top trial lawyers from the convenience of your office, home or hotel room using a desktop computer or laptop. **SeminarWeb Live!** provides real-time delivery of papers, presentations, podcasts and video presentations. Participants can ask questions, participate in surveys, and post comments their computers. There is also a broad selection of self-paced online programs, canvassing all areas of a litigation practice.

To learn more about upcoming programs or the list of available self-paced seminars, visit APTLA's SeminarWeb Live! page at www.seminarweblive.com/ap or call support at 800 443 1757. More information about these and APTLA's other legal education events can be found at www.apta.ca.

: : CLASSIFIEDS : :**Second-year law student seeks 2010 summer position**

Second-year law student Trevin David, a permanent resident of Nova Scotia who is studying in Toronto, seeks a summer position for 2010. As a course component for his second year, he is working this semester as a caseworker at the Parkdale Legal Community Centre, Toronto, with the Immigration and Refugee Division.

Trevin has work experience handling various stages of human rights complaints and the immigration process. He also offers excellent legal research and writing skills; public speaking and debating skills, and holds a BA (Honours) in Political Studies. CV and references available upon request.

Please contact Trevin by telephone at (902) 434-0476 (messages) or by email at trevin.david@osgoode.yorku.ca or bmdavid@ns.sympatico.ca.

Office to share in Bedford

Bedford lawyer has office to share in professional building. Lawyer or other professional preferred. Cost depends on amenities required. Call Connie at 835.7615 or email connierusk@ns.sympatico.ca.

: : NEW FROM LIBRARY & INFORMATION SERVICES: :

Online Nova Scotia Annotated Civil Procedure Rules – further amendments

Amendments have been made to the *Civil Procedure Rules*.

- Amendments to Rule 90.26 and 91.13 were made June 22, 2009
- Amendments to Form 91.05A, 91.05B, and 91.23 were made June 22, 2009
- Form 91.13 was made June 22, 2009
- Amendments to Rule 90.02(2)(b), 90.18(2), 90.27(2), 90.30(3)(d)(i), 90.36(2), 90.37(13), and 90.44(2) were made September 25, 2009
- Amendments to Form 90.07 and 90.08 were made September 25, 2009
- An amendment to Rule 90.30(3) was made October 13, 2009

The text of the online [Nova Scotia Annotated Civil Procedure Rules](#), including the Forms, has been updated to include these amendments. **The PDF versions of the Rules, in whole and part, and the Forms have been updated with these amendments.**

Follow the link to view the text of the amendments as published in the [Royal Gazette Part I Volume 218, No. 43 \(October 28, 2009\)](#) (unofficial copy).

Annotated *Civil Procedure Rules* website and PDF versions now updated concurrently

Members are provided with the full text of the Rules, annotations, and educational notes; amendment tracking; a detailed, linked index; a table of concordance; and editable Forms on our [Annotated Civil Procedure Rules](#) website. These materials are also provided in PDF format.

Until now, there has been a time lag between when Library & Information Services (L&IS) staff updated the website pages and when the PDF versions were updated. This has now been eliminated. L&IS is now able to do both updates at once.

As amendments are published in the *Royal Gazette* Part I, or annotations are prepared by our digesters, L&IS staff make changes on the *Annotated Civil Procedure Rules* website, and the PDF versions, in part and whole, are updated immediately.

We value your feedback and invite your comments and suggestions as we continue to enhance this product. Contact Barbara Campbell, Director, Library & Information Services, at 425-2665, 1-866-219-1202 (toll-free), or bcampbel@nsbs.org.

Need help searching? Please contact Library & Information Services at 902-425-2665 (BOOK) or toll-free for members at 1-866-219-1202.

