

The Law Society of Newfoundland and Labrador

2008 - 2009 Annual Report



The Law Society of Newfoundland and Labrador
Annual Report 2008 - 2009
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Law Society Seal:
Gerald Squires, RCA, LL D

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**This Report covers the period
May, 2008 to May, 2009**

The Law Society of Newfoundland and Labrador

**Annual Report
2008 - 2009**



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BENCHERS

Officers:

President: Sheila H Greene, QC
Vice-President: Irene S Muzychka

Elective Benchers

Eastern District:

Kenneth L Baggs, QC
John D Brooks, QC
Augustine F Bruce
Morgan C Cooper
Barry G Fleming, QC
Sheila H Greene, QC
Brenda B Grimes
Susan M LeDrew
Irene S Muzychka
Glen L C Noel
Terry G Rowe
Nicholas P Summers

Central District:

Marcus A Evans
Kevin T Preston

Western District:

Shawn C A Colbourne
George L Murphy, QC

Labrador District:

Phyllis A Harris

Appointed Benchers

Don Downer
Linda Harnett

Glenda Reid
Bert Riggs

Ex Officio Bencher

Christopher P Curran, QC, Registrar

Honorary Benchers

Lewis B Andrews, QC
Jeffrey P Benson, QC
V Randell J Earle, QC
J David B Eaton, QC
Francis P Fowler, QC
J Vernon French, QC
Brian F Furey, QC
The Hon Mr Justice W Goodridge
The Hon Chief Justice J D Green
The Hon Gloria Harding
Edward M Hearn, QC
Thomas R Kendell, QC
R Barry Learmonth, QC
Dana K Lenehan, QC

Augustus G Lilly, QC
Dennis C MacKay, QC
G David Martin, QC
Paul M McDonald
Stephanie L Newell, QC
M Francis O'Dea, QC
Thomas J O'Reilly, QC
Ernest G Reid, QC
John F Roil, QC
The Hon Mr Justice D Russell
Robert M Sinclair, QC
The Hon Mr Justice R Wells
Marina C Whitten, QC

**Treasurers / Presidents
of the Law Society**

— 1834-1845 Records of the Society were destroyed in the Great Fire of June 9, 1846 —

1846 Hon Wm B Rowe, QC
1849 Bryan Robinson, QC
1852 E M Archibald
1855 F B T Carter
1866 Wm V Whiteway
1869 Robert J Pinsent, QC
1870 Wm V Whiteway
1879 Robert J Pinsent, QC
1881 J J Little, QC
1885 Robert J Kent, QC
1893 Sir Wm V Whiteway, KCMG, QC
1908 Sir James S Winter
1911 Daniel J Greene, KC
1912 Donald Morrison, KC
1919 J A Clift, KC
1923 P F Summers, KC
1927 W R Howley, KC
1941 C O'N Conroy, KC
1947 John G Higgins, QC
1958 R S Furlong, QC
1959 G M Stirling, CM, QC
1971 R W Bartlett, QC
1974 Donald A Mercer, QC
1977 Robert Wells, QC
1981 Francis P Fowler, QC
1982 Ernest G Reid, QC
1983 Thomas J O'Reilly, QC
1984 M Francis O'Dea, QC
1985 Peter W Strong, QC
1986 David L Russell, QC
1986 G David Martin, QC
1987 J Vernon French, QC
1988 Lewis B Andrews, QC
1989 John F Roil, QC
1990 J Derek Green, QC
1991 R Barry Learmonth
1992 Thomas R Kendell, QC
1993 Augustus G Lilly, QC
1994 V Randell J Earle, QC
1995 Reginald H Brown, QC
1996 Dana K Lenahan, QC
1997 Gloria Harding
1998 J David B Eaton
1999 Dennis C MacKay
2000 Robert M Sinclair, QC
2001 Jeffrey P Benson, QC
2002 William H Goodridge, QC
2003 Stephanie L Newell
2004 Brian F Furey
2005 Edward M Hearn, QC
2006 Paul M McDonald
2007 Marina C Whitten
2008 Sheila H Greene, QC

**Secretaries / Vice-Presidents
of the Law Society**

1846 E M Archibald
1847 H W Hoyles
1849 F B T Carter
1855 George Hogsett
1856 Henry A Clift
1869 M W Walbank
1866 Robert J Pinsent
1869 M W Walbank
1877 T I Keough, QC
1879 Prescott Emerson, QC
1885 Prescott Emerson, QC
1889 A J W McNeily, QC
1895 D M Browning
1914 C O'N Conroy
1916 C H Emerson, KC
1919 Rt Hon Sir Wm Lloyd
1937 J G Higgins, QC
1947 J A Barron, QC
1958 G M Stirling, CM, QC
1959 T A Hickman, QC
1967 D A Mercer, QC
1974 Noel Goodridge, QC
1976 Francis P Fowler, QC
1981 Ernest G Reid, QC
1982 Thomas J O'Reilly, QC
1983 M Francis O'Dea, QC
1984 Peter W Strong, QC
1985 David L Russell, QC
1986 G David Martin, QC
1986 J Vernon French, QC
1987 Lewis B Andrews, QC
1988 John F Roil, QC
1989 J Derek Green, QC
1990 R Barry Learmonth
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1994 Reginald H Brown, QC
1995 Dana K Lenahan, QC
1996 Gloria Harding
1997 J David B Eaton
1998 Dennis C MacKay
1999 Robert M Sinclair, QC
2000 Jeffrey P Benson
2001 William H Goodridge, QC
2002 Stephanie L Newell
2003 Brian F Furey
2004 Edward M Hearn, QC
2005 Paul M McDonald
2006 Marina C Whitten
2007 Sheila H Greene, QC
2008 Irene S Muzychka

LAW SOCIETY STAFF

<i>Executive Director:</i>	Peter G Ringrose
<i>Insurance Administrator / Assistant to the Executive Director:</i>	Janice K Whitman
<i>Legal Director:</i>	Phyllis E Weir
<i>Assistant to the Legal Director:</i>	Anne P Cross
<i>Professional Responsibility Administrator:</i>	Pamela A Marks
<i>Director of Legal Education:</i>	Francis P O'Brien
<i>Assistant to the Director of Legal Education:</i>	Regina M Whitty
<i>Accountant:</i>	Judith A Pardy
<i>Assistant to the Accountant:</i>	Erin Ryan
<i>Custodianship Secretary:</i>	Lisa Pardy
<i>Administrative Clerk:</i>	S Renee Whalen
<i>Maintenance:</i>	Don Norman

