

The Law Society of Newfoundland and Labrador

2006 - 2007 Annual Report



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BENCHERS

President: Paul M McDonald
Vice-President: Marina C Whitten

ELECTIVE BENCHERS:

Eastern District:

Kenneth L Baggs, QC	Sheila H Greene, QC
John D Brooks, QC	Paul M McDonald
Augustine F Bruce	Irene S Muzychka
William A Cadigan	Glen L C Noel
Morgan C Cooper	Terry G Rowe
Brian F Furey, QC	Marina C Whitten

Central District:

Karl R S Inder
Jacqueline Jenkins

Western District:

M Beverley L Marks, QC
George L Murphy, QC

Labrador District:

Phyllis A Harris

APPOINTED LAY BENCHERS:

Don Downer	Bert Riggs
Linda Harnett	

APPOINTED BENCHER UNDER *LAW SOCIETY ACT*

David Jones, QC, Registrar

HONORARY BENCHERS:

Lewis B Andrews, QC	Dana K Lenehan, QC
Jeffrey P Benson, QC	Augustus G Lilly, QC
V Randell J Earle, QC	Dennis C MacKay, QC
J David B Eaton, QC	G David Martin, QC
Francis P Fowler, QC	Stephanie L Newell, QC
J Vernon French, QC	M Francis O'Dea, QC
The Hon Mr Justice W Goodridge	Thomas J O'Reilly, QC
The Hon Chief Justice D Green	Ernest G Reid, QC
The Hon Gloria Harding	John F Roil, QC
Edward M Hearn, QC	The Hon Mr Justice D Russell
Thomas R Kendell, QC	Robert M Sinclair, QC
R Barry Learmonth, QC	The Hon Mr Justice R Wells

**TREASURERS/PRESIDENTS
OF THE LAW SOCIETY**

**SECRETARIES/VICE-PRESIDENTS
OF THE LAW SOCIETY**

1834-1845 Records of the Society were destroyed in the Great Fire of Jun 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 I 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 J 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

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 J 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
1991 Thomas R Kendell, QC
1992 Augustus G Lilly, QC
1993 V Randell J Earle, QC
1994 Reginald H Brown, QC
1995 Dana K Lenahan, QC

1995 Reginald H Brown, QC
1996 Dana K Lenehan, 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

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

LAW SOCIETY STAFF

Executive Director: Peter G Ringrose
Insurance Administrator/Assistant to the Executive Director: Janice K Whitman

Legal Director: Phyllis E Weir
Assistant to the Legal Director: Anne P Cross
Professional Responsibility Administrator: Pamela Bursey

Director of Legal Education: Francis P O'Brien
Assistant to the Director of Legal Education: Regina M Whitty

Accountant: Judith A Pardy
Assistant to the Accountant: Erin Ryan

Receptionist/Office Coordinator: Tanya M Johnson
Maintenance: Don Norman

LIBRARY STAFF

Librarian: Gail A Hogan
Librarian: Harriet A Mercer
Library Technicians: Rere Whalen
Brenda Blunden

MEMBERSHIP

Membership Statistics as of April 30, 2007:

Practising:	485
Practising Uninsured:	169
Non-Practising:	202
Life	10
TOTAL	866

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

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

Nine lawyers were called to Bar of Newfoundland and Labrador on June 23, 2006

Roll

1336	Andrea Lynn Murphy
1337	Robin Frederick Cook
1338	Edward Brian Ring
1339	Natalie Susanne O'Donnell
1340	Mark Elliott Gillette
1341	Alexander David Schwartz
1342	Bridget Sara Daley
1343	Dianne Deborah Rideout
1344	Jennifer Maria Berlin

Four lawyers were called to the Bar of Newfoundland and Labrador on October 6, 2006

Roll#

- 1345 Keri-Lynn Power
- 1346 Helen Marie Conway
- 1347 Christopher John Forbes
- 1348 Sandra Jean MacKinnon

Six lawyers were called to the Bar of Newfoundland and Labrador on February 16, 2007