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 November 6, 2009

BANKRUPTCY - Occupation rent - trustee required to pay *Best of Being Studio and Spa Inc. (Re)*, Court No. B33712; Estate No. 51-1218509, Cregan, Registrar in Bankruptcy, October 30, 2009. 2009 NSSC 316; [S599/6](#)

BUILDING CONTRACTS - Deficiencies - damages *Bhatnagar v. Riley*, Claim No. 313607, Slone, Adjudicator, September 9, 2009. 2009 NSSM 49; [SmCI14/8](#)

BUILDING CONTRACTS - Deficiencies - work not to specification, no payment necessary *Taylor Flooring Ltd. v. Valhalla Construction Ltd.*, Claim No. 313868, Slone, Adjudicator, October 22, 2009. 2009 NSSM 50; [SmCI14/9](#)

CONTRACTS - Agreement of purchase and sale - application for summary judgment for monies owing *Little Island Fisheries Ltd. et al. v. Royal Harbour Seafoods Inc. et al.*, Hfx. No. 312627, Edwards, J., November 2, 2009. 2009 NSSC 301; [S599/8](#)

CRIMINAL LAW - Break and enter - not guilty *R. v. Thompson*, No. 1974490, Tax, J.P.C., October 6, 2009. 2009 NSPC 51; [M20](#)

CRIMINAL LAW - Defence - entrapment *R. v. Robichaud*, No. C-1998194, Beaton, J.P.C., October 23, 2009; September 4, 2009 (orally). 2009 NSPC 53; [M20](#)

CRIMINAL LAW - Disclosure - of police officer's discipline record *R. v. Melvin et al.*, C.R.H. No. 297590, Coady, J., October 23, 2009. 2009 NSSC 307; [S598/30](#)

Note: This decision is not available on-line. Please contact the Nova Scotia Barristers' Society Library to obtain a copy of this decision. Please ask for decision no. S598/30.

CRIMINAL LAW - Guilty plea - application to withdraw dismissed *R. v. W. (D.E.)*, C.R.H. No. 306406, Cacchione, J., October 27, 2009; October 8, 2009 (orally). 2009 NSSC 313; [S599/4](#)

Note: This decision is not available on-line. Please contact the Nova Scotia Barristers' Society Library to obtain a copy of this decision. Please ask for decision no. S599/4.

CRIMINAL LAW - Procedure - costs against Crown quashed *R. v. Singh*, Hfx. No. 310360, Duncan, J., October 26, 2009. 2009 NSSC 306; [S598/29](#)

CRIMINAL LAW - Procedure - fitness to stand trial *R. v. Denny*, No. 2323351; 2323352; 2323353; 2083504; 2087308, Ross, J.P.C., October 25, 2009. 2009 NSPC 59; [M20](#)

CRIMINAL LAW - Sentencing - common and aggravated assault *R. v. Gaudet*, No. 1931074; 1931075; 1956680, Tax, J.P.C., October 20, 2009. 2009 NSPC 54; [M20](#)

CRIMINAL LAW - Sentencing - manslaughter *R. v. MacNeil*, C.R. No. 304850, MacDonald, S. J., September 23, 2009. 2009 NSSC 310; [S598/31](#)

CRIMINAL LAW - Sentencing - possession of cocaine for the purpose of trafficking, joint recommendation *R. v. Cross*, Hfx. No. 300612, Kennedy, C.J., November 2, 2009. 2009 NSSC 322; [S599/13](#)

CRIMINAL LAW - Young offenders - probation order *R. v. R. (K.K.)*, No. 2008108; 2008106; 2008107; 2013254; 2016447; 2016449; 2046583; 2046584; 2046585; 2046586; 2046587; 2046588; 2050217, Beaton, J.P.C., October 27,

2009; August 17, 2009 (orally). 2009 NSPC 58; **M20**

Note: This decision is not available on-line. Please contact the Nova Scotia Barristers' Society Library to obtain a copy of this decision. Please ask for decision no. M20 (R. v. R. (K.K.)).

