

Benchers' Notes



Winter 2017

Volume 18, Number 2

This issue of Benchers' Notes contains information on selected topics considered by Benchers at Convocation and other items of interest to the Bar. This edition of Benchers' Notes is available on-line at www.lawsociety.nf.ca.

President's Report



R. Paul Burgess
President, Law Society of
Newfoundland and Labrador

Welcome to the winter edition of *Benchers' Notes* – my first edition as President. The past number of months have been extremely busy and I am pleased to have this opportunity to highlight some of the events since my term began.

Firstly, I would like to thank my predecessor, Mr. Barry Fleming, QC, whose leadership and support was phenomenal. I am honored to have

had the opportunity to work alongside Mr. Fleming, QC and with my fellow Benchers in this capacity.

On June 9, 2017 it was a busy day here at the Law Society. Along with a Benchers' Convocation, Annual General Meeting, Benchers' election and Annual Dinner, Justice Sandra Chaytor was sworn in as a Justice of the Supreme Court, Trial Division. I gave remarks at the ceremony and attended the reception afterwards. That evening I attended the Law Society's Annual Dinner which was a lovely event and the platform for a wonderful opportunity to mingle with colleagues in a more relaxed, social setting.

On June 13, 2017, along with Brenda Grimes, QC, I attended a dinner with the Federation of Law Societies' Approval Committee which was meeting in St. John's and, on June 16, 2017, I was pleased to officiate the Call to Bar ceremony, presided over by Chief Justice

Raymond P. Whalen, where a total of 18 students became lawyers.

June continued to be an eventful month. I attended and spoke at the Swearing In of Justice Frances Knickle on June 19 and on June 29 I attended and spoke at the Swearing In of Justice Francis O'Brien. It was a pleasure to attend both ceremonies and the receptions that followed.

In July, I was part of the team which conducted interviews for the position of Director of Legal Education. Christian Hurley was selected from the pool of potential candidates to fill this role and I look forward to working with him.

On August 22, 2017, I met with Brenda Grimes, QC and Morgan Cooper, Federation Council Representative, to discuss Federation of Law Society issues. The meeting was informative and productive and I am confident that the Law Society is in good hands with Morgan as our Federation Representative.

I was given the opportunity again to bring remarks on behalf of the Law Society to Justice Kari Ann Pike during her Swearing In as a Judge of the Provincial Court, which took place in Stephenville on August 31, 2017 and to former Bencher, Justice Robin Fowler, during his Swearing In in St. John's, on September 11, 2017.

On September 29, 2017, I met with our out of town Benchers prior to the Benchers' meeting to discuss issues facing members of our bar who reside outside of St. John's. I hope to further connect with members in other communities in this Province by holding a



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Benchers' meeting outside our capital city in the spring of 2018.

During the month of October I met separately with each of Chief Justice Green, Chief Justice Whelan and Chief Judge Goulding to discuss issues relevant to both the Judiciary and the Bar.

On October 13, 2017, I officiated my second Call to Bar ceremony, presided over by Chief Justice Raymond P. Whalen, where a total of 7 students became lawyers.

On October 19, 2017, Bencher Ann Martin attended on my behalf at the Convocation at Memorial University of Newfoundland where Chief Justice McLachlin of the Supreme Court of Canada received the Honourary Degree of Doctor of Laws, and then brought thanks to Chief Justice McLachlin on behalf of the Law Society for speaking at the Sir Frances Forbes Annual Law Lecture later that evening.

From October 19 – 21, 2017, I, along with Brenda Grimes, QC, Vice-President Don Anthony and CAC Chair Ian Patey, attended the 2017 Annual Conference of the Federation of Law Societies of Canada in Victoria, British

Columbia. The conference focused on the current systems in place for qualifying lawyers for practice and included a comprehensive review of the National Committee on Accreditation (NCA) Program Review report. The meetings were informative and the discussions thought-provoking.

On November 9, 2017, I, along with Brenda Grimes, QC and Vice-President Don Anthony met with the Honourable Andrew Parsons, QC, Minister of Justice and Public Safety and Attorney General, as well as Deputy Minister Todd Stanley. At this meeting we discussed a number of issues of importance to the Law Society. The meeting went very well and I am pleased that the Law Society has such a positive relationship with Minister Parsons and his Department wherein we can have an open and frank discussion about important legal issues in this Province.

On November 21, 2017, Vice President Don Anthony attended and spoke on my behalf at the Swearing In of Justice Vikas Khaladkar and he attended the reception that followed.

We also bid farewell this year to three Benchers whose terms expired; elected Bencher Ian Wallace and lay Benchers Bert Riggs and Don Downer. I feel fortunate to have had the opportunity to work closely with these three individuals over the years and witnessed, first hand, the tremendous amount of time they each volunteered to the Law Society. We all thank them for their many years of dedicated service and commitment to the Law Society.

Raelene Thomas and Ross Elliott are our new lay Benchers and we all look forward to getting to know them both and for the opportunity to work with them at the Benchers' table.

I would like to thank my fellow Benchers for their support in these initial months of my term and also to thank the staff at the Law Society for their continued hard work and dedication. I look forward to the important work we can accomplish in the months ahead.

In conclusion, I wish you and your families all a safe and enjoyable Christmas season! ■



Law Society of Newfoundland and Labrador

Continuing Legal Education

In September 2017, a survey was circulated to members seeking feedback regarding continuing legal education in Newfoundland and Labrador. Responses were received from 33% of practising members, which exceeded all expectations. The Education Committee wishes to extend its sincere thanks to all who participated. The ideas, issues, and concerns expressed in the responses will greatly assist the Committee as it works to improve the delivery of legal education in this province.

Note from Brenda B. Grimes, QC

Executive Director

Over the past year, the Law Society has welcomed three new staff members, namely: Jenny Thornhill, Law Librarian; Lori Chafe, Director of Professional Responsibility; and Christian Hurley, Director of Legal Education, all of whom have transitioned smoothly into their respective positions. We are delighted to have them on board as colleagues and to welcome them as part of the Law Society team.