LIBRARY STAFF

<i>Librarian:</i>	Gail A Hogan
<i>Librarian:</i>	Harriet A Mercer
<i>Library Technician:</i>	Brenda Blunden
<i>Administrative Assistant and Receptionist:</i>	Tanya M Johnsonn

MEMBERSHIP

Membership Statistics as of May, 2009:

Practising:	487
Practising Uninsured:	195
Non-Practising:	227
Life:	<u>14</u>
TOTAL	<u>923</u>

The total membership figures for the years since Confederation with Canada are as follows:

1950 - 66	1970 - 124	1990 - 477
1951 - 64	1971 - 129	1991 - 514
1952 - 66	1972 - 129	1992 - 560
1953 - 69	1973 - 145	1993 - 588
1954 - 72	1974 - 153	1994 - 617
1955 - 75	1975 - 179	1995 - 635
1956 - 73	1976 - 189	1996 - 669
1957 - 76	1977 - 203	1997 - 683
1958 - 76	1978 - 237	1998 - 706
1959 - 77	1979 - 261	1999 - 728
1960 - 81	1980 - 281	2000 - 750
1961 - 83	1981 - 316	2001 - 767
1962 - 86	1982 - 333	2002 - 772
1963 - 86	1983 - 351	2003 - 798
1964 - 86	1984 - 371	2004 - 808
1965 - 86	1985 - 378	2005 - 832
1966 - 86	1986 - 394	2006 - 858
1967 - 89	1987 - 408	2007 - 870
1968 - 106	1988 - 435	2008 - 904
1969 - 110	1989 - 445	

Ten lawyers were called to Bar of Newfoundland and Labrador on June 13, 2008

Roll #		Roll#	
1403	Julia Alexandra Anne Smart	1408	Jonathan Kent Matters
1404	Robynn Jehann Arnold	1409	Laura Jane Brown Laengle
1405	Kellie Ann Cullihall	1410	Alana Marie Rosalie Dwyer
1406	Kelly Anne Langthorne	1411	Kathryn Anne McGarry
1407	Jenny Ying Ngo Chai	1412	James John Hornby

Eleven lawyers were called to the Bar of Newfoundland and Labrador on October 17, 2008

Roll#		Roll#	
1413	Constantine Dean Glinos	1419	Wendy Marie Baker
1414	Nicholas Murray Crosbie	1420	Janine Dawn Abbott
1415	Adrienne Susan Edmunds	1421	Renee Leila Tulk Moore
1416	Bradley George Savoury	1422	Jerred Lyle Thomas Tulk Moore
1417	Angelina Diane Cunningham	1423	Andrew John Mallam
1418	Janine Irene Flaherty		

Twelve lawyers were called to the Bar of Newfoundland and Labrador on February 12, 2009

Roll#		Roll#	
1424	Mark Jeffrey Walton	1430	Laura Jane Brazil
1425	Jodi Dawn MacDonald	1431	David Loyola Hearn
1426	Leslie Nicole Connolly	1432	Micheál Wayne Alexander Noseworthy
1427	Erin Elizabeth Elsie Best	1433	Nicole Marie Squires
1428	Michael James Cohen	1434	Jessica Robyn Bartlett
1429	Elyse Stephanie Bradbury Bruce	1435	Laura Ann Brocklehurst

Ten lawyers were called to the Bar of Newfoundland and Labrador on April 17, 2009

Roll#		Roll#	
1436	Mark Allen Russell	1441	Allison Maria Battock
1437	Colin Pdraig Sullivan	1442	Jennifer Elizabeth Lundrigan
1438	William Jeremy Andrews	1443	Patricia Anne Gertrude Beh
1439	Stephanie Michelle Hillier	1444	Nicholas Julian Whalen
1440	John Raymond Whelan	1445	Edward John Vanderkloet

Lawyers were first regulated in Newfoundland under a Royal Charter of 1826; the Law Society was incorporated on July 1, 1834.

The Barrister and Solicitor Rolls as of April 17, 2009, record that 1445 members have been called to the Bar since 1826.



The Benchers record with regret the death of the following members
during the period from May, 2008 to May, 2009:

James J Halley, QC
called October 16, 1945, Roll #207

The Hon. Lloyd P Soper
called January 11, 1950, Roll #218



SOCIETY COMMITTEES

EXECUTIVE COMMITTEE:

Sheila H Greene, QC, *President*
Irene S Muzychka, *Vice-President*
Augustine F Bruce
Glen L C Noel
Marina C Whitten
Peter G Ringrose, *ex officio*

Advisory Council

Paul M McDonald, *Chair*

Lewis B Andrews, QC
Jeffrey P Benson, QC
J David B Eaton, QC
V Randell J Earle, QC
Francis P Fowler, QC
J Vernon French, QC
Brian F Furey, QC
Edward M Hearn, QC
Thomas R Kendell, QC
Barry Learmonth, QC
Dana K Lenahan, QC

Augustus G Lilly, QC
Stephanie L Newell, QC
Dennis C MacKay, QC
David G Martin, QC
M Francis O'Dea, QC
Ernest G Reid, QC
Thomas J O'Reilly, QC
John F Roil, QC
Robert M Sinclair, QC
Mr Justice Robert Wells
Peter G Ringrose, *ex officio*

STATUTORY COMMITTEES:

Complaints Authorization Committee

Glen L C Noel, *Chair*
Sheila H Greene, QC, *President*
Irene S Muzychka, *Vice-President*
Kenneth L Baggs, QC
J David B Eaton, QC
Linda Harnett, *Lay Bencher*
Dana K Lenahan, QC
Phyllis E Weir, *ex officio*

Discipline

Law Society Members:

John M Green, QC, *Vice-Chair*
Phyllis E Weir, *ex officio*
David L G Andrews, QC
John M Babb, QC
Denis G Barry, QC
Glen S Belbin
Bryan J Blackmore, QC
Katrina Brannan

Jacqueline M Brazil, QC
Kimberley D BurrIDGE
Janis C Byrne
Wayne D Chamberlain
Sandra R Chaytor, QC
S Bruce Chislett
Paul L Coxworthy
Michael J Crosbie

Jean V Dawe, QC
Rosemary Dawson
V Randell J Earle, QC
Anne M Fagan
Donald J Gallant
Bruce C Grant, QC
John M Green, QC
George P Horan, QC
Deborah L J Hutchings
David A King, QC
R Barry Learmonth, QC
Mary J Mandville
Tobias F McDonald, QC