Roll#

- 1349 Amanda Lee Hewitt
- 1350 Mandy Leigh Woodland
- 1351 Adrienne Lillian Wendy Mercer
- 1352 Derek Patrick Lloyd Ford
- 1353 Katrina Elaine Warren
- 1354 Margaret Vera Blackmore

Twelve lawyers were called to the Bar of Newfoundland and Labrador on April 20, 2007

Roll#

- 1355 Michelle Ellen Scaplen
- 1356 Vikas Khaladkar
- 1357 James Alexander Templeton
- 1358 William Richard Sheppard
- 1359 Vanessa Jo McCarthy
- 1360 Chad Malcolm Blundon
- 1361 Gary Patrick Nolan
- 1362 Beth Anne Sheppard
- 1363 Janet Leanne Grant
- 1364 David James Roy Coffin
- 1365 Brianna Louise Hookey
- 1366 Joseph Daniel Whalen

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 the April 11, 2007 record that 1366 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, 2006 to April, 2007:

- Reginald H Browne, QC, Roll #437, called December 9, 1977
- William P Gillies, QC, Roll # 258, December 11, 1963
- Hon Frederick Woolridge, Roll # 253, called April 12, 1961

SOCIETY COMMITTEES

EXECUTIVE COMMITTEE

Paul M McDonald, President
Marina C Whitten, Vice-President
Sheila H Greene
Edward M Hearn, QC
Irene Muzychka
Peter G Ringrose, *ex officio*

ADVISORY COUNCIL

Brian Furey, QC, 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
Thomas R Kendell, QC
Barry Learmonth, QC
Dana K Lenehan, 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

Sheila H Greene, QC, Chair
Marina C Whitten, Vice-President
Linda Harnett, Lay Bencher
Dana K Lenehan, QC
Phyllis E Weir, *ex officio*

DISCIPLINE

Law Society Members

Augustine F Bruce, Chair
John M Green, QC, Vice-Chair
Phyllis E Weir, *ex officio*
Denis G Barry, QC
Jacqueline M Brazil
Paul L Coxworthy
Wayne D Chamberlain
S Bruce Chislett
Jean V Dawe, QC
Rosemary Dawson
V Randell J Earle, QC
Donald J Gallant
Bruce C Grant, QC
Lois R Hoegg, QC
George P Horan, QC
Deborah L J Hutchings
David A King, QC
R Barry Learmonth, QC
Barbara A MacAdam, 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
Morgan C Cooper
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
Peter G Ringrose, *ex officio*
Gail A Hogan, *Librarian*
Harriet A Mercer, *Librarian*

BENCHER APPOINTED STANDING COMMITTEES:

STUDENT AWARDS

Charles W White, QC, Chair
Denis J Mahoney
Joan F Myles
Francis P O'Brien, *ex officio*

HONOURS AND AWARDS

Brian F Furey, QC, Chair
Jeffrey P Benson, QC
John D Brooks, QC
Peter Ringrose, *ex officio*

INSURANCE COMMITTEE

John F Roil, QC, Chair
J David B Eaton, QC
Maureen P Greene, QC
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*
Marina Whitten, *ex officio*
Peter G Ringrose, *ex officio*

LAW SOCIETY ACT & RULES COMMITTEE

Glen L Noel, Chair
George L Murphy
James L Thistle, QC
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 Representative
John V O'Dea, Court Rules Committee Representative
Tobias F McDonald, QC, Court Rules Committee Representative
Glen L Noel
Francis P O'Brien, *ex officio*

PRACTICE RULES COMPLIANCE COMMITTEE

Augustine F Bruce, Chair
Shelley L Bryant
Annette M Conway
Pauline Downer, FCA, *Auditor*
Bert Riggs, *lay Bench*
Diane Rendell, CA, *Auditor*
Roland C Snelgrove
Marina C Whitten, Vice-President *ex officio*
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
William A Cadigan
Christopher English, Ph.D
The Honourable J Derek Green, Chief Justice, Trial Division
Nina Goudie
David W Jones, QC
Janice K Whitman
Peter G Ringrose, *ex officio*