Further, Benchers recently approved the addition of a new position – General Counsel/Deputy Executive Director and we have just hired Aimee Rowe to fill this position. We are very much looking forward to having her join

us. The new position will, to a large extent, replace the use of external counsel for disciplinary and other Law Society hearings and should result in cost savings while providing additional depth to the Law Society's legal team.

I would like to take this opportunity to thank departed colleagues, Gail Hogan, Phyllis Weir and Justice O'Brien for their long-standing dedication to the Law Society and its mandate.

While change is often feared and the loss of people with significant experience and historical memories brings new challenges into any workplace environment, I am confident that the team at the Law Society is well-positioned to help



Brenda B. Grimes, QC
Executive Director

Benchers meet the challenges ahead.

In closing, I would like to remind you that the Annual Benchers' Christmas Reception will be held on Wednesday, 20 December 2017 from 4:00 pm – 6:00 pm at the Law Society. I hope that many of you will be able to join us in celebrating the Christmas season! ■



Decisions, Decisions, Decisions

Below is a brief summary of some of the decisions taken by Benchers during the period from April 2017 up to and including June 2017.

April 2017:

The April 10, 2017 meeting of Benchers was called to order by the President, Barry Fleming QC.

The Education Committee presented the first report and Benchers approved five transfers under the National Mobility Agreement, eleven Certificates of Fitness, five applications for Non-Practicing status and three applications to resign membership.

Next, a written report from the Library Committee, which proposed that Benchers repeal Part III of the *Rules* relating to the Library, was considered. The rationale was that the rule had been developed at a time when the library was separate from the Law Society and primarily funded by the Law Foundation with a Library Committee addressing budgeting and operational matters. As the Library was now almost fully funded by the Law Society with management of operations and budgeting being dealt with by the

Librarian under the oversight of the Executive Director, the old rules were outdated. The Chair confirmed that the Library would remain available to the public. Benchers approved the repeal of Rule 3 – The Library.

Law Society accountant, Richard Yabsley joined the meeting and highlighted some important aspects of the draft financial statements for 2016 which Benchers approved subject only to the inclusion of the actuaries figures re: CLIA, which had been communicated to Benchers by Mr. Yabsley, and any consequential amendments required to Notes 8 and 12.

Following the financial report, Barry Fleming, QC summarized his President's report which highlighted his activities from February 2017 – April 2017 and thanked the Executive Committee members and staff of the Law Society for their helpful assistance and advice.

Next on the agenda was the discipline report where memos recommending changes to Rule 9 were provided. Benchers approved that the Notices of the Motions be dispensed with and went on to approve amendments to Rule 9.07.1 - which would allow sharing of information with other law societies and, Rule 9.3 - relating to the requirement for lawyers to notify the Law Society of any charges (as opposed to findings or pleas of guilt) which could lead to a period of incarceration. After the report, Barry Fleming, QC took a moment to express gratitude to Phyllis Weir for her years of dedicated service to the Law Society and wished her well in her retirement.

Morgan Cooper, the Law Society's Federation Representative, reported that the Federation's priorities are as follows: the review of the National Committee on Accreditation; the Truth and Reconciliation Advisory Committee and the Anti-Money Laundering initiative which involved a review of our rules. He

Member of Law Society Staff Appointed to the Bench

We were filled with mixed emotions on 9 June 2017 when we learned that our Director of Legal Education for almost two decades, The Honourable Justice Francis O'Brien, had been appointed as Justice of the Newfoundland and Labrador Court of Appeal.

Throughout his career, Justice O'Brien was instrumental in the primary and continuing education of thousands of students and lawyers and was admired by his colleagues and any student who was fortunate enough to have Justice O'Brien involved in their legal education.

While Law Society Staff will undoubtedly miss his wisdom, we are thrilled for Justice O'Brien and wish him well as on this new journey!

went on to note that the next Council meeting would be in Iqaluit and that he had expressed the view that there should be an attempt to maximize the opportunity to engage with the community.

June 2017:

The 9 June 2017 meeting of Benchers was called to order by the President, Barry Fleming, QC.

The Education Committee provided the first report and Benchers approved six transfers under the National Mobility Agreement and eighteen Certificates of Fitness, eight applications for Non-Practicing status and five applications to resign membership.

Benchers went on to approve the appointment of Rebecca Redmond McLean, Kyle Rees and Peter Ralph, QC to the Library Committee and Donald MacBeath, QC to the *SS Daisy* Legal History Committee. Benchers also approved the appointments / reappointments of Law Society Committee Chairs and the reappointment of F. Geoffrey Aylward, QC and Sheri H. Wicks to the Law Foundation's Board of Governors.

Following the Insurance Report, Barry Fleming, QC summarized the President's Report and thanked Benchers for their patience and support over the past year.

The Discipline Report was then provided to Benchers, followed by the Federation Report whereby Morgan Cooper advised Benchers that the Litigation Committee had recommended the Federation intervene in the case of *Iggillis v. CRA* where the issue of common interest privilege versus solicitor-client privilege was being addressed.

Following the presentation of the Financial Report, Chris Curran, QC joined the meeting. Mr. Curran, QC thanked Benchers for their financial

support for the *SS Daisy* Legal History Committee and noted the recent publication of the "Discourse and Discovery: Sir Richard Whitbourne Quatercen-tenial Symposium." He also informed Benchers of the plan to reenact the Labrador Boundary case during the Bar Admission Course.

Mr. Fleming, QC went on to express his thanks to everyone: to the Chairs of the Committees for their great work; to Brenda Grimes, QC and the rest of the staff at the Law Society, pointing out that an incredible amount of work gets done that

is never seen; and the Executive Committee for the exceptional efforts dealing with tough issues while always maintaining a collegial spirit.