John W McGrath, QC
William G Morrow, QC
James C Oakley
Mary C O'Brien
John V B O'Dea
D Richard Robbins
Linda M Rose, QC
Daniel W Simmons
Lois J Skanes, QC
Ellen E M Turpin
James E Vavasour, QC
Elaine C Wychreschuk

Lay Representatives:

Harold Barrett
Bernard Bolger
Angela Bowes
Herbert Burry
Robert Codner
Frederick Drover
Freida Faour

James Gladney
Mark King
Ruth Noel
Thomas Quigley
Raymond Rose
Dr Marina Sexton

Education

Irene S Muzychka, *Chair*

David G L Buffett, QC
J David B Eaton, QC
Heather M Jacobs
Ian C Wallace

D Bradford Wicks
Francis P O'Brien, *ex officio*
Peter G Ringrose, *ex officio*

RULES-BASED COMMITTEES:

Bar Admission

J David B Eaton, QC, *Chair*

Aubrey L Bonnell, QC
V Randell J Earle, QC
Augustus G Lilly, QC

Christopher D G Pike, FIIC
Francis P O'Brien, *ex officio*

Library

Terry G Rowe, *Chair*

Sheila H Greene, QC
Derek W Hillier, QC
David F Hurley, QC
Kimberly M McLennan
James C Oakley
Rebecca C Phillips

Randolph J Piercey
Bert Riggs, *lay Bencher*
Peter G Ringrose, *ex officio*
Gail A Hogan, *Librarian*
Harriet Mercer, *Librarian*

BENCHER APPOINTED STANDING COMMITTEES:

Student Awards

Denis J Mahoney
Joan F Myles

Francis P O'Brien, *ex officio*

Honours and Awards

Brian F Furey, QC, *Chair*

John D Brooks, QC
V Randell J Earle, QC
Paul McDonald

Edward J Shortall, QC
Bert Riggs, *lay Bencher*
Peter Ringrose, *ex officio*

Insurance Committee

John F Roil, QC, *Chair*

Edward M Hearn, QC
Stephen J May
Ronald G Penney
Christopher D G Pike
Darlene Russell

Maureen Ryan
Raymond P Walsh, FIIC, *Insurance Adjuster*
Janice Whitman, *Insurance Administrator*
Peter G Ringrose, *ex officio*

Law Society Act and Rules Committee

George L Murphy, QC, *Chair*

Donald E Anthony
Jane C Hennebury
Jamie P Martin
Karen M Stone

Peter G Ringrose, *ex officio*
Francis P O'Brien, *ex officio*
Phyllis E Weir, *ex officio*

Legislation

Brian F Furey, *Chair*

John D Brooks, QC
James C Oakley, *Court Rules Committee Rep*
John V O'Dea, *Court Rules Committee Rep*
Tobias F McDonald, QC, *Court Rules Committee Rep*

Glen L Noel
Francis P O'Brien, *ex officio*
Peter G Ringrose, *ex officio*

Practice Rules Compliance Committee

Augustine F Bruce, *Co-Chair*
Morgan C Cooper, *Co-Chair*

Shelley L Bryant
Annette M Conway
Pauline Downer, FCA, *Auditor*
Irene S Muzychka, *Vice-President ex officio*
Bert Riggs, *lay Bencher*

Diane Rendell, CA, *Auditor*
Roland Snelgrove, QC
Kenneth L Baggs, QC
Peter G Ringrose, *ex officio*
Phyllis Weir, *ex officio*

Project Daisy Committee

Christopher P Curran *Co-chair*

The Honourable Judge John L Joy, *Co-chair*

Mel Baker
The Honourable Gerald Barnable
Thomas J Burke
Christopher English, Ph.D

The Honourable J Derek Green,
Chief Justice of Newfoundland & Labrador
Janice K Whitman
Peter G Ringrose, *ex officio*

Real Estate Committee

Thomas W Fraize, QC, *Chair*

Susan M LeDrew
Catherine J Perry

Graham A Wells
Peter G Ringrose, *ex officio*

Unauthorized Practice Committee

James Thistle, QC

Phyllis E Weir, *ex officio*

Archives Committee

Bert Riggs, *Chair, Archivist, lay Bencher*

Justin Mellor
Veva Moulton
Rebecca C Phillipps

Peter G Ringrose, *ex officio*
Gail A Hogan, *Librarian*
Janice K Whitman

BENCHER APPOINTED AD HOC COMMITTEES:

Law Corporations & Limited Liability Partnerships Committee

Robert P Stack, *Chair*

Jeffrey P Benson, QC
Michael H Duffy
Stephen J May

Maureen E Ryan
Bert Riggs, *lay Bencher*
Peter G Ringrose, *ex officio*

JOINT LIAISON COMMITTEES:

Law Society and Newfoundland and Labrador Medical Association

Daniel M Boone, *Chair*

Brenda B Grimes
Thomas J Johnson
Thomas G Mills

LeeAnn L Montgomery
Edward P Noonan, QC
Peter G Ringrose - *ex officio*

Professional's Assistance

Brian Furey, QC
Christopher Pike

PRESIDENT'S ANNUAL REPORT

Sheila H Greene, QC

It is an annual tradition to report to members about the activities of the President during the year and about activities of The Law Society also. Given my term of office, this report covers the period from June 2008 to June 2009.

I am pleased to note for the record that my term has been for the most part uneventful even though some beneficial decisions were taken by the Benchers during these 12 months. And of course, my term also provided a number of very pleasant occasions of ceremony. I will touch briefly on these different but individually important roles of the President.

Ceremonies

During my term I took pleasure in the ongoing traditions of the Law Society, including the Calls to Bar of new members. There is permanence in these ceremonies, virtually unchanged in text and character during the last 180 years and more. In total, there were four Calls between June, 2008, and April 2009, and in total 43 new members, a decrease of three over the previous same 12 months. Still, the previous year saw a significant increase in numbers Called; the decrease in the last 12 months is not significant and still places us ahead of most recent years. Of the group Called, several were members called under provisions of the National Mobility Agreement as transfers from other provinces. There has been a steady flow of members returning, or coming in for the first time, to the practice of law in this province. This fact speaks well of the economic climate here and of the smooth operation of the National Mobility Agreement. Regardless the member's origin, the Calls provided me the pleasant opportunity to meet and encourage each in the career ahead. We are extremely fortunate to have exceptional women and men entering the practice of law in this province.

I attended the Opening of the Supreme Court in September, as did a good number of Benchers, an appropriate ceremony in the year's calendar. While poorly attended by the bar, the Opening was an opportunity for the Chief Justice to set out the state of the Court and to provide an overview of his interests and concerns.

