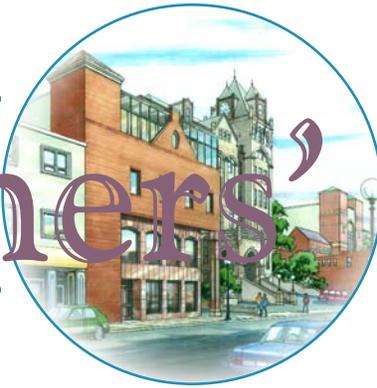


# Benchers' Notes



Spring 2016

Volume 17, Number 1

*This issue of Benchers' Notes contains information on selected topics considered by Benchers at Convocation and other items of interest to the Bar. This edition of Benchers' Notes is available online at [www.lawsociety.nf.ca](http://www.lawsociety.nf.ca).*

## President's Report

Welcome to the spring edition of *Benchers' Notes*. I hope that by the time this edition reaches you, we are well and truly into warmer weather!

Reflecting on my term as President, this past year has been filled with challenging opportunities and thought-provoking discussions and debates and I have appreciated the opportunity to share ideas and communicate with Benchers, Law Society members and staff. The following is my final report as your President.

In November, 2015 the Law Society held a two day Strategic Planning Session where Benchers met to discuss the challenges facing the legal profession. Led by an outside facilitator, we all participated in brainstorming sessions to consider how the Law Society can ensure that the regulatory infrastructure is adequate to protect the public now and into the future given the rapidly evolving practice of law. These sessions were valuable and provided clear direction on how we must prioritize the initiatives that were agreed upon. While the discussion ranged over many topics, including entity regulation and alternate business structures, ultimately Benchers concluded that our current focus is best placed on different ways to address the challenges posed by disciplinary matters that may engage mental health issues and to support and assist members in practice management and loss prevention.

In late February, 2016, I travelled to Ontario with Executive Director, Brenda Grimes, QC and Vice-

President, Barry Fleming, QC for the Canadian Society of Association Executives' Symposium on governance where we had the opportunity to meet and interact with people from other organizations and discuss best practices. In March, 2016 we travelled to Alberta for the Federation of Law Societies' Semi-Annual Meeting and Conference where a consensus on most of the outstanding governance issues was reached providing us with an opportunity to focus on future initiatives.

On 16 March 2016, I, along with Ms. Grimes, QC and Mr. Fleming, QC met with Minister Parsons, Attorney General and Minister of Justice and Public Safety and various department representatives. Items on the agenda for discussion included, Self-Representation of Corporations; Insurance Reform; Issue re: Possible Variation of the Wills Act/Trust Legislation; Limitations Act; and, Dismissal of Criminal Charges. The discussion was useful and all parties agree that this annual meeting between representatives from the Law Society and Department of Justice and Public Safety is important and should be continued as a means of addressing issues of mutual concern.



Susan M. LeDrew  
President, Law Society  
of Newfoundland and Labrador



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Canada A1C 5M3

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## Benchers' Notes

On the more social side of the job, I had the opportunity to attend various ceremonies and receptions to honor colleagues receiving awards or setting out on new career paths and to also attend ceremonies of other regulatory organizations. I was delighted to attend the Swearing-in ceremony and reception for Queen's Counsel on 11 February 2016 where Linda S. Bishop, QC, Brenda P. Boyd, QC, W. John Clarke, QC, Genevieve M. Dawson, QC, David P. Goodland, QC, Gregory F. Kirby, QC, Jamie P. Martin, QC, Gary F. Peddle, QC and, G. Todd Stanley, QC were appointed. It was also a pleasure to officiate at the 19

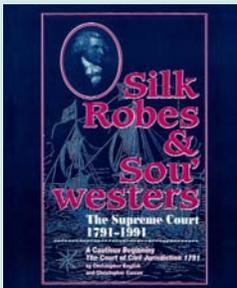
February 2016 Call to Bar, presided over by The Honourable Alphonsus E. Faour, where a total of 14 students became lawyers and the 15 April 2016 Call to Bar, presided over by Chief Justice Whalen, where a total of 9 students became lawyers. The ability to participate in each Call to Bar is always an enjoyable experience and a great opportunity to meet with the newest members of our bar, the number of which is steadily increasing.

It is always sad to report on the passing of current or former members of our bar. With regret I note the passing of four members/former members of our Bar:

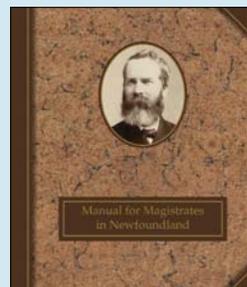
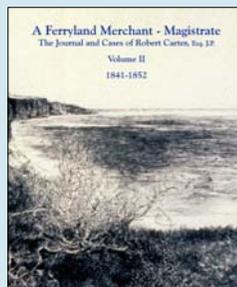
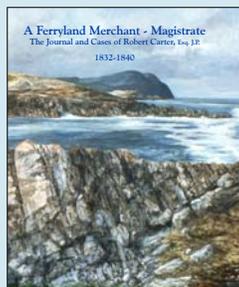
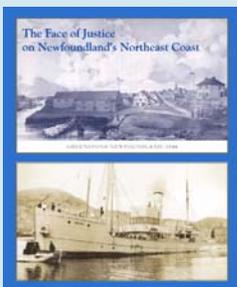
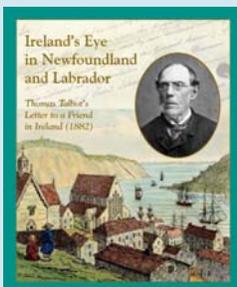
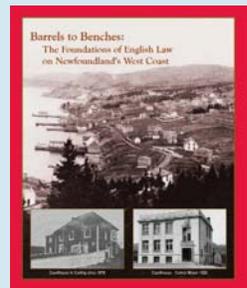
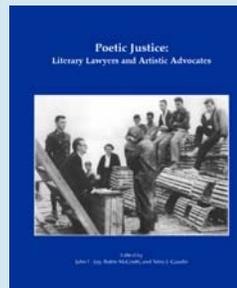
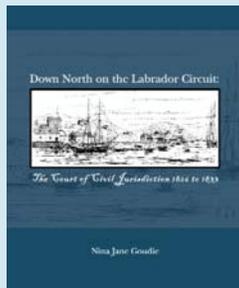
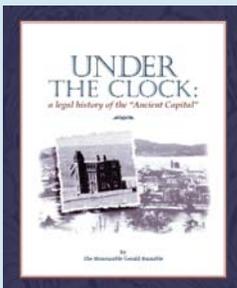
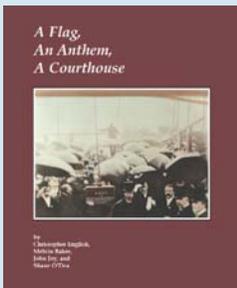
Mr. Justice T. Alexander Hickman, Mr. James L. Thistle, QC, Mr. John G. Kelly and Mr. Gerald R. Fleming. These men will be greatly missed by family, friends and colleagues.