Convocation then broke for the AGM and, upon resumption of the meeting, the Executive Committee was presented for approval, namely, Paul Burgess (President), Don Anthony (Vice-President), Barry Fleming, QC (Past President), Ian Patey (CAC Chair) and Ann Martin. Benchers approved the Executive Committee slate. ■



*The President and Benchers
of
The Law Society of Newfoundland and Labrador
request the pleasure of your company at the
Benchers' Reception
to be held at
The Law Society Building, 3rd Floor
196-198 Water Street
St. John's, NL
on
Wednesday, the 20th day of December, 2017
from 4:00 pm to 6:00 pm*

*If you haven't already done so,
please RSVP to Erin Rowe at erin.rowe@lawsociety.nf.ca*

The Court of Appeal Legal Assistance Clinic

On 23 June 2016, the Supreme Court of Newfoundland and Labrador - Court of Appeal launched the Court of Appeal Legal Assistance Clinic, a pilot project intended to promote access to justice and legal education. The Clinic offers free legal assistance to people who do not have a lawyer and are seeking legal advice about their appeal. The Clinic is held one evening a month and volunteer lawyers meet with not more than four clients per Clinic for a period of 30 minutes each to provide summary legal advice and assistance. All clients are required to complete a waiver and intake form prior to their appointment. Volunteer lawyers are not expected to appear in court or complete any legal documents for clients. If a volunteer lawyer sees merit in the case, they

may choose to provide further pro bono or low bono representation.

The Clinic is now in its second year of operation and recently began offering clients province-wide the ability to avail of services through telephone appointments. The Clinic has had a very successful first year and hopes that by improving the availability of services it will continue to build on this success and continue to improve access to justice for people throughout the province.

While the Clinic's success relies on the cooperative efforts of court staff, legal research officers, and the sheriff's office, the key has been the dedication of volunteer lawyers who generously offer their time and expertise. Those who have vol-

unteered report a high level of satisfaction as their participation allows them to provide effective service, improve their knowledge of areas of law which may not be the focus of their current practice and acquire new contacts while also contributing to the community. It is something volunteers say they are passionate about and we would encourage others to participate in this exercise of community service.

Access to justice in Canada is in crisis. This Clinic is an opportunity for all who work in the legal system to make a difference for those who struggle to find justice. The Court welcomes any help in achieving this goal and appreciates the commitment of all those involved. ■

Thank you Volunteers !!

The Law Society would like to thank the following individuals for volunteering their time and expertise in the various Law Clinics which have been held to assist the general public in areas of the law that may be, at times, difficult to maneuver. These clinics also help the Law Society carry out its mandate of protection of the public:

Adrienne Ding	Emily Ryan	Katrina Hanlon	Peter O'Flaherty, QC
Allison Conway	Felicia Tupper	Kevin Maher	Robert Hoskins
Anthony St. George	Gail Hogan	Kevin O'Shea	Rosellen Sullivan
Ashley Woodford	Giles Ayers	Kevin Galway	Rosie Myers
Beverley Barter	Gladys Dunne	Kolin Kennedy	Ryan Belbin
Robert Simmonds, QC	Greg Noseworthy	Kyle Rees	Sandra Cahill
Caroline Molloy	Ian Wallace	SB Light Go	Sarah Fitzgerald
Catherine Perry	Jason Edwards	Lori Savory	Sarah Hogan
Caitlin Urquhart	Jillian Hewitt	Lynne Butler	Sarah O'Keefe
Carey Majid	Jillian Kieley	Lynne Moore	Shane Belbin
Christopher Pike	James Molony	Mark Wells	Shelly Bryant
Christina Kennedy	Jessica Habet	Matthew Moulton	Stephen Brien
Claire Davis	Joseph Thorne	Mark James	Susan Fisher
Cletus Flaherty	Joshua Handrigan	Michael Ralph	Sydney Blackmore
Dana Martin	Juliette Ryan	Michael King	Tammy Drover
David Constantine	Judy M. Manning	Morgan Chafe	Tracy Banner
Daniel Glover	Kate O'Brien	Nicholas Summers	Travis Payne
Donovan Molloy, QC			William Hiscock

Changes in Status

The following changes in status were approved by Benchers sitting in Convocation April 2017 - June 2017:

Resumption of Practicing Status

Danielle Rode 28 February 2017 Steve Lichti 15 March 2017 Anthony St. George 15 March 2017 Nicole Hurley 17 March 2017	Alexander Barroca 5 April 2017 Stacy Ryan 19 April 2017 Lori Chafe 4 May 017 Koren Thomson 10 May 2017
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Practicing to Non-Practicing Status

Philip Milley 3 February 2017 Stacy Ryan 1 March 2017 Maria Sokolova 28 February 2017 Emily Lukaweski 12 March 2017 Janet Carpenter 10 January 2017 Christopher Vaughan 1 April 2017 Lisa Smith 1 April 2017	Timothy Morris 14 April 2017 Elizabeth Zarpa 21 April 2017. Victoria Yip 26 April 2017 Vivian Arenillas 19 March 2017 Phyllis Weir 15 May 2017 Philip Lefeuvre 1 June 2017
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Members Granted Permission to Resign Membership:

Justin Dunphy 17 March 2017 Peter Shea 21 March 2017 Karen Hollett 2 March 2017 Jonathan Fowler 30 April 2017	Joanne Healey 1 May 2017 Jennifer Madore 1 June 2017 Seung Byong Light Go 30 May 2017 Wayne Webster 2 June 2017
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Professionals' Assistance Program

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

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

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

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

Homewood's website, www.homewoodhumansolutions.com offers an array of online resources.

Law Society Library

For the 2017 year, the Law Library staff have been working on three very large inter-related projects. We started with the acquisition of a new library catalogue system with a new web-based interface or WebOPAC. For many years the Law Library was using the *DBTextWorks* system. However, for various reasons, that program became dated and was no longer able to meet the needs of the library. After careful analysis we selected the *ResourceMate* Integrated Library System (ILS) by *Jaywil Software Development Inc.* The old catalogue was migrated to the new database and the new catalogue came online in May. The open access catalogue is available for members and the public at < <https://17941.rmwebopac.com/> >.