One event in the year to draw particular attention early on in my term was the ceremony in October to present Gary Mooney a Doctor of Laws, *honoris causa*. Dr Mooney and his wife, Brenda Parker-Mooney last year established a \$15,000 scholarship in law for a Newfoundland and Labrador student each year to attend Osgoode Hall Law School. The scholarship is renewable and so, in two years, there will be three students from this province studying law at significantly reduced cost thanks to the benefaction of Gary and Brenda Parker-Mooney. The Doctoral ceremony, held in Convocation Hall before an enthusiastic audience of Benchers, members and friends of Gary Mooney, was capped by a Reception and much enjoyment and festivity. We are proud to have Gary Mooney join the select group of Honourary Doctors and, for his part, he is delighted to be honoured. The ceremony was an occasion also to award Honourary Life Memberships to Ernest G Reid, QC, to Barry R Sparkes, QC, and to Mary F Philpott.

Moving now to the end of one and the beginning of another, year, an annual ceremony in its own right is the traditional New Year's Eve Levee at Law Society offices. This year marked the 60th Anniversary of attendance at the Levee by former Chief Justice T Alex Hickman, an historic fact warmly noted during the comradeship amongst members. Attendance at the Levee this year was greater than in most recent years and included more new members.

In January, I was pleased to attend the ceremonies to mark the awarding of new Queen's Counsel; such an award is always significant in a practitioner's working life and I was privileged to attend on Benchers' behalf. The Law Society hosted a reception following.

I was privileged also through my term to speak at the swearing-in ceremonies for Justice Raymond Whalen as a Justice of the Trial Division, for the Hon Mark Pike as Associate Chief Judge of the Provincial Court, and for the swearing-in of two new Chiefs Justice, the Hon J Derek Green as Chief Justice of Newfoundland and Labrador and the Hon David Orsborn as Chief Justice of the

Supreme Court of Newfoundland and Labrador, Trial Division, and at the swearing-in of the Hon Charles White as Justice at the Court of Appeal. Following these ceremonies, the Law Society co-hosted with the Courts a reception.

While I was unable to attend and speak at the swearing-in ceremonies, I remark on the appointment of Hon Jackie Jenkins, a former Benchers, to the Provincial Court in Stephenville, and the Hon David A Peddle to the Supreme Court Trial Division in Gander. At these ceremonies, our Benchers in the area, Kevin Preston, spoke on behalf of Benchers and members.

While not happy occasions, still it is noteworthy to mark the Tributes for members or former members who died during the year. I addressed the Court at the Tribute for James J Halley, QC. A few days earlier, the Vice-President attended and addressed the Tribute for the Hon Lloyd Soper. Both these men provided a significant contribution to the law and the history of this province and it was appropriate to acknowledge their careers in a formal manner.

Decisions Taken, Meetings

The Executive Committee and Benchers, and the Society's committees, have key roles in policy development and decisions in the public interest. Together, all rely significantly for their agendas and for their deliberations upon the information and advice provided by our professional and support staff. Additionally, the Law Society participates as a signatory in the Federation of Law Societies of Canada and in the Federation's National Mobility Agreement mentioned earlier. Where appropriate and within that national context, information and policy considerations are funnelled from the Federation by staff to appropriate committees. Benchers and staff act upon common decisions taken by the Federation as a whole and for the benefit of the profession and the specific benefit of the public interest.

During the last number of years each of my predecessors has remarked that decisions taken by Benchers during their term of office would have a beneficial and lasting impact on The Law Society and the public interest. Even now, brief hindsight confirms their collective view. While my own term, absent the controversy of a troublesome custodianship, has been a great deal quieter than several of my predecessors, still there have been opportunities to make sensible changes in the way we do

business. For example, just before my term began, as with many other Presidents, we saw the coming into force of changes to The Law Society Act, 1999; the changes this year harmonize the Society's discipline process with other professions in the province and broaden the powers of the Complaints Authorization Committee. Particularly noteworthy is the change that Benchers will no longer hear appeals of discipline decisions; appeals must now go to the Supreme Court, Trial Division.

Keeping with legislation, I am very pleased to note the recent passage of the Registration of Deeds Act, 2009. The Law Society was a significant contributor to this Act and, addressing in particular the public interest concerns arising out of the Parsons/Myles Leger difficulties, persuaded government to enact provisions requiring prompt discharge of paid mortgages. Under the new Act, a mortgagee has 60 days to discharge or face a potential fine up to \$10,000. The Law Society was also helpful to government in bringing together seasoned real estate practitioners to discuss with government officials their policy proposals when they were conceptualizing the new Act.

In July last year, a change to the Transaction Levy Rules exempted re-finance transactions from the Levy. This change is intended by the Benchers to assist practitioners in retaining clients who re-finance a mortgage and who might otherwise go to a bank where the Levy does not apply to transactions conducted by non-lawyers.

Related to the Transaction Levy, another topic for consideration at Benchers is a recommendation from the Insurance Committee that the Insurance Programme take a \$100,000 risk retention on our members' policy, that is, a retained risk on the first \$100,000 of any claim. While such retained losses are common elsewhere amongst Canadian law societies, and for greater sums, and while we once retained a risk of \$300,000 on our members' policy in the early 1980's when we insured with American Home Insurance, still the risk has been absent here for many years and merits careful consideration. Taking the retained loss will enable us to strengthen our in-house administration and to anticipate future and larger retained risks that will lower premium costs for members. Retained risks are sensibly possible now because of the added strength provided to the Insurance Programme by the cash pool accumulating in the Transaction Levy account, this sum now \$3.9M and invested at 4.5%.

Turning to other policy matters on Benchers' agenda, there is consideration about how best to assess and accredit foreign law school graduates for acceptance into the bar of this province. Open access may not be in the public interest; restricted access may need to be harmonized with the policies of other law societies in Canada or we risk abrogating responsibilities under the National Mobility Agreement. Benchers have struggled with this policy concern for more than a year and the Education Committee has met and discussed the topic extensively. It is hoped that Benchers will be able to conclude development of policy at Summer Term, 2009.

Federation of Law Societies of Canada

Members are well advised to note the importance of the Federation in their daily practice. Many will recall that, five years ago, the Federation and its member societies across Canada initiated successful actions against the Government of Canada because of concerns arising out of the government's anti money-laundering legislation. And before that, the Federation participated in an action against major publishers that was successful in preventing many of the copyright cost and compliance burdens proposed against practitioners. Returning to the anti money-laundering litigation, a few months ago the Government of Canada served notice on the Federation that it intends to recommence the litigation in the autumn of 2009. A return to the courts will require all law societies in Canada to support the Federation in its defence and to contribute a small sum per member toward the litigation.