As I stated in the beginning of my report, I have truly enjoyed my time as President of the Law Society. The opportunities and challenges which come with this position, while at times arduous, are always rewarding. Thank you to everyone who I have worked with this past year and I wish the Law Society Benchers and staff continued success. ■

## Publications of the *SS Daisy* Legal-History Committee



The eleven books shown here have been published in recent years by the *SS Daisy* Legal-History Committee. They offer a varied and interesting look at the development of law in Newfoundland and Labrador over the last two centuries and more. Please call 722-4740 for details on how you can purchase a copy or several – they make a great gift for any history buff(s) you might know!!!



**Note from  
Brenda B. Grimes, QC**  
*Executive Director*

In her report, our President touched briefly on the strategic planning sessions that we held in November, 2015. I would like to take this opportunity to expand a little on the importance of strategic planning and the initiatives we hope to implement as a result of these sessions.

Ensuring that the Law Society engages in strategic planning is important because the Law Society doesn't exist in a vacuum – it has a mandate to regulate the legal profession and the practice of law, in the public interest. As the needs of the public change, so too must the methods of regulation. Strategic planning provides an opportunity

to assess the changing environment and respond.

Strategic planning is also an important mechanism in helping Benchers to focus on governance and policy as opposed to the day to day operations of the Law Society. The strategic plan will help to clarify what Benchers expect from staff and allow operational priorities to be set accordingly.

With this in mind, Benchers and Senior staff of the Law Society met on 22 and 23 November to gather information and ideas on ways the Law Society can better regulate the legal profession, in the public interest and to begin to develop a strategic plan.

The takeaways from the sessions which we hope to incorporate into a strategic plan included both short term and longer term goals such as



Brenda B. Grimes, QC  
*Executive Director*

complaints resolution without formal discipline; random practice audits and practice management training.

While we have successfully implemented many of the short term initiatives, the longer term initiatives have resource implications which require further review and research.

In keeping with the theme of enhanced governance, this fall we held a new Bencher orientation session which we hope, along with the orientation manual developed last year, helped our incoming Benchers to better understand the work of the Law Society and their responsibilities to the public. We intend to continue to improve on our orientation process as we move forward.

In closing, I would like to remind you that the Law Society's Annual General Meeting will be held on Friday, 10 June 2016 at 2:00 pm at the Law Society. Our Annual Dinner and Cocktail Reception will be held the evening of Friday, 10 June 2016. You will find the registration form and further details on the Annual Dinner and Cocktail Reception on our website, [www.lawsociety.nf.ca](http://www.lawsociety.nf.ca). ■

<h2 style="margin: 0;">Benchers</h2> <p style="margin: 0;">Law Society of Newfoundland and Labrador</p>	
<h3 style="margin: 0;">Officers</h3>	
<i>President:</i>	Susan M. LeDrew
<i>Vice-President:</i>	Barry Fleming, QC
<h3 style="margin: 0;">Elective Benchers</h3>	
<i>Eastern District:</i>	<i>Central District:</i>
Donald E. Anthony	Renee L.F. Appleby
R. Paul Burgess	Rebecca A. Redmond MacLean
Amy M. Crosbie	
Robin L.M. Fowler	<i>Western District:</i>
Ann F. Martin	James E. Merrigan, QC
Donovan F. Molloy, QC	Trevor A. Stagg
Liam P. O'Brien	
Leanne M. O'Leary	<i>Labrador District:</i>
Ian S. Patey	Adrienne S. Edmunds
Ian C. Wallace	
<h3 style="margin: 0;">Appointed Benchers</h3>	
Dr. Donovan Downer	Glenda Reid
Linda Harnett	Bert Riggs

## Our Professionals' Assistance Program

As a lawyer, you provide vital services and support to the public. It is essential that you invest the time and energy necessary to take care of yourself.

The Lawyers' Insurance Programme funds the Professionals' Assistance Program as part of risk management. We understand the value of the services you provide and we are committed to ensuring that you have the support you need to serve the public properly.

The purpose of the Professionals' Assistance Program is to ensure that effective assistance is available to lawyers, employees of lawyers, articulated clerks, students, and their families who may require support for all types of personal problems which cannot be solved without assistance.

Our service provider, **Homewood Human Solutions**, has more than 33 years of experience and capability.

Homewood's website, [www.homewoodhumansolutions.com](http://www.homewoodhumansolutions.com) offers an array of online resources.

### To Register for **Homewood Human Solutions** Member Services:

1. Go to homepage:  
[www.homewoodhumansolutions.com](http://www.homewoodhumansolutions.com).
2. Once the homepage is displayed, click "Login" in the top right corner, and click "Register".
3. You will be requested to enter your Company / Organization name. If you are unsure of Company /Organization name you will be allowed to temporarily register without this information, however you will not have access to certain tools until your registration is validated by **Homewood Human Solutions** (within 24-48 hours).
4. Complete the profile section by selecting the proper information displayed in the text box(es) provided and click "Continue".
5. Fill in the required personal, address and system information on the form that is displayed, and click "Continue".
6. You have now created your member profile for access to the Member Services Area, providing you with seamless access to a number of online tools and resources. You will have the option of logging out or continuing on to the Member Services Area using the username and password you created. If you want to continue into the Member Services area, please click "Continue".

**Note:** A confirmation e-mail containing your username and password information will be forwarded to the e-mail address that you provided during the registration process. On subsequent visits, simply log in with your chosen username and password by clicking on "Login".

***Trouble registering? Please call the Client Service Centre for immediate assistance at 1.800.663.1142***

***Trouble logging in? Please call the Client Service Centre for immediate assistance at 1.800.663.1142.***

## Decisions, Decisions, Decisions

*Below is a brief summary of some of the decisions taken by Benchers during the period from October 2015 up to and including February 2016.*

### October 2015

The 6 October 2015 meeting of Benchers was presided over by Vice-President, Barry Fleming, QC in the absence of the President, Ms. LeDrew. Mr. Fleming, QC opened by welcoming the new Benchers, Mr. Robin Fowler, Mr. Ian Patey, Ms. Renee Appleby, Ms. Rebecca Redmond MacLean, and Mr. Trevor Stagg. Introductions were made around the table.

Benchers were advised that preparations for the strategic planning process were underway and it was noted that any plan would need to be dynamic and subject to review to be effective. Next, the Insurance Committee tabled their report. Chair of the Insurance Committee, Ms. Ann Martin noted that the Committee had meetings in June, July and September which were primarily dominated by discussions regarding the Transaction Levy. She also advised that the actuary had been engaged to advise on how to deal with any money in excess of the Capital Pool target, if and when that target was reached. Benchers discussed the best way to address the prevalence of missed limitation claims and the Committee was asked to consider best practices in this area and report back to Benchers.

The meeting then turned to a discussion on the Transaction Levy. Benchers were provided with a memo and background material from Ms. Grimes, QC outlining the history and development of the Transaction Levy. They were also provided with a report from Andre Normandin, Actuary (who was in attendance and gave a presentation to Benchers), which showed that enough cumulative data has been

collected over the last 10 years to allow him to recommend changes to the way the Transaction Levy is charged in order to ensure that a greater proportion of the cost associated with certain risks be borne by those practising in those riskier areas.