In order to increase browsability and the range of cataloguing for new content, the decision was made to switch from the American cataloguing schedule to the Canadian schedule known as *KF Modified*. This second project is a very large

and extensive one as we are reassigning call numbers to our existing collection as well as to new items as they are added to the collection. This does mean that, for most of 2017, our collection has been in two parts – the newly reclassified items and the older content. Members have been very supportive and been able to work with both systems during our period of transition.

The third project is taking place at the same time as the call number classification and that is a collection review. We are reviewing our catalogue and our holdings to ensure that we have accurate inventory and records for the items in the collection. Each item record is being reviewed for accuracy and full subject headings. At the end of the project the Law Library will have a more thorough and accurate record of its holdings and items will be easier to locate and retrieve for patron searching and access.

The Law Society is committed to the movement to support Access to

Justice. As part of this movement, the Law Library has committed to hosting the *Newfoundland and Labrador Access to Justice Steering Committee's Access Law Clinics*. In 2017, there were two held – one on Family Law in the spring and one on Wills and Estates in the fall. Both were well received. As part of the Access to Justice Initiative, the Law Library resources are available to members of the public who are conducting legal research. Members of the public are welcome to use the resources on site, but they do not have borrowing privileges.

2017 has been a very full and busy year for the Law Library. We have been engaged in research and reference assistance for our members, detailed cataloguing projects, and supporting the provision of legal services for the people of Newfoundland and Labrador. We look forward to continuing this work in 2018. ■

Jenny Thornhill
Law Librarian

Get involved!

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

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

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

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

Insurance and Risk Management

The Most Common Causes of Insurance Claims

No lawyer is immune from an insurance claim. But understanding the most common causes of insurance claims can help you build risk management skills as a line of defence.

The pie chart illustrates the relative proportion of most common causes of errors in the Lawyers' Insurance Programme claims portfolio.

The top four causes of loss illustrated in the pie chart, and which constitute 98% of our claim files, are discussed below:

1. Systems / Procedures / Administration

The most common errors (52%) deal with administration and time management issues such as failure

to follow-up, inadequate investigation, inadequate review or preparation or procrastination.

It seems to be human nature to put off tasks until the deadline is looming, which makes missed deadlines a major source of paid claims but time management claims are not always the result of simple procrastination. In some instances, the lawyer fails to ascertain the correct limitation period on a matter or, even if he or she does know the limitation date, fails to properly calendar or act upon the deadline as it approaches.

There are a number of steps you can take to avoid missing a crucial deadline. For example, use practice management software with tickler systems to alert you to approaching deadlines. Build in a timely cushion on deadlines and reminders that can help prevent this type of error when there are

unexpected problems that stop you from meeting a deadline for a filing (e.g. weather, sickness, a trial). We strongly encourage you to issue your Statement of Claim as early as possible.

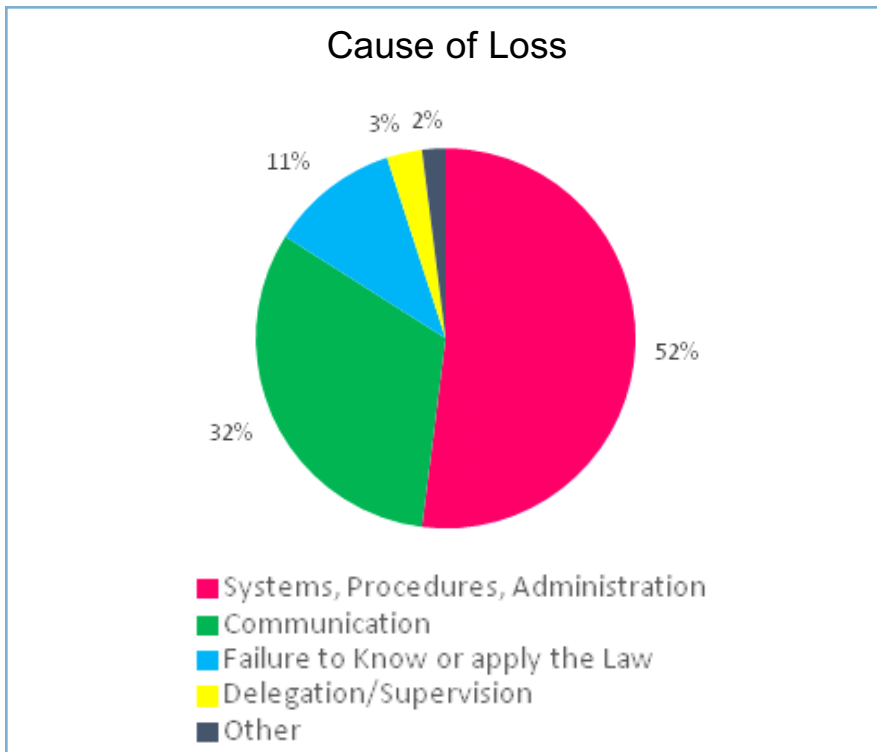
Inadequate investigation is best described as failure by lawyers to take the extra time or thought to dig deeper and ask appropriate questions in order to uncover all the facts or develop sufficient understanding of a client's matter.

These claims can arise in any area of law. We see them most commonly in busy real estate practices, where rushed lawyers miss deficiencies in a condo status certificate, misread a survey, or don't find out the long-term plans a client may have for a property (so that they can ensure those plans are viable). In litigation, it could mean not making a reasonable effort to identify all the parties to an action within the limitation period. In wills and estates law it could mean not inquiring into the capacity of an elderly client or failing to ask about the existence of previous wills.

The best way to avoid these claims is to simply slow down. Take the time to read between the lines so you can identify all appropriate issues and concerns. Ask yourself: What does the client really want? Does everything add up? Are there any issues or concerns that should be highlighted for the client? If something doesn't add up, dig deeper.