DAMAGES - Property damage - tree falling on trailer *Doherty v. Havill's Mini & Mobile Homes*, Claim No. 316069, Slone, Adjudicator, October 21, 2009. 2009 NSSM 51; [SmCI14/10](#)

DAMAGES - Repairs - to motor vehicle, new tires *Newcombe v. Kia O'Regan*, Claim No. 315741, Slone, Adjudicator, September 30, 2009. 2009 NSSM 46; [SmCI14/5](#)

FAMILY LAW - Common-law relationship - debts on breakup *Robinson v. Myers*, Claim No. 314644, Slone, Adjudicator, September 1, 2009. 2009 NSSM 45; [SmCI14/4](#)

FAMILY LAW - Custody and access - variation *Pltts v. Noble*, S.F.H.M.C.A. No. 28963, O'Neil, J., November 3, 2009. 2009 NSSC 325; [S599/16](#)

FAMILY LAW - Custody - shared parenting arrangement adjusted to reflect separation *Brudy v. MacQuin*, S.F.H.M.C.A. No. 065571, Legere-Sers, J., October 23, 2009. 2009 NSSC 303; [S598/27](#)

FAMILY LAW - Divorce - division of assets and debts, parenting order, child support *Delaney v. Delaney*, No. 57267, Forgeron, J., October 29, 2009; October 27, 2009 (orally). 2009 NSSC 315; [S599/5](#)

FAMILY LAW - Divorce - spousal support and division of assets *MacNeil v. MacNeil-Meyers*, C.A. No. 305763, Bateman, J.A., October 21, 2009. 2009 NSCA 105; [S596/29](#)

FAMILY LAW - Interim hearing - custody and access *C. (D.) v. C. (K.)*, F.L.P.M.C.A. No. 064900, Dyer, J.F.C., August 27, 2009. 2009 NSFC 21; [FC37](#)

FAMILY LAW - Jurisdiction - custody proceedings *R. (N.R.) v. F. (D.E.A.)*, No. 08D061168, Melvin, J.F.C., January 23, 2009. 2009 NSFC 4; [FC37](#)

FAMILY LAW - Matrimonial property - division of assets and debts, spousal support and standing in place of parent *K. (S.L.) v. H. (M.M.)*, No. 1201-062387, Campbell, J., October 29, 2009. 2009 NSSC 319; [S599/12](#)

FAMILY LAW - Matrimonial property - rental property *Cashin v. Cashin*, No. 1217-000607, O'Neil, J., October 29, 2009. 2009 NSSC 302; [S599/9](#)

FAMILY LAW - Procedure - costs *Urquhart v. LeBlanc*, No. 1201-57505; S.F.H.D. No. 22893, Dellapinna, J., November 3, 2009. 2009 NSSC 324; [S599/15](#)

FISH AND GAME - Sentencing - marine mammal and fisheries offences, seal hunt *R. v. Corneillsen et al.*, No. 1890367; 1890368; 1893009; 1893010, Whalen, J.P.C., September 10, 2009. 2009 NSPC 60; [M20](#)

GUARANTEE AND INDEMNITY - Personal guarantee - summary judgment, motion dismissed *Bank of Nova Scotia v. A. MacKenzie's Auto Mart Inc. et al.*, Hfx. No. 269006, Bourgeois, J., October 7, 2009. 2009 NSSC 293; [S598/28](#)

INSURANCE - Automobile insurance - owner's consent *Royal & Sun Alliance v. Baltzer et al.*, C.A. No. 299750, Oland, J.A., November 3, 2009. 2009 NSCA 110; [S596/31](#)

INSURANCE - Damages - replacement value of trailer *Sampson v. AA Munro Insurance*, Claim No. 314315, Slone, Adjudicator, September 14, 2009. 2009 NSSM 44; [SmCI14/3](#)

LANDLORD AND TENANT - Residential Tenancies Act - interpretation of "consent of landlord" *Formac*

Investments Ltd. v. Peck, Claim No. 313460, Slone, Adjudicator, September 30, 2009; October 20, 2009 (Addendum). 2009 NSSM 48; [SmCl14/7](#)

MAINTENANCE - Child support - child of the marriage, retroactive support *Niles v. Munro*, No. 1201-56024, O'Neil, J., October 30, 2009. 2009 NSSC 318; [S599/11](#)

MAINTENANCE - Spousal support - application to reduce allowed *Rondeau v. Rondeau*, No. 1207-001754; 016941, Scanlan, J., October 13, 2009; August 17, 2009. 2009 NSSC 298; [S599/3](#)