The Law Society's claims' experience from 2006 to 2015 showed that 40% of the claims arose from real estate transactions while 35% arose from civil litigation transactions. The actuary recommended that 70% to 80% of the cost of claims in these higher risk areas be paid for by the levy charged in those areas. Since the volume of real estate transactions on which the levy is collected exceeded the volume of civil litigation transactions on which the levy is collected by a factor of about 7 to 1, he recommended that the levy charged on real estate transactions go down while the levy charged on civil litigation transactions go up.

Following Mr. Normandin's presentation, a general discussion ensued which highlighted some areas of concern with the introduction of a variable system. Mr. Normandin indicated that we do not have enough data to address a broader degree of variability beyond the distinctions between real estate and civil litigation.

Some Benchers queried whether there were other ways of approaching it from a risk perspective. While the actuary indicated that another way is to have varying deductibles, his experience shows that it is not as effective. As for increasing the costs for people with repeat claims, Benchers were advised that that is not the experience in Newfoundland and Labrador.

Following a thorough discussion, Benchers resolved that the Transaction Levy payable on real estate transactions be reduced to \$30.00, effective 1 January 2016 and that the Transaction Levy payable on civil litigation transactions be increased to \$75.00, effective 1 January 2016.

After the extensive discussion on the Transaction Levy, Ms. Sheila Greene, QC reported that discussions on governance remained ongoing at the Federation meetings in Winnipeg but she felt positive about the ultimate results of that meeting. She noted that the conference portion was focused on the report from the Truth and Reconciliation Commission which had called on the legal profession to do its part to ensure cultural competency. Ms. Greene, QC and Mr. Fleming, QC commented on the quality of the presentations and the moving nature of the material presented.

Law Society accountant, Mr. Richard Yabsley, joined the meeting to present the internal statements for the Law Society, the Insurance Programme and the Assurance Fund for 31 August 2015, and an investment return summary.

The Discipline report was provided followed by the Education Committee report in which Benchers approved twelve transfers under the National Mobility Agreement and issued thirteen Certificates of Fitness. Mr. Ian Wallace, Chair of the Committee advised that one Application for Admission as Student and three notices of resumption of practicing status had been approved by the Education Committee. Benchers then approved fourteen applica-

tions for Non-Practicing status and three applications to resign membership.

Ms. Grimes noted that Chief Justice Green was seeking input from Benchers regarding ways to commemorate the 40<sup>th</sup> Anniversary of the Court of Appeal. Following a discussion, Benchers concluded that the Law Society would host an appropriate CLE and a reception to follow.

### December 2015

The 14 December 2015 meeting of Benchers was presided over by the President who opened by thanking Past President, Kenneth Baggs, QC for his commitment, thoughtful comments and dedication throughout the year. She also thanked Vice-President, Barry Fleming, QC for acting as Chair for the October convocation and welcomed the new Benchers.

Ms. LeDrew proceeded to report on her activities since becoming President. Ms. LeDrew noted that the 2015 AGM and Annual Dinner and Cocktail Reception was well attended and that people seemed happy with the changed approach. She officiated at the 19 June 2015 Call to Bar ceremony and attended the reception which followed where eleven candidates in total were called. Ms. LeDrew thanked Vice-President, Mr. Barry Fleming, QC for officiating the 9 October 2015 Call to Bar, where twelve candidates were called. She gave remarks at the Swearing In of Justice Cillian Sheahan on 7 July 2015 and the Swearing In of Judge Noble on 4 November 2015 and attended the receptions which followed. She also attended funerals for members Ed Hearn, QC and Corwin Mills, QC and attended and gave remarks at a tribute to the late Justice Keith Mercer on 11

September 2015. The President went on to advise that, on 19 August 2015, she and Ms. Grimes, QC met with Justice Whalen to discuss a number of matters including tributes to former members in the Court and the appointment of Lay Benchers; on 20 and 21 September 2016 we hosted the Executives of the Atlantic provinces to discuss areas of mutual interest; the President, Vice-President, Mr. Fleming, QC and Ms. Grimes, QC attended Federation meetings in Winnipeg from 30 September to 3 October, 2016; and, on 22 and 23 November 2015 participated in the Strategic Planning Sessions.

Ms. Ann Martin, Chair of the Insurance Committee provided a written report from the Committee and reports from the actuary, Andre Normandin. Mr. Normandin's reports outlined a proposed policy for setting premiums and his recommendations for the base insur-

## NEWFOUNDLAND & LABRADOR CONTINUING LEGAL EDUCATION

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### Gain The Edge! Negotiation Strategies for Lawyers

A one day seminar led by **Martin Latz, Esq.**, Scottsdale, Arizona  
Negotiation Expert and Author of ***"Gain the Edge: Negotiating to Get What You Want!"***

Thursday, June 16, 2016 from 9:00 am – 4:00 pm

3rd Floor, Law Society Building, 196-198 Water Street, St. John's, NL

#### About the Seminar:

You negotiate every day! In fact, your ability to effectively negotiate may be the most critical skill you possess. Yet most negotiate instinctively or intuitively. This seminar will help you approach negotiations with a strategic mindset. And make no mistake – no matter how much you've negotiated, you can still learn. Adding that one new tactic may be the difference between winning and walking away empty-handed.

Martin Latz is one of America's leading experts and instructors on negotiating techniques. A Harvard Law honors graduate, Marty will help make you a more effective negotiator and a more effective advocate for your clients.

- Registration deadline is Wednesday, June 15, 2016 •

ance premium for 2016. Ms. Martin advised that decisions were required from Benchers on approval of the Premium Setting Policy, the Base Insurance Premium and the Insurance Programme budget for 2016 and Benchers approved all three. Ms. Martin went on to report on the research compiled with respect to loss prevention in other jurisdictions and the statistics compiled by Ms. Ringrose which showed a breakdown of the type of practice where missed limitations periods most frequently arise. It was agreed that the Insurance Committee would provide recommendations for addressing the problem to Benchers at the next Convocation.

The discussion then shifted toward a request for support from the Public Legal Information Association of Newfoundland and Labrador (PLIAN). Ms. Grimes, QC advised Benchers that, according to the auditors, it would be appropriate to create categories of restricted surplus to allow for funding of different initiatives as part of a surplus policy for the Law Society. Benchers agreed that, since PLIAN does very good work on an extremely limited budget and its objectives are aligned with the Law Society, the Law Society would provide PLIAN with \$30,000.00 in funding in the 2016 budget and would consider the feasibility of a multi-year commitment in the development of a surplus policy.

Law Society accountant, Mr. Richard Yabsley joined to discuss the financial position of the Law Society, the Insurance Programme and the Assurance Fund, provide Benchers with information with respect to investment returns, and confirm that all government remittances had been made appropriately. Benchers approved the proposed Law Society Budget for 2016 which contained no increase in any fees.