2. Communication Related Errors

The second most common cause of claims are lawyer/client communication-related errors. Poor communication disputed instructions



or perceived limited retainers. These claims account for 32% of the errors we see.

Misunderstandings about what actions the client expected the lawyer to take, or the expected outcome/cost of a case, often result in claims. Limited scope retainers may increase these risks. Proper documentation of instructions, detailed notes of client conversations and reporting letters can help the Claims Review Committee defend these claims should they arise.

There is much that can be done at every stage of the matter to prevent these types of claims. Right from the outset, a well-drafted retainer letter can establish for a client reasonable expectations about how the matter will proceed and what the lawyer will (and won't) do for them.

As the matter progresses, it will be important to document conversations with the client, your advice, and the course of action the client wishes to pursue. This documentation can be a lifesaver in the event of an insurance claim. Clients may later say they asked the lawyer to do X and it wasn't done; or the lawyer may have done Y and the client claims he didn't authorize this course of action. If there is no documentation of lawyer/client conversations, the claim then turns on credibility, and our experience has been that courts are more likely to believe the client's more specific recollections over the lawyer's typically vague or non-existent memory.

It is an unfortunate fact that while email and other electronic media provide more ways than ever for a lawyer to interact with clients, these lines of communication seem frequently to result in even more misunderstandings. Clients or lawyers read into, or infer from,

email, advice or instructions that aren't there, or they miss the meaning of what was said, or read between the lines and make presumptions. Face-to-face communication is the best way to assure that miscommunications don't occur. If meeting in person isn't possible, at least telephone and talk to the client in an effort to avoid misunderstandings when important matters need to be discussed.

3. Failure to Know or Properly Apply the Law

Most lawyers are surprised to learn that a failure to know or apply substantive law is not the most common error that lawyers make. It is in fact the third most common type of error leading to insurance claims and accounts for eleven percent of the claims we receive. Some examples we have encountered deal specifically with failure to know about zoning requirements, and failing to address tax implications. Since each matter will differ in its complexity, lawyers who are not fully comfortable with a matter generally, or with some aspect of a matter in particular, should consider availing of our confidential Mentoring Program.

4. Clerical and Delegation Errors

Clerical and delegation-related errors are the fourth most common type of error. These errors include

problems such as simple clerical errors, errors in mathematical calculations where work is delegated to an employee or to an outsider and is not then double-checked, and a failure to file documents where no deadline is involved. Delegation of tasks to knowledgeable support staff is an essential part of the operation of every practice because it makes lawyers more efficient and effective. Nevertheless, and ultimately, the lawyer is responsible for delegated work, and steps should be taken to review delegated work where appropriate. Extra care is especially warranted if there is something different or unusual on the matter.

The Lawyers' Insurance Programme has developed a Loss Prevention Self-Assessment Check-list which may assist you in assessing your personal risk and ultimately, help you avoid an insurance claim. The Checklist is being offered as a tool and resource for members, completion of which will qualify for a one hour credit toward the Mandatory Continuing Legal Education activity. This Checklist can be found on the Law Society's website under the Insurance and Risk Management Section or you may contact the Insurance Administrator at 722-6008 to request a copy. ■

In Memoriam

Benchers and members were saddened to hear of the passing of the following former member:

Claude Alexander John Sheppard, QC

#319; called 14 December 1971

The Honours and Awards Committee is seeking submissions for the following:

Degree of Doctor of Laws

Awarded to persons who have had a distinguished career in the law and are of unimpeachable good character and a reputation for high professional integrity and honesty. Recipient should also have significant accomplishments in his or her professional career, significant volunteer contributions or significant contributions to the betterment of the law or improvement of the justice system.

Gordon M. Stirling Distinguished Service Award

Open to members and former members who have made a significant contribution to the Law Society, legal profession or administration of justice and to the public/community.

Jean Bruneau, OC, Certificate of Merit

Open to lay persons who have made a substantial contribution to the Law Society through years of service on Benchers or in some other capacity, or to the legal profession or administration of justice.

Further descriptions and requirements for each of these Honours are found in the section of the Law Society website "For Lawyers" under "Service to the Profession". The link is <http://www.lawsociety.nf.ca/lawyers/service-to-the-profession/honours-and-awards/> <<http://www.lawsociety.nf.ca/lawyers/service-to-the-profession/honours-and-awards/>>

Please forward the names of any nominees, **on or before March 16, 2018**, to the Chair of the Honours and Awards Committee, Amy Crosbie at: acrosbie@curtisdawe.com

Homewood Health is excited to announce the addition of a new Life Smart service – Grief and Loss Coaching. On December 1st, 2017, Grief and Loss Coaching was added to your suite of Life Smart Services.

About Grief and Loss Coaching

Grieving can be an overwhelming and complex process. Every individual reacts differently and experiences grief and loss in unique ways. Homewood's Grief and Loss Coaching service helps your employees understand the grieving process by providing them with coaching support and resources to help them manage the range of emotions and difficulties one experiences when faced with a significant loss. This service is helpful to those who have lost a loved one or are experiencing other forms of loss in their life, including job loss, divorce, or ending of a relationship.

Lawyer Portal Logins and Forget Your Password

There have been some issues with members not getting an automated email with a new password when they click **Forget Your Password** in the Lawyer Portal. Sometimes it is because the member has tried logging in unsuccessfully too many times and their account gets locked, or their junk/spam filter rejects the "no-reply" email from MemberPro. The address that is used to send the automated email when you click **Forget Your Password** is no-reply@memberpro.net.

If you have clicked **Forget Your Password** and you do not receive an automated email with a new password, please check your junk mail folder for the email and also add no-reply@memberpro.net to your approved senders list.

If you have been locked out of your account in the Lawyer Portal, please contact the Law Society to have your account unlocked and your password reset. Once you are locked out of your account, Forget Your Password will not work.