Last year, and with the assistance of the Federation, law societies in Canada copied and approved Rules developed by the Federation in conjunction with the Government of Canada concerning Client Identification. The Rules permit Canada to conform to international treaty obligations. Since their inception, the Federation has developed implementation guidelines now distributed to members electronically and, more recently, developed Rule changes to respond to difficulties experienced during the first year of implementation. These Rule changes are scheduled for adoption at Summer Term, 2009.

On behalf of all law societies in Canada, the Federation has been instrumental in negotiating with the Government of Canada on the Agreement on Internal Trade, the AIT. This Agreement has the

potential to change the manner in which law societies admit members and permit transfers of credentials, and it has particular implications if the equality provisions do not take into account that a common law degree has significant differences from a civil law degree. We continue to benefit from the Federation's involvement on this file.

The Federation continues with its CanLII project, an internet law library widely used by members and the public. There is current activity to close information gaps in the collection, beginning with courts of appeal across the country. CanLII continues to update its electronic capacity and has most recently strengthened the Newfoundland and Labrador collection. Use of CanLII by members and by the public continues to grow at an astonishing pace and makes this on-line library one of the Federation's most successful endeavours.

Law Foundation

We are fortunate and grateful once again to have the continued financial support of the Law Foundation for law libraries. For fiscal 2009, the Foundation granted \$153,000 for law libraries in the province; most of this sum is allocated to The Law Society's Law Library. The Governors of the Law Foundation are as follows: Jeffrey Benson, QC, Chair, Aubrey Bonnell, QC, Kenneth Baggs, QC, Linda Rose, QC, Beverley Marks, QC. Lawrence Collins is the Executive Director. I am grateful to these volunteers for their contribution of time. The work of the Law Foundation is larger than the sums provided to law libraries and includes scholarships and academic encouragement through an essay competition as well as a significant contribution to Legal Aid in the province.

Even with the Foundation's generosity, its grants alone are insufficient to maintain the Law Library operated by The Law Society. The Society will add in 2009 a further sum of approximately \$400,000 for acquisitions and related operational expenses including salaries and building costs.

Volunteers

Our commitment to personal goals and values should include a commitment to strengthening the professional community to which we belong. In this regard, every President has occasion to learn about and to admire the work of the Society's Committees. And every President has also remarked, as I now do, upon the number of members who volunteer their time and expertise to the

work of the Society and the public interest. These volunteers strengthen our professional community and protect the precepts of self-governance. By their contribution, our volunteers advance the integrity, credibility and future of the profession.

Benchers are volunteers, too, and they make significant contributions of time and expertise to The Law Society. Few members outside the Benchers' table realize fully the effort and energy necessary to be a Bencher. Old Minutes of Convocations note from time-to-time the statutory obligation to meet but, "...there being no business to discuss, Convocation adjourned." Today, we occasionally

trim the Agenda to ensure its completion within the day. Benchers work hard and deserve our commendation. I acknowledge my gratitude.

Conclusion

I have enjoyed working with Benchers and Law Society staff during my term. In particular, I have been honoured and pleased by the opportunity to serve the profession and our community as President. In closing, I want to thank and commend Executive Committee members, Benchers, individual members with whom I have consulted from time-to-time, and Law Society staff, all for their consistent support and assistance.

VICE-PRESIDENT'S ANNUAL REPORT

Irene S Muzychka

The Law Society Act, 1999 (the "Act") prescribes the Vice-President's role in the disciplinary process. The Vice-President receives reports from the Legal Director and submits allegations to the Complaints Authorization Committee. The Complaints Authorization Committee, a statutory committee consisting of three Benchers, at least one of whom is an appointed Bencher, screens allegations of conduct deserving of sanction. Conduct deserving of sanction is defined in section 41 of the *Act* to include professional misconduct, failure to maintain the standards of practice, conduct unbecoming a member of the Society, acting in breach of the Act or the Law Society Rules and failing to adhere to the Code of Professional Conduct.

The Vice-President, with the consent of the parties, may attempt to resolve an allegation or may refer the allegation to alternate dispute resolution. If the allegation is resolved the mediator confirms the resolution and the file is closed. Where a satisfactory resolution is not achieved then the allegation is referred to the Complaints Authorization Committee. The initial assessment of an allegation is subject to the third party allegation policy.

A third party allegation is an allegation received from a non-client or a lawyer opposed in interest to the client of the solicitor against whom the allegation is made. Following a review of the allegation

on the basis of specific factors, the Vice-President has discretion to decline or to defer the investigation pending the final determination of a proceeding. When an investigation is deferred, the Vice-President requests, from the respondent, a consent and a waiver of delay. When an investigation is declined, the complainant is advised that outstanding issues, if any, may be re-filed with the Law Society subsequent to the final determination of the proceeding.

The powers of the Complaints Authorization Committee are prescribed by section 45 of the *Act* and include the authority to conduct investigation, conduct a practice review and require the member's appearance before the Committee. The investigation/review is conducted through the Legal Director's office. Following its final consideration of an allegation, the Complaints Authorization Committee will either dismiss the allegation or, where there are reasonable grounds to believe that a respondent has engaged in conduct deserving of sanction, the Committee will authorize the Complaint. A complainant whose allegation is dismissed by the Complaints Authorization Committee has a right to appeal to the Supreme Court, Trial Division.

Following authorization of the Complaint, the Complaints Authorization Committee may counsel

or caution the respondent, may instruct the Vice-President to file the Complaint and refer it to the Disciplinary Panel, make an application for appointment of a Custodian of the member's practice, and suspend or restrict the member's licence to practice.

The Disciplinary Panel, appointed pursuant to section 42 of the *Act*, is comprised of Law Society members and lay representatives, appointed by the Minister of Justice. For the purpose of dealing with Complaints referred and applications made to the Disciplinary Panel, the Chairperson appoints an Adjudication Tribunal, consisting of two members and one lay representative, to hear the matter. The Hearing proceeds pursuant to sections 47 through 51 of the *Act*. A party to the Hearing has the right to appeal an Order or Decision of the Adjudication Tribunal to the Supreme Court of Newfoundland and Labrador, Trial Division.

Information concerning Complaints processed during the current reporting period follows. The

Complaints Authorization Committee has authorized eleven Complaints; two of which resulted in letters of counsel; six resulted in letters of caution and three were referred to the Disciplinary Panel. In one instance the Complaints Authorization Committee suspended the member's licence to practice pending the resolution of the Complaint by the Disciplinary Panel. In a separate Complaint, Benchers upheld the decision of an Adjudication Tribunal and the sanction imposed. The member appealed the Benchers' decision to the Supreme Court, Trial Division and the appeal has not yet been heard.