Ms. Sheila Greene, QC was in attendance and gave Benchers a report on the activities of the Federation of Law Societies of Canada. Ms. Greene, QC noted that the governance review was still ongoing although nearing a conclusion and requested Benchers' approval on two motions for the upcoming Federation Council meeting: 1) Composition, Approval Committee for the Canadian Common Law Degree Program; 2) Changes to the CanLII Governance Agreement. Benchers gave Ms. Greene, QC authority to vote on items 1 and 2.

The Discipline report was provided followed by the report of the Education Committee by Chair, Mr. Ian Wallace. Benchers approved three transfers under the National Mobility Agreement. Mr. Wallace advised Benchers that two Applications for Admission as a Student and five notices of resumption of practicing status had been approved by the Education Committee. Benchers went on to approve seven applications for non-practicing status and two applications to resign membership.

Next Benchers were provided with a memo outlining proposed changes to the Code of Professional Conduct. Ms. Weir provided an overview of the extensive processes undertaken through a number of different local and national committees prior to the submission of the changes for approval. Benchers approved the proposed amendments to the Code of Professional Conduct.

Benchers agreed that the Executive Committee would review the Strategic Planning Report written by Allan Fineblit, QC and make recommendations to Benchers on how to proceed. Benchers were then provided with an update on the issue before the Rules Committee regarding allowing corporations to be represented by individuals. Benchers had at an earlier meeting

accepted the recommendation of a committee comprised of three Benchers that there should be no change to the current requirement that corporations be represented by lawyers but asked that it be further considered by members of the Access to Justice Committee. Following a report from Mr. Ian Wallace, Chair of the Access to Justice Committee, it was concluded that Benchers do not support representation of corporations by non-lawyers.

After a brief discussion on the commemoration plans for the 40<sup>th</sup> Anniversary of the Court of Appeal it was recognized that, due to failing health, Chief Justice Hickman would not be able to attend the Benchers' Christmas Reception, which would be the first one he had ever missed. Benchers were saddened to hear this.

### February 2016

The February 15, 2016 meeting of Benchers was called to order by the President, Susan LeDrew. The meeting began with a report from the President on her activities since the December 2015 meeting. On 8 February 2016 she attended and gave remarks at a tribute to the late Chief Justice Hickman. She noted the eloquent comments from the two sitting Chief Justices and from Justice Wells and advised that the family expressed sincere gratitude for the tribute. On 11 February 2016 she attended the ceremony and reception for newly appointed Queen's Counsel.

The Law Society's Federation representative, Sheila Greene, QC provided her written report and noted that the recent Council meeting in December was one of the better meetings they had had in a long time.

In the absence of the Chair of the Insurance Committee, Ms. Grimes, QC presented the Committee's report. The recommendations in the

report included a self-assessment checklist, a voluntary risk assessment visit and the development of a mentoring program, as well as additional CLE/wellness programs. The report was well received with some Benchers highlighting the public protection value of the initiatives suggested, particularly as it related to communication and quality of service issues. The report and recommendations of the Insurance Committee were approved by Benchers for implementation.

Ms. Grimes, QC went on to advise Benchers that revised Rules of the Reciprocal (CLIA) would be presented to Benchers at a subsequent meeting for approval, noting that the new Rules will better reflect the maturity of the locally managed insurance programs and make it more likely that, over a reasonable time frame, each jurisdiction will cover its own losses. She also advised Benchers that a notice seeking expressions of interest for three vacancies opening up on the CLIA board would be circulated to members, noting that individuals other than lawyers could be referred for nomination, provided they fit the skills matrix.

Ms. Grimes, QC advised that, in accordance with Benchers' instructions, the Insurance Committee had conducted a further review of the Transaction Levy as it relates to family law matters. She noted that a group of lawyers who had expressed concern regarding the changes were provided with the average payout for claims in the family law area since 2004 and the average number of filings in court, the accuracy of which had been verified a number of times by the Court. She also indicated that the actuary had been provided with the number of filings and concluded it was appropriate to charge a \$75.00 levy on family law files. As a result, the Insurance Committee was not

recommending any changes. Following the discussion it was agreed that, as the decision had already been made and no changes were being recommended, there was no further action to be taken.

Richard Yabsley, Law Society accountant, joined the meeting and pointed out that, due to a couple of recoveries on the discipline side, the projected costs for the Law Society would not be as high as anticipated and, therefore, there might be a small surplus for 2015. With respect to the Insurance Programme, he indicated that, until he receives figures from the actuary and CLIA, there are no real changes to report. He advised that, while there is slightly more than the recommended surplus in the Assurance Fund, the actuary expressed no concern.

In keeping with the theme of finances, a written report was provided by the Finance and Accounts Committee. Mr. Fleming, QC noted that the return for 2015 was 2.45% and that our equity holdings have fallen to 16% against the 25% allowed. Given the current market and Benchers' stated desire to keep equity holdings below 20%, this is prudent. He further noted that his Committee will be meeting with the auditors as required under the new Terms of Reference.

The Discipline report was provided followed by the Education

Committee report in which Benchers approved one transfer under the National Mobility Agreement and issued fourteen Certificates of Fitness. Mr. Ian Wallace, Chair of the Committee advised that three Applications for Admission as a Student and eight notices of resumption of practicing status had been approved by the Education Committee. Benchers then approved ten applications for Non-Practicing status and ten applications to resign membership. The Honours and Awards Committee recommended that P. Derek Lewis, QC be granted Life Membership. Benchers approved the same.

Benchers went on to adopt the recommendations of the Executive Committee flowing from the strategic planning session; approve Terms of Reference of all Law Society Committees and approve the appointment of Robin Fowler to the Education Committee, effective immediately and future appointments of Glenda Best (effective 1 July 2016) and Andrew Wadden (effective 1 January 2017) to the Committee as well.

Following a brief discussion of self-representation of corporations and the agreement that the issue be placed on the agenda for the Law Society's meeting with the Minister of Justice and Public Safety, the meeting was adjourned. ■

*We are preparing  
to refresh and renew our website*

*A review of our current website will be taking place  
in the near future. We welcome any ideas  
from our membership on ways to improve our website.*

*Please contact Erin Rowe via email at  
[erin.rowe@lawsociety.nf.ca](mailto:erin.rowe@lawsociety.nf.ca) with any input you may have.*

## Law Society of Newfoundland and Labrador Mandatory Continuing Legal Education Requirements

*Members are reminded that the mandatory Continuing Legal Education (CLE) program requirements began in January 2016. During 2016 members will be required to complete the CLE requirements, and report their 2016 CLE activities to the Law Society beginning in January of 2017. For reference, please find below further details regarding the CLE requirements. The first report will be due January 31, 2017.*

### Introduction

Beginning in 2016, the Law Society of Newfoundland and Labrador (the Law Society) requires that every practicing member of the Law Society:

1. Participate in a minimum level of Continuing Legal Education (CLE) activities annually;
2. Provide information to the Law Society annually, outlining details of these CLE activities, using the Law Society's CLE Annual Report and Plan form; and
3. Provide a continuing legal education plan for the following year, using the Law Society's CLE Annual Report and Plan form.