Your Professionals' Assistance Program

Get to know your PAP



Everyone faces challenging and stressful events in their lives. Most of the time we can handle these situations ourselves; other times we could benefit from some support.

Your PAP is a professional, confidential, and proactive service to support you with a wide range of personal, family, and work-related concerns.

What benefits are available to me?

Your PAP is here for you whenever you need it, 24 hours a day, seven days a week, 365 days of the year.

Within a confidential environment you can receive counselling for any challenge — whether it's a first step in facing a possible addiction, or managing day-to-day stress.

We guarantee your confidentiality.

We are Homewood Health, a trusted company with years of experience delivering the best possible support for clients like you. Everyone is guaranteed confidentiality within the limits of the law. You won't be identified to anybody — including your employer.

People frequently use an PAP for personal challenges such as relationship concerns, family or parenting issues, anxiety, depression, addictions, grief, coping with health issues, or work-related challenges.

We will match you with a counsellor who suits your needs and provide you with short-term solutions.

If you are identified as requiring additional, longer-term treatment or specialized support, our counsellors will refer you to community-based resources and programs which suit your unique needs.

How does the counselling program work?

Counselling services can be offered face-to-face, over the phone, through video, or online. Offices are local and appointments are made quickly, with your convenience in mind. If you have a preference for location, gender, or

Contact us to learn more.

1-800-563-9133 | TTY: 1-888-384-1152 | International (Call Collect): 604-689-1717

Numéro sans frais - en français : 1-866-398-9505

homeweb.ca



Homewood
Health | Santé

Professionals' Assistance Program: Get to know your PAP

appointment time, we'll do our best to accommodate your preferences.

When you need to speak with someone, simply call Homewood Health — staff will ask you for some basic information (to establish your eligibility for this benefit) and will help set up an initial appointment at a time that is convenient for you. An experienced counsellor will assess your concerns and help you develop practical solutions.

Plan Smart – Lifestyle and Specialty Counselling Services

Plan Smart is a suite of telephonic services that offers assessments, coaching, and resources; each service has been developed to allow you to take a proactive approach to managing everyday challenges.

A Plan Smart Service intake counsellor will contact you within 72 hours to offer you an appointment with an appropriate specialist.

Plan Smart Services include three major components with service options for each area:

Life Balance Solutions

- Childcare/Parenting Services
- New Parent Support
- Elder and Family Care
- Legal Advisory
- Financial Consultation
- Relationship Solutions

Health Smart Coaching Services

- Nutritional Counselling
- Smoking Cessation
- 12 Weeks to Wellness

Career Smart Counselling Services

- Career Counselling
- Pre-Retirement Planning
- Shift Worker Support

Online Services – Homeweb

Homeweb is part of your Professionals' Assistance Program. You can access Homeweb on your phone, tablet, or desktop. Homeweb offers you the ability to create an individual profile, receive personalized content recommendations, and access lots of helpful resources — anywhere, anytime.

Access Homeweb for interactive tools, health and wellness assessments, child and elder care resource locators, and a library of health, life balance, and workplace articles.

How do I register for Homeweb?

Step One: Visit www.homeweb.ca and click 'Sign Up'.

Step Two: Enter information into the required fields, choose an email and password, and click 'Next Step'. Then, type in your company name and click 'Find it!' Select the correct company from the list provided. If you do not see your company listed, check the spelling and try again.

Step Three: Let us know how you are covered by Homewood, (e.g. through your organization or the organization of a family member), and let us know your relationship to the organization (e.g. employee, spouse, dependent, etc.). Submit the additional information required and click 'Sign In' at the bottom of the page.

Search, browse, and get expert support.

What if I'm in crisis?

Homewood Health staff are prepared to take your call 24 hours a day, seven days a week. **Help is always available.**

Who do I contact?

To speak to someone in confidence, for crisis services (24 hours a day) or to book an appointment contact us today by calling the number below.

Contact us to learn more.

1-800-563-9133 | TTY: 1-888-384-1152 | **International** (Call Collect): 604-689-1717

Numéro sans frais - en français : 1-866-398-9505

homeweb.ca

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Looking for advice and support?



Your Professionals' Assistance Program (PAP) is your link to well-being.

COUNSELLING SERVICES

Marital · Family · Relationships · Anxiety · Depression · Addictions · Stress
Life transitions/change · Other personal issues

PLAN SMART—LIFESTYLE AND SPECIALTY COUNSELLING SERVICES

CAREER SMART SERVICES

Pre-Retirement Planning
Career Counselling
Shift Worker Support

LIFE BALANCE SERVICES

New Parent Support
Childcare and Parenting
Relationship Solutions
Elder and Family Care
Financial Advisory
Legal Advisory

HEALTH SMART COACHING

Smoking Cessation Program
Weight Management
Nutritional Counselling

ONLINE RESOURCES

E-learning · Health and Wellness Assessments · Health, Life Balance, and Workplace Articles · Interactive Tools

Effacer complètement. Advice, counselling, "how to", and coaching 24 hours a day, 7 days a week by phone, Internet or in person. All calls are confidential and private.

We are your Professionals' Assistance Program (PAP) and we are your link to well-being — personal, family, and work-related.

Call us anytime. It's your call.

1.800.563.9133

Numéro sans frais – en français : 1.866.398.9505 | TTY: 1.888.384.1152

International (Call Collect): 604.689.1717

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Complaints Authorization Committee

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

When the Complaints Authorization Committee's opinion is that there are reasonable grounds to believe that the lawyer has engaged in *conduct deserving of sanction*, there are two results:

- (i) the *allegation* is considered as constituting a Complaint; and
- (ii) the Complaints Authorization Committee may issue a letter of counsel or a letter of caution to

the lawyer, or instruct the Vice-President to file the Complaint against the lawyer and refer it to the Disciplinary Panel.