REAL ESTATE COMMITTEE

Thomas W Fraize, Chair
Susan M LeDrew
Catherine J Perry
Graham A Wells
Peter G Ringrose, *ex officio*

UNAUTHORIZED PRACTICE COMMITTEE

Marina C Whitten, Chair
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, Executive Director
Gail A Hogan, Librarian
Harriet A Mercer, 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*

PROFESSIONALS' ASSISTANCE

Brian Furey, QC
Christopher Pike

COURT STANDARDS COMMITTEE

Dennis C MacKay, QC
William A Cadigan

PROVINCIAL COURT JUDICIAL COUNCIL

Stephanie L Newell, QC

PRESIDENT'S ANNUAL REPORT

Paul McDonald

It is an annual tradition for the President to report to members about his or her activities, and about those of the Law Society. Given my term of office, this report covers the period from June 2006 to June 2007. I am very pleased to note for the record that my term has been a quiet one even though some significant and 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 fulfilled by the President.

Ceremonies

During my term I took pleasure in the ongoing traditions of the Law Society, including the Call to Bar of new members. There is permanence in these ceremonies, virtually unchanged in text and character during the last 180 years. In total, there were four Calls between June, 2006 and April, 2007, and 31 new members Called. Of this group, 11 were members called under the National Mobility Agreement as transfers from other provinces, this latter number an increase over recent years. Each Call provided me the pleasant opportunity to meet new members and encourage them in the careers before them. We are extremely fortunate to have exceptional men and women entering the practice of law in this province.

Another ceremony of note was the New Year Levee presentation to Tobias McDonald, QC, of the Gordon M Stirling, QC, Distinguished Service Award for his service to the legal community and the public interest. Specifically, the Award was granted by Benchers to acknowledge the very considerable contribution of time and energy toward the development and construction of the Law Society building. There was considerable enthusiasm for the Award to Toby by those assembled. For his part, Toby was good enough to borrow Brad Gushue's Olympic Gold Medal and to bring it along for photographs with members.

I was privileged also through my term to speak at the Swearing-in ceremonies for four Supreme Court Justices, Michael Harrington, QC, William Goodridge, QC, Gillian Butler, QC, and Deborah Fry, QC. Concerning William Goodridge, I attended a second ceremony at Happy Valley-Goose Bay at which Justice Goodridge was welcomed and there was a formal opening of court. At all ceremonies, the Law Society co-hosted with the Supreme Court a reception following.

Some ceremonies are sad occasions. In February, 2007, I attended the Tribute at Supreme Court on behalf of Benchers and members to express condolences to the families of William P Gillies, QC, Reginald H Brown, QC, the Hon Charles Roberts, a retired Provincial Court judge, all these men former members who died in the weeks immediately preceding. The Law Society held a reception following the Tribute.

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. 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.

Four years ago and then again last year, each of my predecessors stated that decisions taken by Benchers during their terms of office would have a beneficial and lasting impact on the Law Society. Even now, brief hindsight confirms their collective view. While my own term has been a great deal quieter than many of my predecessors, still there have been opportunities to make sensible changes in the way we do business. For example, the year 2006 saw introduction of a new database for the Law Society, the database enabling a quick collective overview of membership information and highlighting areas requiring particular attention. Similarly, other decisions will have a lasting impact. Benchers at Winter Term were attentive to a presentation by William Dufort of the Barreau du Quebec and concerning Law Office Practice Inspections. The Barreau has been a leader in conducting such inspections and many other jurisdictions in Canada are now following their lead. Benchers authorized the Executive Committee to review and consider whether this Law Society should implement a practice inspection programme over the next few years.

Concerning fiscal matters, members were pleased in December to find another reduction in their membership costs for 2007, these savings amounting to \$700 in total and \$2,300 in total below 2005 Fees. These savings to members are significant. Noteworthy in the 2007 Budget is the fact that the membership Fee is frozen for 2007 at the same value as the past three years. And the number of operating expenses fixed at the same values today as six or seven years ago is commendable. Staff do a fine job keeping so many expenses in line. Further of note, the individual Special Levy imposed to recover Custodianship and related costs arising out of the William Parsons' Custodianship was removed. Going forward, the Assurance Fund will pay extraordinary costs incurred in the public interest and the Fund, in turn, will be reimbursed out of Transaction Levy revenues.