MAINTENANCE - Spousal support - application to vary and forgiveness of arrears *Durling v. Durling*, No. 1201-48880, O'Neil, J., October 30, 2009. 2009 NSSC 317; [S599/10](#)

NEGLIGENCE - Motor vehicle - summary judgment application, appeal allowed *Halifax Regional Municipality v. Nicholson*, C.A. No. 308570, Hamilton, J.A., October 29, 2009. 2009 NSCA 109; [S596/30](#)

PRACTICE - Small Claims Court - appeal *VFC Inc. v. MacLean*, Pic. No. 309502, MacLellan, J., October 27, 2009; June 24, 2009 (orally). 2009 NSSC 314; [S599/2](#)

PRACTICE - Summary judgment - motion by defendant on the basis of evidence *Leeman v. Baine et al.*, Hfx. No. 177859, Bourgeois, J., October 26, 2009. 2009 NSSC 311; [S599/1](#)

REAL PROPERTY - Damages - cutting timber *Horne et al. v. Burrows et al.*, Claim No. 301383, Slone, Adjudicator, September 10, 2009. 2009 NSSM 47; [SmCl14/6](#)

REAL PROPERTY - Land Registration Act - Lis Pendens *Little Island Fisheries Ltd. et al. v. Royal Harbour Seafoods Inc. et al.*, Hfx. No. 312627, Edwards, J., November 2, 2009. 2009 NSSC 300; [S599/7](#)

WILLS AND ESTATES - Probate - proof in solemn form *MacDonald v. MacDonald Estate*, Hfx. No. 308492; Probate No. 57303, Kennedy, C.J., November 2, 2009; September 11, 2009 (orally). 2009 NSSC 323; [S599/14](#)

SUPREME COURT of CANADA — recent decisions

Library & Information Services - Keeping you informed

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.

November 6, 2009

[Miazga v. Kvello Estate](#)

Neutral citation: [2009 SCC 51 \(CanLII\)](#); 2009 SCC 51

File No.: 32208.

2008: December 12; 2009: November 6.

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

ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN

Torts — Malicious prosecution — Crown prosecutors — Malice requirement — Absence of reasonable and probable cause to initiate prosecution — Provincial Crown attorney found liable for malicious prosecution — Whether prosecutor's lack of subjective belief in existence of reasonable and probable cause to initiate prosecution sufficient to ground finding of malice — Whether malice element requires proof of improper purpose.

Three children made allegations of sexual assault against their biological parents, their mother's boyfriend and the respondents, who were the children's foster parents and members of the foster parents' extended family. Charges were subsequently laid and M, a provincial Crown attorney, prosecuted the case against the parents and the mother's boyfriend. All three were convicted, and the convictions were upheld by the Court of Appeal. The Supreme Court of Canada overturned the convictions, but concluded that the evidence of the children was sufficient to order new trials against the parents. Meanwhile, taking under advisement the trial judge's comments urging that the children not be made to endure another criminal proceeding, M negotiated a plea bargain with one of the accused (who is not a respondent in this case). The charges against the respondents were stayed. Some years later, all three children recanted their allegations against the respondents. The respondents commenced a civil suit for malicious prosecution against a number of individuals involved in the proceedings against them, including M.

M was found liable. The trial judge held that there were no objectively reasonable grounds upon which M could have believed that the respondents were probably guilty of the offences alleged. He held that M could not have had a subjective belief in the existence of reasonable and probable cause because of the unbelievable nature of the children's allegations against the respondents. He concluded that the absence of reasonable and probable cause raised a presumption of malice which, in the circumstances of this case, was itself sufficient to ground a finding of malice. In the event he was wrong on this conclusion, the trial judge held that there were other "indications of malice" to support the conclusion that M's prosecution of the respondents was animated by an improper purpose. While the Court of Appeal was unanimous in rejecting virtually all of the trial judge's "indicators of malice", the majority nevertheless concluded that the trial judge's finding that M did not have a subjective belief in the probable guilt of the respondents was sufficient to support the conclusion that he was actuated by malice and dismissed the appeal.