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

The following information is provided to inform members as required by Law Society Rule 9.06(5):

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

Complaint that the member's conviction under sections 253(1)(b) and 255(1) of the *Criminal Code of Canada* does not comply with the standard of conduct contemplated by the *Code*. The Complaints Authorization Committee noted that this was the member's first offence and that the member cooperated fully with the Law Society. However, in the opinion of the Committee such conduct

does not meet the standard of conduct required by the *Code* and expected by the public. (*Code of Professional Conduct (2013), chapter 2, rule 2.1-1 commentaries 1, 2, 3 and 4*).

Complaint that the member's conviction under sections 253(1)(b) and 255(1) of the *Criminal Code of Canada* does not comply with the standard of conduct contemplated by the *Code*. The Complaints Authorization Committee noted that this was the member's first offence and that the member cooperated fully with the Law Society. However, in the opinion of the Committee, such conduct does not meet the standard of conduct required by the *Code* and expected by the public. Furthermore, the Committee reminded the member that Law Society members are obliged to have knowledge of the *Law Society Act, 1999*, the *Law Society Rules* and the *Code of Professional Conduct*, including but not limited to reporting requirements, and to practice within the scope of them. (*Code of Professional Conduct (2013), chapter 2, rule 2.1-1 commentaries 1, 2, 3 and 4*). ■

Custodianships

We would like to remind members that we currently have custodianship of the practices of the following firms or single practitioners:

- | | | |
|------------------------|--------------------|----------------------|
| - Alan Carter | - Gerard Griffin | - Jody Saunders |
| - Christopher Sullivan | - Gerard Gushue | - Keith Rose |
| - Claude Sheppard | - Glen Bursey | - Kent Morris |
| - David Pitcher | - Glube Jewell | - Michael Drover |
| - David Sparkes | - Gordon Seabright | - R A Parsons/O'Neil |
| - Doug Harvey | - Hugh Coady | - Ronald Noseworthy |
| - Fabian O'Dea | - James Nurse | - William Browne |
| - Frederick R Bishop | | - William Parsons |

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

Law Society Annual Dinner

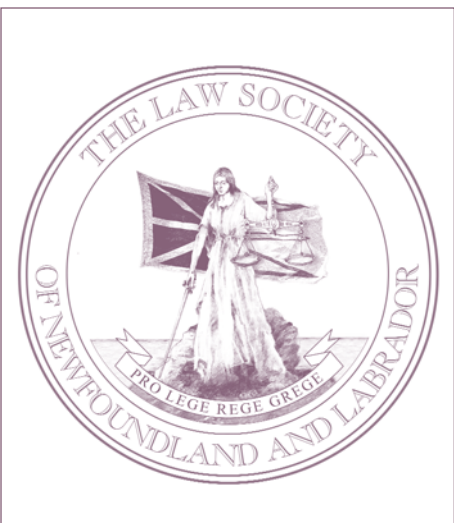
June 9, 2017



- #1. Presentation to the Past President, Barry Fleming, qc by current President, Paul Burgess
- #2. The Hunt Award
Award Winner: Shane Belbin
Award presented by Barry Fleming, qc
(Award in Memory of Charles E. Hunt, qc and The Honourable Mr. Justice Douglas C. Hunt)
- #3. Award in Memory of Edward J. Penney
Award Winner: Giles Ayers
Award Presented by Marcus Evans, qc
- #4. Provincial Court Judges' Association Award
Award Winner: Shane Belbin
Award Presented by Judge James Walsh



- #5. Award in Memory of Wayne F. Spracklin, qc
Award Winner: Shane Belbin
Award Presented by David Eaton, qc
- #6. William J. Browne Scholarship
Scholarship Winner: Andrea Vizsolyi
Award Presented by Don Anthony and Father William Browne
- #7. Maxwell J. Pratt Scholarship
Scholarship Winner: Sarah Pinsent
Award Presented by Ian Wallace
- #8. Presentation of the Gordon M. Stirling Distinguished Service Award
Award Recipient: Francis P. Fowler, qc
Award Presented by Barry Fleming, qc