Keeping with finances, Fiscal 2007 will be the year the Law Society, after several years in the attempt, will purchase insurance on the operation of the Assurance Fund. While it will still be necessary for the Fund to maintain a large cash reserve, and for the Law Society to self-insure the first portion of any loss out of the Fund, still the insurance will provide a measure of protection against catastrophic events such as the Parsons/Bursey experience.

Federation of Law Societies

Members are well advised to note the importance of the Federation in their daily practice. Many will recall that, three 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 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 for practitioners.

In May, 2007, the Law Society hosted in St John's the Federation's semi-annual Conference, the first time in eight years. Reviewing now the evaluation forms submitted from attendees, the Conference was a big success. Stephanie Newell, QC, and Phyllis Weir and Frank O'Brien and Peter Ringrose, all on the Planning Committee, deserve accolades.

Law Foundation

We are fortunate and grateful once again to have the continued financial support of the Law Foundation for law libraries. For fiscal 2007, the Foundation granted \$110,000 for the Law Library in St John's, restoring again the funding levels at which the Foundation has traditionally supported the Law Library. There was a similar restoration of the grants to libraries at Gander and Corner Brook.

Even with the Foundation's generosity, its grants alone are insufficient to maintain the Law Library in St John's. The Law Society will add in 2007 a further sum exceeding \$420,000 for acquisitions and related operational expenses.

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

Marina Whitten

The Vice-President, a Bencher responsible to oversee the disciplinary process, reviews reports from the Legal Director and determines whether the matter constitutes an allegation of conduct deserving of sanction and will be investigated by the Law Society. Conduct deserving of sanction is defined in section 41 of the *Law Society Act, 1999*, (the "*Act*") to include professional misconduct, 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 either refers the allegation to consensual mediation or refers the allegation for investigation. If the allegation is resolved through mediation, the mediator confirms the resolution and the file is closed. However, if a satisfactory resolution is not achieved then the allegation is investigated. 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.

Investigation, consisting of an exchange of written correspondence, is conducted through the Legal Director's office. The Vice-President and the Complaints Authorization Committee may also authorize additional investigative measures. The Vice-President submits the allegation to the Complaints Authorization Committee, a statutory committee consisting of three Benchers, at least one of whom is an appointed Bencher. The powers of the Complaints Authorization Committee are prescribed by section 45 of the *Act* and include the authority to conduct further investigation and to make recommendations to the Executive Committee concerning the respondent's practice. Subsequent to 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.

Following authorization of the Complaint, the Committee may counsel or caution the respondent. The decision to issue a letter of counsel or caution is not a disciplinary action. There is no finding of guilt from which discipline can flow. Counsel is advice; caution is a warning. Both are intended to assist the member in his or her future conduct. Alternatively, the Complaints Authorization Committee may instruct the Vice-President to file the Complaint and refer it to the Discipline Committee.

The Discipline Committee is appointed pursuant to section 42 of the *Act*, and is composed of Law Society members and lay representatives. The latter are appointed by the Minister of Justice. For the purpose of dealing with Complaints referred and applications made to the Discipline Committee, the Chairperson appoints an Adjudication Panel, consisting of two members and one lay representative, to hear the matter. The Hearing proceeds pursuant to either sections 46, 48, 51 or 52 of the *Act*. A party to the Hearing has the right to appeal an Order or Decision of the Adjudication Panel to the Benchers. An Order or Decision of the Benchers may be further appealed to the Supreme Court of Newfoundland and Labrador, Court of Appeal.