Hundreds of hours of volunteer time are contributed on an annual basis by members of the Complaints Authorization Committee and by members of the Discipline Committee to the Law Society's disciplinary process. The Society could not function without the dedication and volunteer time of benchers and committee members. Your contribution is significant and very much appreciated.

BAR ADMISSION COURSE COMMITTEE REPORT

J David B Eaton, QC, *Chair*

The Bar Admission Course for Newfoundland and Labrador began on October 7, 2008 and continued until November 21, 2008. This year 31 students took the Course. The Bar Course is a 7 week intensive educational experience in which students cover practical material on provincial and federal law.

What follows is an overview of the Course.

Family Law:

Topics include divorce proceedings, parenting (custody and access), child and spousal support, matrimonial property, provincial family legislation, pensions, UFC procedure, child protection, support enforcement and tax implications of family law. There is also a panel discussion on the practice of family law.

Corporate/Commercial Law:

Topics include incorporation and organizing a business, registration issues, corporate procedures, corporate finance, the Personal Property Security Act, security opinions, purchase and sale of a business/shares and commercial insolvency.

Civil Procedure:

Topics include limitations of actions, fatal accidents, survival of actions, commencing proceedings, service, defences, counterclaims, third party proceedings, summary trial, expedited trial, discovery and disclosure of evidence, setting down for trial, the Judgment Enforcement Act, civil appeals, costs and alternative dispute resolution mechanisms.

Practice Skills, Practice Management and Ethics:

The Course presents lawyering-skills workshops where students receive instruction in direct examination, cross-examination, negotiating settlements, interviewing clients, examination for discovery, risk management and how to avoid professional negligence claims. As well there is a session on maintaining a balance between professional and personal lives, a presentation on the Lamer Inquiry and a presentation on using the resources of the Law Society Library. There are also presentations on the Law Society Trust Accounting requirements and professional conduct and client complaints. There is a separate section on ethics and the Code of Professional Conduct, in which students complete a written assignment.

Criminal Law and Procedure:

Topics include the court structure, presumptions and burdens, classification of offences, pre-arrest, arrest, charge, first appearances, judicial interim release, disclosure, elections and re-elections, solicitor/client matters, preliminary inquiries, pre-trial matters, Charter applications, trial by judge alone, jury trials, the sentencing process, types of sentences, criminal appeals, young offenders, evidentiary matters, voir dres, search and seizure and defences. As well, in this section, students receive instruction on advocacy skills, there is a panel discussion with judges on the topic of advocacy, and students prepare for and participate in a mock trial and sentencing exercises.

Administrative Law:

Topics include the Labour Relations Board, labour and commercial arbitration, municipal law, the Human Rights Commission, the Workplace Health, Safety and Compensation Commission, administrative law in the Federal Court, the Law Society discipline process, statutory appeals, judicial review of arbitration and a presentation on prerogative orders.

Real Estate and Wills:

Topics include the registry system and land tenure, the real estate transaction, the mortgage, professional responsibility in real estate issues, title insurance, survey/location certificates, taxation issues, crown lands, quieting of titles, possessory title, residential tenancies and title searches. There is a real estate transaction workshop and a separate section on wills, estates and probate.

To pass the Bar Course, students must pass examinations in Family Law, Commercial Law, Civil Procedure, Criminal Law, Administrative Law and Real Estate/Wills. Each exam is 3½ hours long and focuses on the lecture presentations, the Bar Admission Course materials and the approximately 80 provincial and federal statutes and regulations covered in the Course. The Bar Admission Course materials consist of 11 separate volumes and cover thousands of pages of materials.

The goal of the Course is to give new lawyers a comprehensive overview of Newfoundland and Labrador and federal law and procedure and transfer to them the necessary information to ensure entry level competence in the profession. The Course is intensive, practical and relevant to what a new lawyer will see in practice. We attempt to have the Course be an enjoyable experience for the students and the approximately 70 volunteer judges, lawyers and other professionals whose contributions make the Course a success.

The Bar Admission Course Committee and the Law Society is grateful for the generous contributions made by members of the profession in ensuring the Course remains vibrant and beneficial to our new lawyers.

Law Society members interested in obtaining further information about the Bar Admission Course should contact Mr Francis P O'Brien, the Director of Legal Education, at (709) 722-4898 or by email francis.obrien@lawsociety.nf.ca.

CONTINUING LEGAL EDUCATION REPORT

Maureen E Ryan, *Law Society Co-Chair*

Francis P O'Brien, *Director of Legal Education*

The Law Society of Newfoundland and Labrador develops and delivers a program of Continuing Legal Education for members of the Bar. This is achieved through the Law Society's education entity, Newfoundland and Labrador Continuing Legal Education.

Newfoundland and Labrador Continuing Legal Education has, as its goal, the provision of high quality legal education programs which assist in keeping our members current and competent.

Recent continuing legal education programs have been offered to members of the Newfoundland and Labrador Bar in a variety of practice areas. Examples of these programs are:

- *Family Law Update 2008*
- *Winning Through Cross-Examination*
- *Access to Information and Privacy Law: Fundamental Principles and Issues for Lawyers*
- *Criminal Law Update, 2009*
- *Human Rights and Related Practice Issues*

- *Gain The Edge! Negotiations Strategies for Lawyers*
- *Real Estate Update, 2009*

Lawyers in Newfoundland and Labrador continue to be very interested in Continuing Legal Education and they continue to support our programming by their excellent levels of attendance, positive feedback and suggestions for future programs.

We appreciate our many volunteer lawyers, judges and other professionals who give freely of their time and talents, as presenters at our seminars, to enhance the knowledge and professional standards of other practitioners. The Law Society greatly appreciates these contributions and we are continuously impressed with the excellence and enthusiasm of our presenters. In the coming year we will continue to offer relevant, practical and useful programs to benefit our members.

Members with program suggestions should contact the Law Society's Director of Legal Education, Mr Francis P O'Brien, at (709) 722-4898 or by email at francis.obrien@lawsociety.nf.ca.

EDUCATION COMMITTEE REPORT

Irene Muzychka

The Education Committee is responsible for educational issues which arise concerning members and prospective members of the Law Society. The Committee deals with all applications for admission and re-admission to practice, which applications generally involve an assessment of academic credentials, currency of legal knowledge, fitness to practice and good character elements. The Education Committee deals with requests throughout the year from members and prospective members relating to the requirements in the Law Society Act, 1999 and the Law Society Rules on educational and admissions issues.