Clovelly

Awards Presentations



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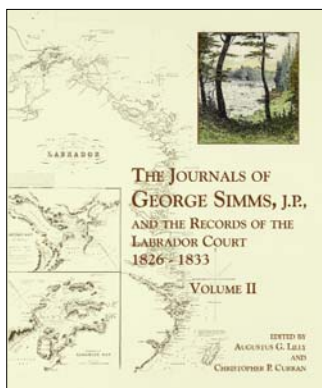
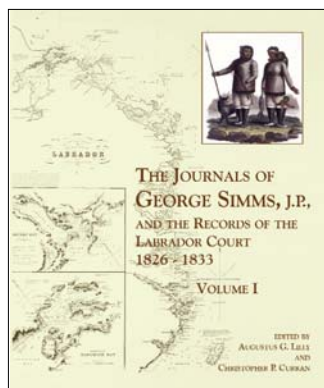
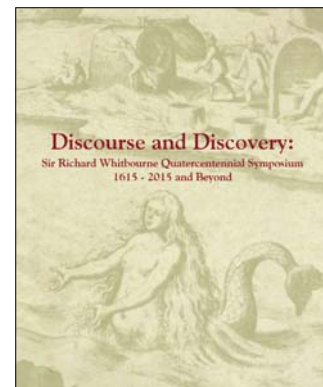
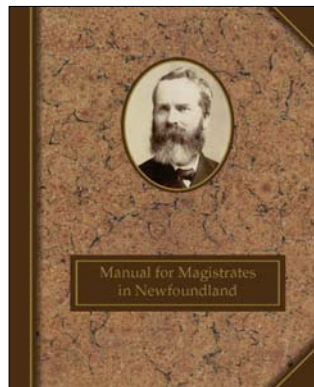
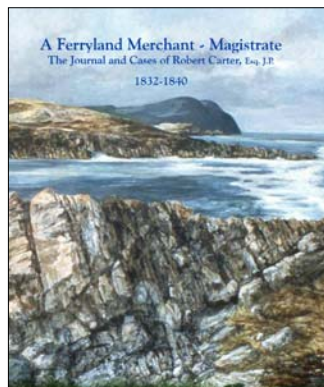
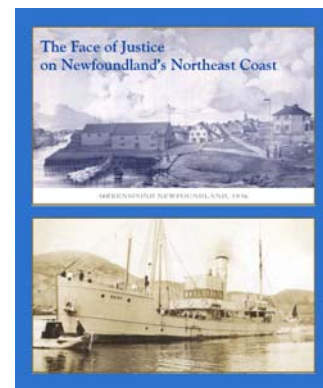
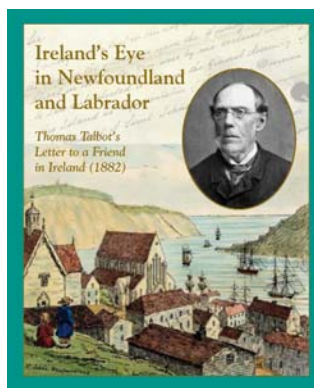
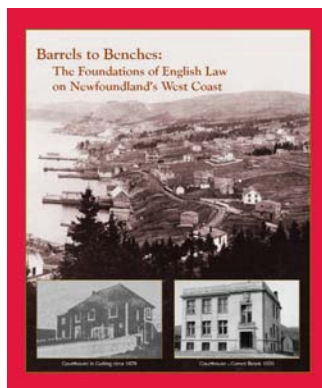
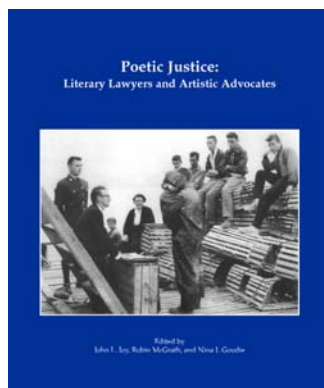
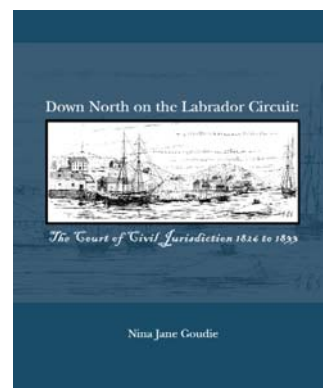
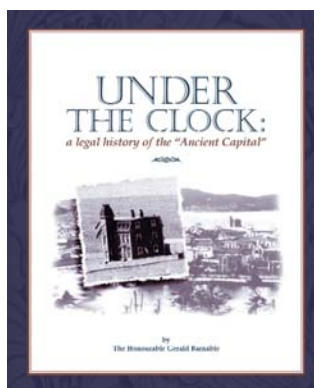
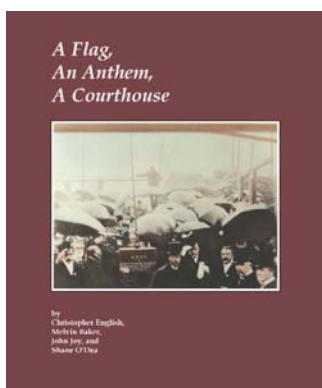
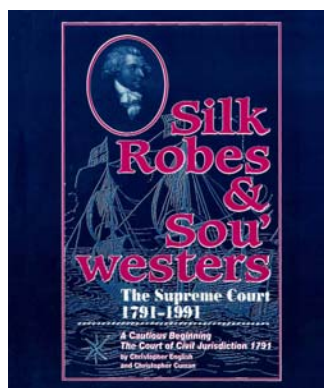


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Publications of the SS Daisy Legal History Committee



The thirteen books shown here have been published in recent years by the SS Daisy Legal History Committee. They offer a varied and interesting look at the development of law in Newfoundland and Labrador over the last two centuries and more. Please call (709) 722-4740 for details on how you can purchase a copy or several – they make a great gift for any history buff(s) you might know!!!

Benchers' Convocation - June 9, 2017



Back Row (l-r): Linda Harnett, Ann Martin, Robin Fowler, Donovan Molloy, QC, Ian Patey, Glenda Reid, Renee Appleby, Brenda Grimes, QC

Front Row (l-r): Donald Anthony, Barry Fleming, QC, Paul Burgess, Susan Orsborn, Leanne O'Leary, Scott Worsfold

Officers

President: R. Paul Burgess

Vice-President: Donald E. Anthony

Elective Benchers

Appointed Benchers

Eastern District:

Amy M. Crosbie
Joan M. B. Dawson
John J. Hogan
Ann F. Martin
Donovan F. Molloy, QC
Leanne M. O'Leary
Suzanne M. Orsborn
Ian S. Patey
Scott Worsfold
Rodney J. Zdebiak

Central District:

Renee L. F. Appleby
Rebecca A. Redmond MacLean

Western District:

James E. Merrigan, QC
Trevor A. Stagg

Labrador District:

Adrienne S. Edmunds

Ross Elliott
Glenda Reid
Linda Harnett
Raelene Thomas

Reminder

The SS Daisy Legal History Committee is hosting a **Book Launch** at the Law Society Building, Convocation Hall, on Monday, December 18th, 4:30 pm - 6:00 pm. Why not plan to attend.

Call to Bar



June 16, 2017

- 1st row (l-r): M. Stephenson, F. Tupper, S. Kavanagh, K. Dlugosch
2nd row (l-r): M. Saunders, S. Allen, D. MacSween, J. Shodipo, A. Ronan
3rd row (l-r): M. Iskandar, A. Wells, C. Taylor, S. Roberts
4th row (l-r): M. Jones, M. Berrigan, P. Barsalou, R. Fedder, D. Sonnichsen



October 13, 2017

- 1st row (l-r): R. Upshall, C. Noseworthy, A. Targett
2nd row (l-r): C. Fagan, S. Dlugosch, M. Keating, J. Loeb