Held: The appeal should be allowed and the action dismissed.

November 5, 2009

[Northrop Grumman Overseas Services Corp. v. Canada \(Attorney General\)](#)

Neutral citation: [2009 SCC 50 \(CanLII\)](#); 2009 SCC 50

File No.: 32752.

2009: May 19; 2009: November 5.

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

ON APPEAL FROM THE FEDERAL COURT OF APPEAL

Commercial law — Trade agreements — Agreement on Internal Trade — Scope — Non-Canadian supplier — Government procurement — Whether non-Canadian suppliers have standing to initiate procurement complaints before Canadian International Trade Tribunal under Agreement on Internal Trade — Meaning of expression "procurement within Canada" in Article 502 of Agreement.

Administrative law — Boards and Tribunals — Canadian International Trade Tribunal — Jurisdiction — Agreement on Internal Trade — Government procurement — Non-Canadian supplier bringing complaint before Canadian International Trade Tribunal with respect to award of procurement concerning military goods — Whether Tribunal has jurisdiction to hear complaint initiated by non-Canadian supplier under Agreement on Internal Trade — Agreement on Internal Trade, Article 502.

Public Works launched a request for proposals for the procurement of military goods. Northrop Overseas, a Delaware corporation wholly owned by another Delaware corporation, submitted a bid. When another bidder was awarded the contract, Northrop Overseas filed a complaint with the Canadian International Trade Tribunal ("CITT") alleging that Public Works had failed to evaluate the bids properly, violating Article 506(6) of the *Agreement on Internal Trade* ("AIT"). When the CITT agreed to hear the complaint, Public Works challenged Northrop Overseas' standing to file the complaint on the grounds that Northrop Overseas was not a "Canadian supplier". The CITT ruled that Northrop Overseas had standing to

bring the complaint. On judicial review, the Federal Court of Appeal quashed the ruling, holding that the CITT's jurisdiction under the AIT was limited to complaints brought by Canadian suppliers.

Held: The appeal should be dismissed.

October 30, 2009

[Quebec \(Revenue\) v. Caisse populaire Desjardins de Montmagny](#)

Neutral citation: [2009 SCC 49 \(CanLII\)](#); 2009 SCC 49

File Nos.: 32486, 32489, 32492.

2009: March 17; 2009: October 30.

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

ON APPEAL FROM THE COURT OF APPEAL FOR QUEBEC

Bankruptcy and insolvency — Crown claims — Goods and services tax — Provincial sales tax — Tax amounts that have been collected but not remitted, or are collectible, at time of bankruptcy of supplier — Legal characterization of Crown's rights in amounts of such taxes — Whether federal or provincial Crown is ordinary creditor or owner of tax amounts — Excise Tax Act, R.S.C. 1985, c. E-15, s. 222(1), (1.1) — Act respecting the Ministère du Revenu, R.S.Q., c. M-31, s. 20 — Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3, s. 67(2).

The GST imposed under the *Excise Tax Act* (“ETA”) and the QST payable under the *Act respecting the Québec Sales Tax* are taxes that are collected, and in respect of which credits are available, at each step of the manufacturing and marketing of taxable goods and services. They are payable by the recipient, who is regarded as the debtor in respect of the tax liability to the Crown. In principle, the supplier acts only as a mandatary of the Crown in collecting and remitting these taxes and is deemed to hold the amounts so collected in trust for Her Majesty.

A number of businesses went bankrupt. The Canadian and Quebec tax authorities (the “tax authorities”) claimed from the trustees the GST and QST amounts that had been collected but not remitted, or were collectible, by those businesses as of the dates of their bankruptcies. The tax authorities submitted that they were entitled to the amounts in issue as the owners thereof. Financial institutions that held various security interests in the property of the bankrupts contended that, under the law applicable in bankruptcy matters, the federal or provincial Crown is only an ordinary creditor and must be ranked as such with the debtors’ other creditors, and that their security interests could therefore be set up against the Crown. The Quebec Superior Court found for the tax authorities on the basis that the GST and QST amounts were not part of the bankrupts’ patrimonies. The Quebec Court of Appeal set aside the judgments.