Information specifically related to the reporting period follows. The Complaints Authorization Committee has authorized five Complaints, four were referred to the Discipline Committee and one resulted in a letter of caution. Six Complaints have been heard by Adjudication Panels of the Discipline Committee. In each case the Panel determined that the respondent was guilty of conduct deserving of sanction. One member was granted permission to resign and five members were reprimanded. Benchers heard one appeal and ordered that the Adjudication Panel's Order of disbarment be set aside and substituted a sanction comprised of a fifteen month suspension and a conditional right to return to practice.

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 appreciate

BAR ADMISSION COURSE COMMITTEE REPORT

J David B Eaton, QC, Chair

The Bar Admission Course for Newfoundland and Labrador began on October 3, 2006 and continued until November 17, 2006. This year 19 students participated in the Course. The Bar Course is a 7 week intensive educational experience during which time students cover a tremendous amount of information on provincial and federal law. The focus of the course is to help prepare the students for the practice of 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 dire*s, 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.

Conclusion

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 simple; it is to give new lawyers a comprehensive overview of Newfoundland and Labrador 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 may contact Francis P. O'Brien, the Director of Legal Education, at (709) 722-4898 or by email francis.obrien@lawsociety.nf.ca.

CONTINUING LEGAL EDUCATION COMMITTEE REPORT

Maureen E Ryan
Law Society Co-Chair

Francis P O'Brien
Director of Legal Education

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. These include:

- *Real Estate & Commercial Law: Accessing Information Online
A Presentation for Legal Support Staff and Lawyers*
- *The "Nuts and Bolts" of Motor Vehicle Accident Reconstruction: Using Engineering Technology in Settlement or Litigation*
- *Effective Cross-Examination*
- *New Developments in Family Law 2006*
- *What is it Worth? Proving damages in loss of income, employability and future care claims: A primer on medical and vocational assessments*
- *Trust Accounting Best Practices: Tips and Traps on the Law Society's Trust Accounting Requirements and Audit Procedures (St. John's, Gander, Corner Brook)*
- *The New CanLII Legal Research Website: A Demonstration of how to use the new CanLII website for Effective Legal Research*
- *Evidence Seminar and Workshop: Hearsay and Similar Fact Evidence*

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

Thanks to 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 are 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, Francis P O'Brien, at (709) 722-4898 or by email at francis.obrien@lawsociety.nf.ca.

EDUCATION COMMITTEE REPORT

Irene Muzychka, Chair

The Education Committee is responsible for educational issues which arise concerning members and prospective members of the Law Society. The Education Committee deals with ongoing requests from members and prospective members relating to the requirements in the *Law Society Act, 1999* and the *Law Society Rules* on educational 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
- 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 educational standards.

Each year the Education Committee also reviews and approves the marks from the Bar Admission Course examinations and gives direction, where needed, with respect to 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 2006-April 2007, the Education Committee:

- (i) admitted twenty-nine (29) applicants as Students-at-Law;
- (ii) recommended to Benchers that twenty (20) students, having met the requirements as Student-at-Law, be called to the Bar in Newfoundland and Labrador;
- (iii) approved eleven (11) applicants who were called to the Bar under the National Mobility Agreement; and

approved a change from non-practicing to practicing status for thirty-two (32) members.

INSURANCE COMMITTEE REPORT: A CHANGE IN TIMING

John F Roil, QC, Chair

With the changeover to CLIA insurance in 2004, the Law Society for the first time is operating an Insurance Programme that does not have the same fiscal year as the Society itself. The CLIA fiscal year is July 1 to June 30 the year following, the Society uses January 1 to December 31. This difference makes it somewhat more difficult to manage the Programme's and the Society's budgets. The significant difference, however, rests with the timing of the financial audits.

The annual audit for the Law Society commences usually in March; for the Insurance Programme the audit must be conducted through the summer. For this reason, and beginning this year, there will be a separate reporting each year of the Insurance Programme's Financial Statements, beginning in the autumn, 2007. Members will be provided the Financial Statements, and a Report from the Committee, and provided an opportunity to meet with the Committee and members of the Executive for discussion. The Insurance Programme's Financial Statements and Report will also discuss the revenues generated by the Transaction Levy. Because the Transaction Levy revenues are part of the Insurance Programme, they do not show in the revenues of the Law Society Financial Statements.