As such, the Education Committee considers applications from:

- law students regarding admission as a Student-at-Law;
- applications from members of other Law Societies who wish to practice in Newfoundland and Labrador on a temporary basis under the National Mobility Agreement;
- applications from members of other Law Societies who wish to transfer to Newfoundland and Labrador on a permanent basis pursuant to the National Mobility Agreement; and

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- applications from non-practicing or former members of the Law Society who wish to reinstate their status to practicing membership.

In all of these cases, the Committee must ensure that the applicant has met the required standards, educational and otherwise.

Each year the Education Committee also reviews and approves the marks from the Bar Admission Course examinations and directs, when required, the writing of supplementary examinations or the completion of further educational requirements before a Student-at-Law is eligible to be called to the Newfoundland and Labrador Bar.

From May 2008-April 2009, the Education Committee:

- (i) admitted twenty-nine (29) new applicants as Students-at-Law;
- (ii) recommended to Benchers that thirty (30) students, having met the requirements of a Student-at-Law, be called to the Bar in Newfoundland and Labrador;
- (iii) approved the application of thirteen (13) transfer candidates who were called to the Bar of Newfoundland and Labrador under the National Mobility Agreement; and
- (iv) approved a change from non-practicing to practicing status for twenty-three (23) Law Society members.
- (v) approved reinstatement to non-practicing status for three (3) Law Society members.

INSURANCE COMMITTEE REPORT

John F Roil, QC, *Chair*

The Law Society changed its insurer in 2005 and, with it, the insurance fiscal year that previously followed the Law Society's calendar year. The insurance year for the Canadian Lawyers' Insurance Association (CLIA) is July 1 to June 30. For this reason, and beginning January, 2005, the financial statements for the Insurance Programme cover a different fiscal year from the Law Society's. The Statements for Programme fiscal year 2007-2008 were earlier emailed to members and appear in hard copy with this Annual Report. The Programme's auditors are independent of the Law Society's auditors.

In overview, the Financial Statements show an Insurance Programme that is stable and appropriately funded to secure members' protection. The Transaction Levy is key to that stable funding. Again this year, and for the future, revenues from the Transaction Levy are shown in the Financial Statement of the Insurance Programme. Revenues have accumulated at this writing in the amount of \$3.9M, these monies held in cash accounts and earning 4.5% interest.

It is worth repeating the common misconception, if only to refute it, that the Transaction Levy was

prompted by the excessive claims of the Parsons-Burse Custodianship year. The Levy was approved by Benchers in December 2003; the Parsons-Burse Custodianship did not occur until late May, 2004. The Transaction Levy was, and remains, necessary, because of changes in the international insurance market that make it increasingly difficult to obtain professional liability insurance. The purpose of the Levy is to create a capital pool that can be used to self-insure locally a significant portion of claims without dependence on the international markets for cover. The Insurance Committee originally estimated a capital pool requirement of \$12M from the Levy. These requirements are reviewed regularly by the Committee and by the Programme's independent actuaries, Normandin Beaudry of Montreal.

As in previous years, the Programme continues to be advised by Francis O'Dea, QC, and with assistance from Raymond Walsh, FIIC, an adjuster of long-standing status with the Programme. For the past four years, Janice Whitman has been Programme Manager and the point of first contact for members with claims or enquiries. Ms Whitman reports directly to the Insurance Committee and to CLIA and works closely with

O'Dea, QC, and Mr Walsh. Ms Whitman is a licensed Adjuster and will complete her Chartered Insurance Professional (CIP) designation during 2009. Upon completion of this program of study, she will have met a rigorous national standard and be qualified to use the professional designation and descriptive title Chartered Insurance Professional (CIP). Recognized across Canada and elsewhere around the world, the CIP designation is the benchmark of insurance professionalism. Ms Whitman's services and her familiarity with the Program have proven to be of great value to both the Committee and the Programme.

Insurance claims from July 2008 to this writing, early June 2009, are at the lowest point since the beginning of Law Society insurance programmes many years ago, an observation I made last year about the 2007-2008 claims experience. Last year, 43 claims files were open at this point; this year, only 30 thus far, a fine improvement. Typically, the Programme will open approximately 70 files a year. This year's favourable claims experience, coupled with our claims history record in the CLIA Programme and growth of the Transaction Levy capital pool, provide the opportunity to maintain a steady reduction in insurance premium costs. In recent years, premium costs have fallen steadily, from \$6,000 in 2005, \$5,200 in 2006, \$4,800 in 2007, and \$4,650 in 2008. Members can reasonably anticipate another premium decline in the 2010 Law Society fiscal year.

A decline in insurance premium costs will require a continued vigilance and a decline in claims costs. One particular area where claims continue to be unacceptably high is missed limitation periods, an entirely preventable expense to members and the Programme. While not a cure to better file management, the ability to re-open a missed limitation period, as permitted in Nova Scotia, would significantly benefit the Programme in this province. The Law Society continues to seek out opportunities to lobby government for changes to the Limitations Act that could permit a limitation period to be re-opened upon Application to a Supreme Court judge.

One way to keep downward pressure on insurance costs is to retain in-house more of the Programme's administration, management, and risk. Following much deliberation, the Insurance Committee has recommended to Benchers that the Insurance Programme take a \$100,000 risk retention on our

members' policy, that is, a retained risk on the first \$100,000 of any claim. While such retained losses are common elsewhere amongst Canadian law societies for sums up to \$300,000, and while we once retained a risk of \$300,000 on our members' policy in the early 1980's when we insured with American Home Insurance, still the retention has been absent here for many years. Your Committee believe that taking the retained risk will provide the opportunity to strengthen our in-house administration and build toward larger retained risks in the future. These larger risks, backed by the cash assets generated from the regular insurance premium plus the Transaction Levy can, over time, significantly lower premium costs for members.

Part of the Insurance Programme's mandate is to provide excess cover insurance through CLIA. Excess through CLIA has the added benefit of consistent policy wording above the basic \$1M provided by members' Law Society insurance and, as well, consistent administration of a claim.

Excess coverage can be purchased through CLIA from the Law Society in amounts from \$1 million to \$9 million. The premium rate structure per lawyer is lower than last year, as follows:

\$1 million per occurrence/and aggregate	=	\$ 396
\$2 million per occurrence/and aggregate	=	\$ 581
\$3 million per occurrence/and aggregate	=	\$ 679
\$4 million per occurrence/and aggregate	=	\$ 720
\$9 million per occurrence/and aggregate	=	\$ 1,008

In summary, I am pleased overall by the changes implemented in the Insurance Programme in recent years and by the prospect of advancing our administration and reducing our costs through a retained risk as mentioned above. Going forward, your Committee is confident that improvements in the Programme will serve members at reasonable cost.