Held: The appeals should be dismissed.

:: NEW BILLS ::

Library & Information Services – Keeping you informed

The House resumed sitting on September 17, 2009 and adjourned on November 5, 2009.

See [Progress of Bills of the 1st Session, 61st General Assembly](#) to update the status and view full text of bills.

The following bills were INTRODUCED since the last *InForum*:**Government Bills**

Bill No. 50 An Act to Amend Chapter 27 of the Acts of 1998, the Wilderness Areas Protection Act
Hon. Stirling Belliveau, Minister of Environment
First Reading October 27, 2009
Second Reading November 2, 2009
Third Reading November 5, 2009
Royal Assent November 5, 2009
Commencement Proclamation

Bill No. 52 An Act to Provide Accountability Respecting Hospital Emergency Departments
Hon. Maureen MacDonald, Minister of Health
First Reading October 28, 2009
Second Reading November 2, 2009
Third Reading November 3, 2009
Royal Assent November 5, 2009
Commencement Proclamation

Bill No. 54 An Act to Amend Chapter 155 of the Revised Statutes, 1989, the Executive Council Act, and Chapter 376 of the Revised Statutes, 1989, the Public Service Act
Hon. Frank Corbett, Deputy President of the Executive Council
First Reading October 29, 2009
Second Reading November 2, 2009
Third Reading November 3, 2009
Royal Assent November 5, 2009
Commencement Proclamation

Bill No. 59 An Act Respecting the Provision of Security Services and Investigative Services
Hon. Ross Landry, Minister of Justice
First Reading November 2, 2009

Bill No. 64 An Act Respecting the Collection, Use, Disclosure and Retention of Personal Health Information
Hon. Maureen MacDonald, Minister of Health
First Reading November 4, 2009

Private Member Bills

Bill No. 51 An Act to Establish a Board to Distribute to Charities One Half of the Profits From the Sydney Casino
H. David Wilson (Glace Bay)
First Reading October 27, 2009

Bill No. 53 An Act to Amend Chapter 25 of the Acts of 2004, the Electricity Act, Respecting Renewable Energy Providers
Andrew Younger (Dartmouth East)
First Reading October 29, 2009

Bill No. 55 An Act Respecting the Review of the Green Energy Equipment Tax Credit in Manitoba for Implementation in
Nova Scotia
Andrew Younger (Dartmouth East)
First Reading October 29, 2009

Bill No. 56 An Act to Amend Chapter 380 of the Revised Statutes, 1989, the Public Utilities Act
Andrew Younger (Dartmouth East)
First Reading October 29, 2009

Bill No. 57 An Act to Amend Chapter 217 of the Revised Statutes, 1989, the Income Tax Act
Harold Theriault Jr (Digby-Annapolis)
First Reading October 30, 2009

Bill No. 58 An Act to Amend Chapter 120 of the Revised Statutes, 1989, the Day Care Act
Hon. Manning MacDonald (Cape Breton South)
First Reading November 2, 2009

Bill No. 60 An Act to Amend Chapter 260 of the Revised Statutes, 1989, the Liquor Control Act, to Permit the Operation of
Businesses that Assist Others in the Making of Beer, Wine or Cider
Leo Glavine (Kings West)
First Reading November 2, 2009

Bill No. 61 An Act to Amend Chapter 10 of the Acts of 1994-95, the Workers' Compensation Act
Leo Glavine (Kings West)
First Reading November 2, 2009

Bill No. 62 An Act to Amend Chapter 37 of the Acts of 2005, the Correctional Services Act, and Chapter 31 of the Acts of
2004, the Police Act
Hon. Michel Samson (Richmond)
First Reading November 3, 2009

Bill No. 63 An Act to Amend Chapter 140 of the Revised Statutes, 1989, the Elections Act
Hon. Stephen McNeil (Annapolis)
First Reading November 4, 2009