### Mandatory CLE Requirements

Specifically, the Law Society requires all practicing members to complete a minimum of 15 hours of eligible CLE activities annually.

Members are expected to report their 2016 CLE activities, and their future CLE plans for 2017, using the CLE Annual Report and Plan form which will be provided by the Law Society. The first CLE Annual Report and Plan must be submitted in January 2017, and, thereafter, in January of each succeeding year. We are investigating the implementation of an online tool for this purpose.

### Eligible CLE Activities – Content Requirements

Eligible CLE activities must contain significant substantive law or

practical content with the primary objective of enhancing a member's professional competence. As indicated above, members will be required to complete a minimum of 15 hours of eligible CLE activities annually. Eligible CLE activities must be:

- relevant to the member's present or perceived future professional needs;
- directly related to the member's current or anticipated practice areas; and/or
- relevant to professional ethics and the professional responsibilities of lawyers.

Eligible CLE activities should include significant substantive, procedural, technical or practical legal content.

The mandatory CLE activity requirement can be met in many ways; for example, in a classroom setting, by reading legal publications (periodicals, digests and journals), listening to podcasts, watching recorded programs and seminars, or through live online CLE programming.

Eligible CLE activities will include activities and content dealing with one or more of the following areas:

- the practice of law (including ethics, professional responsibility, practice standards, substantive law, procedural law, etc.);
- lawyering skills (such as advocacy, drafting, research, communi-

cations, interviewing, negotiation, etc.); and

- practice management (including client relations, wellness, time management, practice technology, etc.).

### Examples of Eligible CLE Activities

To qualify as an eligible CLE activity, the activity must be directly related to improving professional competence in the member's practice.

Some examples of eligible CLE Activities would include:

- Attendance at live CLE activities – Attendance at live seminars, courses, educational components of conferences, live webcasts, telecasts or live online courses, etc., would all be eligible activities, provided the content requirements (outlined above) are met. (*N.B. Obviously, only those hours where a member is in actual attendance at the course, seminar or educational component of a conference, etc. are considered eligible hours.*)
- Teaching/Lecturing/Instructing in a law course, CLE seminar, etc. – Teaching in a legal context is an eligible activity, to a maximum of six hours per year, provided that the content requirements (outlined above) are met in the material that is taught. There are no restrictions or requirements on the audience, except that presentations

designed for clients would not count towards eligible CLE activities.

- Writing - Authoring legal texts, legal articles or other written materials is an eligible CLE activity, to a maximum of six hours per year, provided that the content requirements (outlined above) are met. As well, to be an eligible CLE activity the primary purpose of the written material should be for use in an educational program, or to educate about the law. However, written material produced as part of the member's regular employment or practice, or for client development, would be excluded.
- Self-study/Reviewing written or recorded materials – Self-study or reviewing written materials (current legal articles, textbooks, case reports, journals etc.) or reviewing recorded CLE courses or activities (recorded online seminars, podcasts, recorded audio or video CLE courses etc.) are eligible CLE activities, to a maximum of 3 hours per year, again provided the content requirements (outlined above) are met.

### Examples of Non-Eligible CLE Activities

Some examples of non-eligible CLE activities would include:

- Activities which do not meet the content requirements (outlined above) or which are not directly related to improving professional competence;
- Activities relating to mentoring, including being a Principal to an Articled Student-at-Law;
- Activities relating to marketing or profit maximization or primarily designed for clients;
- Activities undertaken for an employment purpose, or prepared and delivered in the ordinary and usual course of practice or employment.

### Compliance with the Requirements

It will be each member's responsibility to ensure that a proposed CLE activity meets the content requirements set out by the Law Society and, therefore, qualifies as an eligible CLE activity.

The Law Society will have discretion to determine whether specific activities meet the requirements and are,

or are not, eligible CLE activities. It is anticipated that the Law Society will not be unreasonably prescriptive or rigid in assessing what is or is not an eligible CLE activity.

The Law Society will not assess or accredit providers, content or subject matter in advance. However, it is anticipated that many professional learning activities will qualify and meet the requirements of an eligible CLE activity, provided a common sense and reasonable nexus or link can be demonstrated between the activity and an enhancement in professional competence.

### CLE Annual Report and Plan - Reporting Requirements

Members will be required to complete and submit a document annually to the Law Society, referred to as a *CLE Annual Report and Plan form*. This document will have two parts; a report on eligible CLE activities for a given year and a plan for CLE activities for the following year.

The CLE Annual Report portion of this document will provide details on the member's CLE activities for the year in question. The CLE Plan portion of the document will con-

## Custodianships

The Law Society currently has possession of files from the following lawyers:

Alan Carter  
Christopher Sullivan  
Claude Sheppard  
David Pitcher  
David Sparkes  
Doug Harvey  
Fabian O'Dea  
Frederick R Bishop

Gerard Griffin  
Gerard Gushue  
Glen Bursey  
Glube Jewell  
Gordon Seabright  
Hugh Coady  
James Nurse

Jody Saunders  
Keith Rose  
Kent Morris  
Michael Drover  
R A Parsons / O'Neil  
William Browne  
William Parsons

Members can contact Lisa Kennedy, Custodianship Assistant for details on any of the above by email at [lisa.kennedy@lawsociety.nf.ca](mailto:lisa.kennedy@lawsociety.nf.ca) or by telephone at 758-0822.

tain a series of questions aimed at helping members identify their professional development activities for the following year. It is meant to provide a useful framework and guideline by which members can plan to participate in future professional development activities which are relevant to their needs and practice areas, and which can further enhance their competence.

This CLE Annual Report and Plan form will provide an annual record of members' CLE activities and will also provide a framework by which members can assess and meet their future requirements for professional development and continuing legal education. The submission deadline for filing in a given year is January 31st of the following year.

### **Failure to Report or Comply with Requirements**

Benchers resolved that, pursuant to Rule 6.20(4)(ii), a late filing fee of \$100.00 would be mandatory in the

event of a failure to file the Annual Report and Plan by the deadline. Other sanctions may also include the requirement to make up the required hours of eligible CLE activities within a specified time period, administrative suspensions, and possible engagement of the disciplinary process set out in the *Law Society Act, 1999*.

### **Exemptions**

Members who are subject to comparable mandatory CLE requirements in another Canadian jurisdiction (for example, a member of another Canadian Law Society who has fulfilled that other Law Society's requirements by participating in CLE activities), may count these CLE activities towards the requirements of the Law Society of Newfoundland and Labrador.

Members with non-practicing or life membership status are not required to meet the requirements

while not practicing. A member holding both non-practicing and practicing status in the same year will need to meet the requirements for that part of the year when practicing status was held.

Members who are claiming an exemption from complying with the requirements can identify their exemption on the CLE Annual Report and Plan form.