Finally, I would be remiss if I did not take this opportunity to thank Janice Whitman for her efforts on behalf of the Committee and for her diligent pursuit of her professional designation. Peter Ringrose continues to provide advice and guidance to us and he is the Committee's liaison with other entities similar to our Insurance Program. His input is hugely valuable and we thank him for his loyal support as well.

LIBRARY COMMITTEE REPORT

Terry G Rowe, *Chair*

The primary goals of the Law Society Library are to provide an excellent collection of legal texts, journals and electronic resources for the use of its members and to deliver high quality reference services to members of the legal community (judges, lawyers and law students), public and libraries throughout the province.

At a time when many Law Libraries have experienced a decline in usage, the Law Society of Newfoundland and Labrador Library continues to expand. Not only have the requests for reference and research assistance continued to experience growth, the complexity of the questions have also increased. During 2008 the librarians answered over 5400 reference and research questions from the legal profession, public and libraries across Canada. In an effort to assist the legal community with current issues and legal trends the Library delivered 5000 journal and book alerts to Law Society members and the judiciary. Lawyers throughout Newfoundland and Labrador borrowed over 2200 texts during 2008.

To enhance the desk top delivery of materials, the Law Library applied for and received a generous grant from the Law Foundation of Newfoundland and Labrador to establish an improved Library

web page. The new page can be found at www.lslibrary.nf.ca and will be launched in early June 2009. There have been a number of staff changes during the past year. In August 2008, Tanya Johnson, Law Society Receptionist, relocated to the Library to perform the Receptionist and the Library Technician duties. Tanya has been a great asset to the Law Library and we welcome her to this newly consolidated position. Upon her return to work, Renee Whalen, who has been on disability leave since March 2008, will work in the Law Society offices.

On March 31, 2009 Harriet Mercer retired after 17 years of excellent service to members of the Law Society, judiciary and public. Harriet will be greatly missed and we wish her all the best in her retirement. The Library Committee is currently in the process of hiring another part-time Librarian and hope to have this position filled by mid-June 2009.

We would like to express our gratitude to the Law Foundation of Newfoundland and Labrador for its continued financial support. We greatly appreciate the generous grants, without which we could not provide current and in depth research materials and desk top delivery.

PROFESSIONAL ASSISTANCE COMMITTEE REPORT

Brian Furey, QC, *Law Society Representative* **Christopher D G Pike, *Law Society Representative***

The Professional Assistance Committee is a joint committee of the Law Society of Newfoundland and Labrador, the Newfoundland and Labrador Medical Association and the Pharmacists' Association of Newfoundland and Labrador. The Committee is responsible for the Professional Assistance Program that provides assistance to lawyers, physicians, pharmacists and their families affected by all types of personal problems.

Problems may include, but are not limited to, stress, financial and career problems, depression, personal, marital or family difficulties and inappropriate use of substances.

In addition to services rendered directly to members, Professional Assistance Program makes presentations each year at the Bar Admission Course, and also conducts workshops and seminars from

time to time aimed at helping members identify and deal with challenges in their professional and personal lives.

The Professional Assistance Program employs a clinical coordinator, Rosemary Lahey, MSW, a registered social worker with extensive experience working with individuals, couples and families dealing with a wide range of social and emotional problems. The coordinator, in strictest confidence, facilitates early recognition of problems, initiates active intervention and makes appropriate referrals for treatment and rehabilitation. Referrals are accepted directly from the member or from a concerned colleague or family member. Since its incep-

tion in 1994, the Program has provided assistance to over 934 professionals including 312 members of the Law Society. During the recent 12 months, there were 74 new cases and of which 27 were lawyers.

Ms Lahey, the Coordinator, can be contacted in confidence by calling 754-3007 or toll free at 1-800-563-9133, or by electronic mail at rmlahey@nl.rogers.com. The Program also maintains a website at www.nlpap.ca.

STUDENT AWARDS COMMITTEE REPORT

The Student Awards Committee deals with several Law Society awards for Articled Students-At-Law. These are the Hunt Award, the Penney Award, the William J Browne Scholarship, the Maxwell J Pratt Scholarship and the Provincial Court Judges' Association Award respectively.

The Hunt Award is presented to the Student-at-Law who receives the highest overall average mark in the Law Society of Newfoundland and Labrador's Bar Admission Course. The recipient of the Hunt Award for the 2008 Bar Admission Course is Ms. Stephanie Hillier. Ms Hillier served Articles of Clerkship at the firm McInnes Cooper and her principal was Mr Darren Stratton. Ms Hillier was called to the Newfoundland and Labrador Bar on April 17, 2009, at which time she commenced practice with McInnes Cooper.

The Provincial Court Judges' Association Award is presented to the Student-at-Law achieving the highest mark in the Criminal Law Examination of the Bar Admission Course. The recipient of the Provincial Court Judges' Association Award for the 2008 Bar Admission Course is Ms Laura Brazil. Ms Brazil served Articles of Clerkship at the firm White Ottenheimer & Baker and her principal was Ms Rosalie McGrath. Ms Brazil was called to the Newfoundland and Labrador Bar on February 12, 2009.

The Penney Award is presented to the Student-at-Law achieving the highest mark in the Family Law Examination of the Bar Admission Course. This year there are co-recipients of this award. The co-recipients of the 2008 Penney Award are Ms Stephanie Hillier and Ms Laura Brazil.

The William J Browne Scholarship is presented to a Student-at-Law who has submitted the winning research essay on a legal issue of current public concern. The recipient of the 2009 William J Browne Scholarship is Ms Krista Atkins who is presently articling with the Department of Justice. Ms Atkins' research essay is entitled "We are Left with "Little Law or Principle:" A Study of Court of Appeal Spousal Support Decisions from Alberta and Nova Scotia Citing *Bracklow v. Bracklow*".

The Maxwell J Pratt Scholarship is based on academic performance and is presented to a Student-at-Law who is a graduate of Memorial University of Newfoundland and a student at Dalhousie Law School. The recipient of the 2009 Maxwell J Pratt Scholarship is Ms Melissa Hill who is presently articling with the firm McInnes Cooper.

The above-described awards will be formally presented on June 5, 2009 at the Law Society of Newfoundland and Labrador Annual Dinner.