Bill No. 65 An Act to Promote the Use of Donkin Mine Coal by Nova Scotia Power Incorporated
Alfie MacLeod (Cape Breton West)
First Reading November 4, 2009

The following Bills have received SECOND READING since the last *InForum*:

Government Bills

Bill No. 38 An Act to Amend Chapter 85 of the Revised Statutes, 1989, the Condominium Act
Hon. Ramona Jennex, Minister of Service Nova Scotia and Municipal Relations
First Reading October 14, 2009
Second Reading October 27, 2009
Third Reading November 2, 2009
Royal Assent November 5, 2009

Commencement Proclamation

Bill No. 39 An Act to Prohibit Uranium Exploration and Uranium Mining in Nova Scotia

Hon. John MacDonell, Minister of Natural Resources

First Reading October 14, 2009

Second Reading October 26, 2009

Third Reading November 3, 2009

Royal Assent November 5, 2009

Commencement November 5, 2009

Bill No. 40 An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, Respecting a Protected Emergency Leave

Hon. Marilyn More, Minister of Labour and Workforce Development

First Reading October 15, 2009

Second Reading October 23, 2009

Third Reading October 30, 2009

Royal Assent November 5, 2009

Commencement November 5, 2009

Bill No. 47 An Act Respecting the Practice of Dietetics

Hon. Maureen MacDonald, Minister of Health

First Reading October 21, 2009

Second Reading October 23, 2009

Third Reading November 2, 2009

Royal Assent November 5, 2009

Commencement Proclamation

Bill No. 48 An Act to Amend Chapter 340 of the Revised Statutes, 1989, the Pension Benefits Act

Hon. Marilyn More, Minister of Labour and Workforce Development

First Reading October 22, 2009

Second Reading October 27, 2009

Third Reading November 2, 2009

Royal Assent November 5, 2009

Commencement Proclamation

Bill No. 49 An Act to Establish the Efficiency Nova Scotia Corporation

Hon. Bill Estabrooks, MB, Minister of Energy

First Reading October 23, 2009

Second Reading October 27, 2009

Third Reading November 3, 2009

Royal Assent November 5, 2009

Commencement Proclamation

Local Bills

Bill No. 45 An Act to Enable the Village of Canning to Transfer Certain Lands to the Canning Library and Heritage Centre Association

Jim Morton (Kings North)

First Reading October 21, 2009

Second Reading October 26, 2009

Third Reading November 5, 2009

Royal Assent November 5, 2009

Commencement November 5, 2009

The following bills were PASSED during the fall sitting of 2009:

<http://www.gov.ns.ca/legislature/legc/index.htm>

- Chapter No. 1 - Appropriations Act, 2009
- Chapter No. 2 - Dietitians Act
- Chapter No. 3 - Efficiency Nova Scotia Corporation Act
- Chapter No. 4 - Emergency Department Accountability Act
- Chapter No. 5 - Financial Measures (2009) Act
- Chapter No. 6 - Uranium Exploration and Mining Prohibition Act
- Chapter No. 7 - Agricultural Marshland Conservation Act (amended)
- Chapter No. 8 - Assessment Act (amended) and Municipal Grants Act (amended)
- Chapter No. 9 - Beneficiaries Designation Act (amended)
- Chapter No. 10 - Condominium Act (amended)
- Chapter No. 11 - Education Act (amended)
- Chapter No. 12 - Emergency Management Act (amended)
- Chapter No. 13 - Engineering Profession Act (amended)
- Chapter No. 14 - Executive Council Act (amended) and Public Service Act (amended)
- Chapter No. 15 - Halifax Regional Municipality Charter (amended)
- Chapter No. 16 - HRM by Design, An Act to Implement (amended)
- Chapter No. 17 - Judicature Act (amended)
- Chapter No. 18 - Labour Standards Code (amended) [re: protected emergency leave]
- Chapter No. 19 - Members and Public Employees Disclosure Act (amended)
- Chapter No. 20 - Motor Vehicle Act (amended) [re: safety for first responders and others]
- Chapter No. 21 - Motor Vehicle Act (amended) [re: penalties for impaired drivers]
- Chapter No. 22 - Motor Vehicle Act (amended)
- Chapter No. 23 - Motor Vehicle Act (amended)
- Chapter No. 24 - Occupational Health and Safety Act (amended)
- Chapter No. 25 - Pension Benefits Act (amended)
- Chapter No. 26 - Personal Property Security Act (amended)
- Chapter No. 27 - Pipeline Act (amended)
- Chapter No. 28 - Public Trustee Act (amended)
- Chapter No. 29 - Trade Union Act (amended)
- Chapter No. 30 - Wilderness Areas Protection Act (amended)
- Chapter No. 31 - Canning Library and Heritage Centre Exemption Act