### **Monitoring**

The Law Society will monitor compliance with the Mandatory Continuing Legal Education requirements by reviewing CLE Annual Report and Plan forms submitted by members. At the Law Society's request, a member may be asked to provide further information or documentation relating to the details of the member's participation in a CLE activity and/or the eligibility of a reported activity. ■

## Get involved!

The Public Legal Information Association of NL (PLIAN) provides a valuable service to the public and has been doing so since 1984.

PLIAN's mandate is to provide public legal education and information services with the intent of increasing access to justice. The services provided by PLIAN (such as the Lawyer Referral Service, Legal Information Line, school visits, community information sessions and various publications) assist in providing all members of society who require information about the law, legal processes and the administration of justice with easily accessible information.

PLIAN needs help from all of you in carrying out this mandate.

Please contact any of PLIAN's staff at 722-2643 to ask how you may get involved.

## BEST PRACTICES: Law Society Library



***“I didn’t know you could do that!”***

**A common response when telling you, our members,  
the kinds of questions the Law Society Library can help answer.**

**Below are the types of questions we provide assistance with all the time.**

- *Can you provide any damage awards, from the last five years, for injuries sustained as a result of a broken tibia?*
- *An out of town lawyer, representing a grandson who had inherited his grandmother’s house, was presented with invoices from his father, for all purchases he made for his mother during her infirmity. This included grapes and a bottle of water. The grandmother had a will and the lawyer was not the executor of the estate. The lawyer wanted to know if these were valid expenses against the estate?*
- *What is the definition of “domicile of origin”?*
- *As a result of a broken wedding engagement who gets to keep the engagement ring?*
- *Can you provide access to journal articles or books not available in the library collection?*
- *I have access to Westlaw and want to know if you can provide me with some decisions from Quicklaw?*
- *I have a client who was making an application to vary child support based on undue hardship. Can you provide any cases where the payor, who lives out of province, has high access costs, their current spouse is on medical leave and they have two additional children, has had support payments varied?*
- *Would you be able to get me a copy of the Intestate Succession Act as it was in December 1969?*

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***With the arrival of new students and articled clerks, this is a timely reminder  
to members, old and new, of how the Law Society Library can assist you.***

**Contact Gail Hogan and Rosie Myers at [lawlibrary@lawsociety.nf.ca](mailto:lawlibrary@lawsociety.nf.ca) or 753-7770.**

***We look forward to hearing from you!***

## Complaints Authorization Committee

The Complaints Authorization Committee, a statutory committee comprising two lawyers and a public representative all of whom are Benchers of the Law Society, reviews the *allegation* to determine whether there are reasonable grounds to believe that the lawyer has engaged in conduct deserving of sanction. If the answer is no, then the Complaints Authorization Committee will dismiss the *allegation*. The *Act* prescribes that a complainant whose allegation is dismissed by the Complaints Authorization Committee, may file a notice of appeal, within 30 days, with the Registrar of the Supreme Court.

When the Complaints Authorization Committee's opinion is that there are reasonable grounds to believe that the lawyer has

engaged in conduct deserving of sanction, there are two results:

- (i) the *allegation* is considered as constituting a Complaint; and
- (ii) the Complaints Authorization Committee may issue a letter of counsel or a letter of caution to the lawyer, or instruct the Vice-President to file the Complaint against the lawyer and refer it to the Disciplinary Panel.

Counsel is advice. Caution is a warning. Both are intended to assist the lawyer in his or her future conduct. A finding of guilt has not been made against the lawyer because a finding of guilt could only be made following a Hearing.

The following information is provided to inform members as

required by *Law Society Rule 9.06(5)*

A Letter of Counsel was issued by the CAC with respect to the following Complaint.

Complaint that the member's failure to advise the client in a timely manner that the member could not act due to a potential conflict, does not comply with the standard of conduct contemplated by the *Code*. The Complaints Authorization Committee counselled the member that the standard prescribed by the *Code of Professional Conduct* requires that lawyers examine whether a conflict exists at the outset and inform the client in a timely manner. (*Code of Professional Conduct (2013), Chapter 3, Rules 3.2-2 and 3.4-1*). ■

### NEWFOUNDLAND & LABRADOR CONTINUING LEGAL EDUCATION

P.O. Box 1028, St. John's, Newfoundland & Labrador, A1C 5M3  
Tel: 722-4740, Fax: 722-8902, e-mail: cle@lawsociety.nf.ca

## Assessing Damages: How Much is it Worth?

A seminar by **Ms. Cara Brown**,  
Brown Economic Consulting Inc., Calgary, Alberta  
Author of ***Damages: Estimating Pecuniary Loss***

Friday, June 24, 2016 from 9:00 am – 11:30 am

3rd Floor, Law Society Building, 196-198 Water Street, St. John's

#### Overview of the Presentation

Quantum evidence is routinely required in cases involving persons whose careers and earning capacity have been interrupted due to an incident. While a motor vehicle accident is often the common cause of such an incident, other reasons can include a slip and fall, medical malpractice, wrongful imprisonment, wrongful dismissal, wrongful death and sexual assault.

This seminar will introduce counsel to some revolutionary advances in quantifying damages (for example in the realm of fatality cases), deal with complications in injury and death cases arising from self-employed plaintiffs, as well as introduce some helpful and free electronic aids used in quantifying damages. Live demonstrations of Brown Economic's free economic loss calculators will be provided to assist counsel, particularly given the reality that more and more claims are being mediated rather than proceeding to trial. Ancillary materials that can assist counsel in compiling information for their cases will be provided, and examples of Brown Economic's monthly newsletter (Brown's Economic Damages Newsletter) will also be included.

- Registration deadline is Thursday, June 23, 2016 •

Does your client need a workplace investigation?

Workplaces should be respectful and healthy

To avoid workplace issues - business, financial, and/or legal - organizations need to assertively address them in the workplace before they arise, and respond if and when they do.

Our services include:

- Conducting workplace investigations,
- Undertaking workplace assessments to identify root causes and recommend solutions, and
- Assisting organizations develop or enhance respectful workplace policies.



Colleen Hanrahan, MSW, JD, PhD is the principal consultant with Workplace Investigations, operating under The Institute for the Advancement of Public Policy, Inc., an established management consultancy business.

Dr. Hanrahan has conducted workplace investigations, such as complaints of sexual harassment and violation of respectful workplace policies. She has served on an administrative tribunal, and has a background in law, social work, and policy development to complement her critical workplace assessment skills.