LIBRARY COMMITTEE REPORT

Terry Rowe, Chair

During 2006 the Law Society Library had a successful year continuing to offer the latest Canadian legal texts and journals as well as a broad range of free services, including training for electronic products (Quicklaw and Westlaw) and the new Journal and Book Alert Services.

The Law Library experienced growth in the number of reference questions received. In 2006, 5800 questions were answered for lawyers and judges throughout Newfoundland and Labrador. Over 2900 books were borrowed by lawyers all over the province.

As a participating member of various Resource Sharing Agreements the Law Library has access to all Law Society Library collections across Canada and can often obtain materials which are difficult to find, at little or no cost to Law Society members.

During 2006 the Library launched the Journal and Book Alert Service, which provides e-mail alerts of new textbooks and the Table of Contents of Journals as they are received by the Library. Members choose the practice areas they are interested in and the Library sends e-mail Alerts to keep lawyers current. This free service continues to grow with 15% of members currently subscribing.

Wireless Internet Access is now reliably available in the Law Library. A secure password, changed frequently, is needed and can be found on the Law Library Bulletin Board.

At the request of the Federation of Law Societies, the Law Library conducted a survey to determine the age of lawyers actually coming into the library to use it. The results indicated that 60% of users had more than 10 years at the bar, while 40% had less than 10 years experience.

Gail Hogan has been elected Treasurer of the Canadian Association of Law Libraries. This is a two year appointment and follows on the heels of her tenure as Conference Chair of the annual CALL Conference which was held in St. John's, May 2005.

Renee Whalen returned from maternity leave in January 2007. She gave birth to Leah on March 5, 2006. We welcome Renee back.

PROFESSIONAL ASSISTANCE COMMITTEE REPORT

Brian Furey, QC

Christopher Pike, FIIC, Secretary Treasurer

Law Society Representatives

The Professional Assistance Committee is a joint committee of the Law Society of Newfoundland, the Newfoundland and Labrador Medical Association, the Newfoundland Dental Association and the Newfoundland Pharmaceutical Association. The Committee is responsible for the Professional Assistance Program that provides assistance to lawyers, physicians, dentists, 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/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 co-ordinator, 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 co-ordinator, 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 family member. Since its inception in 1994, the Program has provided assistance to over 810 professionals including more than 270 members of the Law Society. During the recent 12 months, there were 93 new cases and of which 36 were lawyers.

Ms Lahey, the Co-ordinator, 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

STUDENT AWARDS COMMITTEE REPORT

Charles White, QC, Chair

The Student Awards Committee deals with Law Society awards for Articled Students-At-Law. These are the Hunt Award, the Penney Award, the William J. Browne Scholarship and the Maxwell J. Pratt Scholarship 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 2006 Bar Admission Course is Mr. Chad Blundon. Mr. Blundon served Articles of Clerkship at the firm O'Dea Earle and his principal was Mr. Gregory Kirby. Mr. Blundon was called to the Newfoundland and Labrador Bar on April 20, 2007, at which time he commenced practice with O'Dea Earle.

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 2006 Penney Award are Ms. Katrina Warren and Ms. Krista-Dawn Harding.

Ms. Warren served Articles of Clerkship under Dean Porter of Poole Althouse. Ms. Warren was called to the Newfoundland and Labrador Bar on February 16, 2007, at which time she commenced practice with Poole Althouse.

Ms. Harding is presently articling under Gregory Stack of Stack & Associates. Ms. Harding is scheduled to be called to the Newfoundland and Labrador Bar on June 15, 2007.

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 2007 William J. Browne Scholarship is Mr. Rob Ash who is presently articling with the firm Poole Althouse. Mr. Ash's research essay is entitled "*Debunking Usurpation: Tilting at the windmills of Canadian judicial activism.*"

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. This year, the Awards Committee determined not to grant this award.

The above awards will be presented on June 8, 2007 at the Law Society of Newfoundland and Labrador Annual Dinner.