:: RISK & PRACTICE MANAGEMENT TIP ::

From the desk of Deborah E. Gillis QC, Risk and Practice Management Advisor, Lawyers' Insurance Association of Nova Scotia

More on fraud ...

I would like to thank the many lawyers who have contacted me to report potential fraudulent schemes that they have seen first-hand or hear about from family, friends and colleagues. I receive such reports on an almost weekly basis. Many of the schemes are similar to ones I have already reported on in previous [articles and alerts](#). This week, however, I want to bring to your attention a few new schemes that have recently been reported to me.

A Nova Scotia lawyer reported that without his knowledge, his name and position as a lawyer were recently used to lend authenticity to a fraudulent bill of sale relied upon by an Ontario student who agreed to purchase a computer via the Internet. The lawyer's signature was forged and a false notarial seal bearing his name was affixed to a bill of sale for the computer. Relying on the authenticity of the bill of sale, the purchaser paid \$1,600 to the seller. The computer was never delivered.

The lawyer became aware of the scheme after the fact, when he was contacted by the purchaser who had been duped. If you learn that your identity has been stolen, report the incident to the police. Also consider contacting Equifax to report the identity theft and inquire as to whether or not your credit has been compromised. Equifax can red flag your file, so that a credit application is not approved without you being contacted. When your file is flagged, even when you are legitimately applying for credit—this flag will appear and the reason it is there will need to be explained.

TIP: Before relying on a document purportedly sworn by a lawyer in another jurisdiction, search for that lawyer's contact information yourself, and contact him or her to confirm directly that they have in fact sworn the document. In the case reported, had the computer purchaser done this, he would have avoided being victimized.

As well this week, a lawyer reported that her clients were contacted via the Internet with an offer to purchase the property. The prospective purchasers wanted to send a deposit cheque of \$30,000. The clients were to keep \$10,000 and return \$20,000 to the purchaser's representative to cover costs such as a property inspection, etc. This seems to have all the marks of the fraudulent schemes I outlined in my October 2008 paper entitled "[Remaining Vigilant to Fraud](#)," which is available in the 'Loss Prevention Resources' section of www.lians.ca. BEWARE OF THESE TYPES OF INQUIRIES AND OFFERS. Educate your staff and your clients on the fraudulent schemes that we see.

LIANS/RPM Solo and Small Firm Conference

Monday, November 30, 2009 | Best Western Chocolate Lake Hotel, Halifax

[Register soon](#) for the LIANS/RPM Solo and Small Firm Conference, presented by the Risk and Practice Management Program and LIANS. This conference takes place in Halifax on Monday, November 30 and offers practical and information-packed sessions that will appeal to lawyers, office managers, paralegals and legal assistants.

Session highlights include:

- "60 Tips in 60 Minutes"
- Top 10 Legal Technologies for Solo and Small Firms
- Business of Law: Improving Your Bottom Line
- Dealing with People Issues and Effectively Managing Your Human Resources
- Organizing Your Electronic Data in a Paperless and E-Discovery World
- Role of Risk Management: Preventing Common Mistakes
- Vendor Expo

For more details and to register, please follow the conference link at www.lians.ca. If you have questions on these, or any other risk- or practice-related matters, do not hesitate to contact me, Deborah E. Gillis QC, Risk and Practice Management Advisor, Lawyers' Insurance Association of Nova Scotia, at 423-1300 ext. 345 or dgillis@lians.ca.