## Workplace Investigations

**The Institute for the Advancement of Public Policy, Inc.**

PO Box 23005  
St. John's, NL A1B 4J9

Tel: 709-739-0833

Cell: 709-687-4962

Email: [chanrahan@nfld.net](mailto:chanrahan@nfld.net)

LinkedIn <https://ca.linkedin.com/in/colleen-a-hanrahan-6b963019>

## Changes in Status

The following changes in status were approved by Benchers sitting in Convocation  
October 2015 – February 2016:

### Resumption of Practicing Status

Ronald Noseworthy, QC	July 16, 2015	Elyse Bruce	December 21, 2015
Christina Spurrell	September 10, 2015	Robin Reid	December 21, 2015
Candace Summers	September 28, 2015	Daniel Furey	December 21, 2015
Laura Brown Laengle	October 30, 2015	Edward Langdon	January 12, 2016
Robert Bradbury	November 13, 2015	Keir O'Flaherty	January 21, 2016
Cheryl Mullett	November 16, 2015	Kimberly Burrridge	January 28, 2016
Joshua Handrigan	December 9, 2015	Jodi MacDonald	February 4, 2016
Kimberly Burrridge	December 10, 2015	Andrew Parsons	February 10, 2016

### Practicing to Non-Practicing Status

Solene Marie-Paule Murphy	10 July 2015	Ginger Holmes	23 October 2015
Jonathan Fowler	20 July 2015	Ernest Boone, QC	29 October 2015
Matthew Moulton	14 August 2015	Danielle Somerton	9 November 2015
Judith Rae	18 July 2015	Rebekkah Sheppard	23 November 2015
Thomas Marshall, QC	1 January 2015	Michael Peddle	1 December 2015
Jennifer Lundrigan	8 June 2015	Edward Langdon	4 December 2015
Julia Smart	21 May 2015	Darragh McManamon	31 December 2015
Gordon Aylward	23 June 2015	Nicholas Whalen	31 December 2015
Katrina Trask	4 July 2015	Wayne Chamberlain, QC	31 December 2015
Daniel Murphy	15 June 2015	Kimberley Burrridge	1 January 2016
Gerald Wetzel	1 March 2015	Gregory Dickie	1 January 2016
Violet Ford	1 August 2015	Brandon Trask	29 January 2016
Jordan Hodder	10 September 2015	Megan Sheppard	25 January 2016
Jeremy de Jong	1 October 2015	Robert Bursey	1 January 2016
Mary Hatherly	19 October 2015	Felix Collins	1 January 2016
Meghan So	13 October 2015		

### Members Granted Permission to Resign Membership

Gregory Jarvis	8 July 2015
Keir O'Flaherty	3 July 2015
William Rowe, QC	31 December 2015
Sarah Lane	3 December 2015
Peter Ringrose	1 November 2015
Stanley Marshall	31 December 2015
Paul Stapleton	1 January 2016
Susan Nickerson-Graham	1 January 2016
Maggie Noseworthy	1 January 2016
Donald Rankin	1 January 2016
Kimberley Wilton	31 January 2016
Malcolm MacKillop	31 December 2015
Nicole Deveau	1 January 2016
Ginger Holmes	1 January 2016
Ivan Nault	1 January 2016

## *In Memoriam*

*Since the Fall 2015 edition of Benchers' Notes,  
Benchers and members were saddened to hear of the  
passing of the following members and former members:*

**The Hon. Mr. Justice Thomas Alexander Hickman**

called as a Solicitor on April 7, 1948;  
called as a Barrister on April 9, 1948, Roll #212

**James Leslie Thistle, QC**

called April 10, 1979, Roll #470

**John Geoffrey Kelly**

called April 15, 1971, Roll #316

# National Family Law Program

## NFLP - 2016

The National Family Law Program is being presented at the St. John's Convention Centre, adjacent to the Delta Hotel, from 11 to 14 July 2016.

The Program's conference office opens 1 PM on Sunday, 10 July and a reception will be held later same date, at the Centre.

Program faculty is comprised of judges, lawyers, family law teachers, and other professionals, from across Canada and the United States. They will conduct intensive plenaries and seminars which comprehensively address legal, financial and therapeutic issues encountered by lawyers in Canada who accept family law retainers.

Program subjects include:

- economics of practicing family law
- innovation in family law practice and process, including paper and paperless practices
- advocacy
- alternative dispute resolution
- professional responsibility, including adversarial ethics in resolving disputes
- unique strategies for settling cases
- role and impact of social media
- forced marriages
- parenting
- child and spousal financial support,
- valuation and division of pensions and professional practices in property disputes, and
- polyamorous relationships

Papers prepared by faculty, exclusively for the Program—the 16<sup>th</sup> bi-annual—will be provided in digital format to Program registrants.

This Program will be submitted for approval for professional education credits.

Please refer to the website for Program updates and on line registration at [www.flsc.ca](http://www.flsc.ca), then click on the link at the bottom of the page for the National Family Law Program or email [nationalfamilylawprogram@sympatico.ca](mailto:nationalfamilylawprogram@sympatico.ca)

## SPECIAL CALL CEREMONY

by Bert Riggs

Patrick Shea, a member of the Law Society of Upper Canada, is the driving force behind what he hopes will become a pan-Canadian movement: that in each of the Canadian provinces there be a ceremony to call to the Bar of their respective jurisdictions those individuals who were students-at-law in the immediate pre-World War I period, but who left their studies in order to enlist and fight in the war in Europe, and who were subsequently killed in the war. This would be a posthumous or honorary call, recognizing the contribution these individuals made, giving up their life and prospective career in the law in order to fight for King and Country. There are more than 100 of these students-at-law across Canada, with 60 alone in Ontario. There is only one from Newfoundland: Cecil Bayly Clift.

There were, however, three other students-at-law who gave up prospective legal careers to partake in the war effort. One was Harris Rendell Oke, who was in the final year of his articles when he joined the Newfoundland Regiment in 1914. In 1915 he transferred to the Royal Scots Regiment and following the war joined the staff of the British Colonial Office, serving in Nigeria and the Gambia, in West Africa, until his death in 1940.

The second was William F. C. Hutchings, the son of Charles Hutchings, a member of the Newfoundland Bar who later became Chief of Police. A graduate of Mount Allison University, Will Hutchings was also in the midst of articles when the war broke out. He received permission to join the Newfoundland Regiment, and like Harris Oke, was one of the First Five Hundred or Blue Puttees. He survived the war and returned to St. John's, where he

attempted to complete his articles but was unable to do so, most likely as a result of post-traumatic stress disorder.

The third was Janet Miller, the first woman enrolled as a student-at-law in Newfoundland, who left her studies to become a member of the Voluntary Aid Detachment, a British-based organization that trained women to serve as nursing assistants (nurses in all but name) in recuperation hospitals in the United Kingdom and in casualty hospitals in France and Belgium. Miller served to the end of the war, carrying on despite the death of her husband, Eric Ayre, whom she had married in June 1915, at Beaumont Hamel on 01 July 1916. When she returned from Europe after the war ended she said she felt too old, too tired and too far removed to resume her legal studies.

There is one other individual who can be added to this group of four: John Clift, Cecil Bayly Clift's younger brother. He entered into articles with E. S. Pinsent shortly after the war ended but died before he could complete them. His death resulted from complications suffered from wounds he had received in the war.

It is the intention of the Law Society of Newfoundland and Labrador to call these five former students at law to the Bar of Newfoundland and Labrador posthumously. By honouring all five of these students-at-law in this way we are recognizing the sacrifice that each of them made, putting their careers as prospective members of the legal profession on hold for what they perceived as the greater good. Since it was widely believed that the war would be over within a year, in all likelihood, each of them planned to return and pick up where they had left off or, in John Clift's

case begin, their law studies. By including Janet Miller in this group, we would also be recognizing the contribution that she made to the entry of women into the legal profession in this province and the sacrifice that she made by relinquishing her long-held dream of becoming a lawyer.

Special Call to the Bar ceremonies have already been held by the Law Society of Upper Canada and by other Canadian jurisdictions. The one for Newfoundland and Labrador will take place in conjunction with the regular Call to the Bar ceremony in October 2016. It is hoped that members of the families of these five individuals will be able to attend and be part of this very special ceremony. In that regard, any assistance members of the Newfoundland and Labrador Bar may be able to provide in identifying family members of these men and this woman will be greatly appreciated.

In addition, as part of the Law Society's overall efforts to commemorate the 100th anniversary of World War I, a commemorative booklet in which we highlight the military exploits and legal careers of each of the members of the Law Society who were directly involved in World War I, will be published. It will include those members of the profession who were members of the Bar and joined up after war was declared, those who completed articles and were called to the Bar in the post-war period and the five former students referred to above. Each of these individuals has a story to tell and the Law Society is the appropriate body to tell their stories and make them known to the wider public. Further details will be made available as definitive plans take shape. ■

## Insurance and Risk Management

Benchers have approved the following Loss Prevention Initiatives developed by the Insurance Committee as part of the Law Society's ongoing risk management.

A **Loss Prevention Self-Assessment Checklist** has been created with a particular focus on addressing the following top three causes of insurance loss, which together represent 95% of insurance claims:

1. **Systems / Procedures / Administration:** missed deadlines (ex. limitations), poor office procedures and time management errors (55%)
2. **Communication:** Failure to follow client's instructions, poor communication with client / others (28%)
3. **Law:** Failure to know and properly apply the law (12%)

The Checklist is being offered as a tool and resource for members, completion of which will qualify for credit toward the Mandatory Continuing Legal Education activity for 2016.

The Loss Prevention Self-Assessment Checklist can be found on the Law Society's website under the Insurance and Risk Management/ Loss Prevention section.

### Introduction to the Mentoring Program

Continuing with Loss Prevention Initiatives, the Lawyers' Insurance Programme and The Law Society have determined there are benefits to the profession that can result from a Mentoring Program for members. The Program proposed here will be voluntary, a service by experienced practicing insured members who agree to provide less experienced members with assistance on a specific file.

Informal mentoring has occurred within the profession for decades. The more formal Mentoring Program proposed will put some structure to current networking and, in doing so, assist those who might be hesitant about asking for help, or who simply don't know where to turn for guidance.

There are many benefits for the Mentee and Mentor in a more formal Mentoring Program. The Mentee is less likely to make incorrect choices of procedure or substantive errors in law when provided the benefit of a Mentor's greater experience, even when the Mentor provides only the opportunity for brainstorming. And for Mentors there is the added benefit that they may themselves undergo self-reflection and self-evaluation of their own risk practice and risk management techniques. And both Mentee and Mentor will benefit from expanding their personal network and improving camaraderie among members while enhancing career satisfaction.

### Our goals for the Mentoring Program include:

- Fostering the development of practical skills;
- Improving legal ability and professional judgment;
- Increasing knowledge of legal customs;
- Encouraging the use of best practices and highest ideals in the practice of law; and
- Promoting collegial relationships among legal professionals.

### How Does the Program Work?

The Insurance Administrator will maintain a list of volunteer Mentors.

During regular business hours, a potential Mentee may contact the Insurance Administrator through the Lawyers' Insurance Programme's dedicated phone line at (709) 722-6008, through email to [insurance@lawsociety.nf.ca](mailto:insurance@lawsociety.nf.ca) or by completing a Mentor Request Form.

In each instance, the Mentee will make reference that he or she wishes to access the Mentoring Program and will identify from the following area of law for a referral:

Real Estate	Civil Litigation
Commercial	Estate Planning and Admin.
Matrimonial/Family	Corporate
Admiralty	Intellectual Property
Criminal	Tax
Administrative/Boards/Tribunals	Arbitration
Employment/Labour	Mediation
Bankruptcy/Insolvency/Receivership	

The Insurance Administrator will provide two contact names as appropriate to the subject area requested. It will be the responsibility of the Mentee to contact the Mentor.

The information provided to the Insurance Administrator will be strictly confidential.

**Guidelines for Mentor**

- A Mentor must be a practising member in good standing with the Law Society
- A Mentor must be called to the bar a minimum of seven years
- A Mentor need not be senior to the Mentee, but must have sufficient experience or expertise in the subjects under discussion.
- A Mentor may typically play complementary overlapping roles such as a:
  1. **Coach.** To help the Mentee learn a new way to tackle a problem, challenge their assumptions and encourage the exploration of new solutions and/or the consequences of potential decisions
  2. **Facilitator.** To share knowledge and skills
  3. **Communicator.** To listen and address concerns clearly and effectively
  4. **Supporter.** To be understanding and provide encouragement

**Guidelines for Mentee**

- A Mentee must be a practising member in good standing with the Law Society
- A Mentee must initiate contact with the Mentor allocated
- A Mentee is obligated to verify independently before reliance on any statement of law, procedure or fact made by the Mentor to the Mentee

**Rules and Conditions of Use**

- Any communication between the Mentor and the Mentee arising out of participation in the Mentoring Program is for the sole purpose of guiding and teaching about the practice of law and the issues that the Mentee is likely to face in the practice of law.
- Any communication between the Mentor and the Mentee is not intended to be the rendering of legal or professional advice to the Mentee or his or her clients, and the Mentee will not rely upon such communications or cause any client to rely upon them. The Mentee will rely solely upon his or her own judgment, legal opinions, or independent research.
- No lawyer-client relationship is formed between the Mentor and the Mentee as a result of participation in the Mentoring Program. The Mentee will not identify any client to the Mentor or reveal to the Mentor any client confidence, nor will the Mentee seek professional or legal advice from the Mentor about specific legal matters or clients. Instead all discussions about substantive legal matters between the Mentee and the Mentor will be limited to hypothetical situations.
- The Mentor will not co-counsel any matter with the Mentee, nor will the Mentor make referrals to or accept referrals from the Mentee during the term of their mentoring participation.
- The Mentor will not assume any liability or responsibility with respect to any legal matter of the Mentee's clients, nor will the Mentor render professional services to, or take any responsibility either directly or indirectly for any aspect of representation of the Mentee's clients. ■

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*The Law Society of Newfoundland and Labrador  
accepts no liability whatsoever arising from The Mentor Program.*

## Calls to Bar 2016

February 19th



Back row (l-r): G. Campbell, J. Samms, L. Fraize-Burry, M. White, T. McCarthy

Center row (l-r): R. Ferland, C. McCarthy

Front row (l-r): N. Leamon, B. Keating, L. English, A. Doyle, J. Compton, C. Mullin

April 15th



Back (l-r): M. Vincelette, G. Stadig, T. Young, J. Whelan

Front row (l-r): K. Calon, E. Utting, M. Aylward, S. Barnes, C. Quinlan