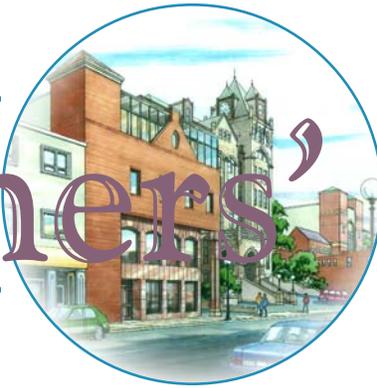


# Benchers' Notes

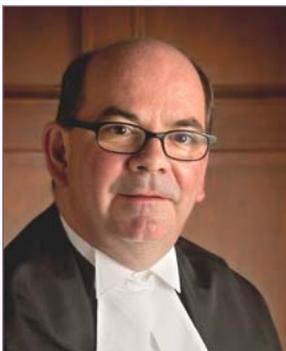


Winter 2016

Volume 17, 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](http://www.lawsociety.nf.ca).*

## President's Report



Barry G. Fleming, QC  
President, Law Society of  
Newfoundland and Labrador

Since our last edition of *Benchers' Notes* we have experienced some wonderful summer weather, a fall that has been exceptionally good to us and now hope for a winter that treats us just as kindly. In this, my first edition of *Benchers' Notes*, I am pleased to share with you some of the key work I have been involved in since I began my term as President on 10 June 2016.

On 22 June 2016, I participated in the process to select the second Vice-President of the Federation of Law Societies (the "Federation"). This year, because of the regional rotation model, a representative from Atlantic Canada was to be selected and the two people vying for the position were the Council members from New Brunswick and Nova Scotia. Both candidates were so very capable of assuming the role that we could not reach a consensus so the matter was referred to the entire Council. Before the Council could vote, the candidate from Nova Scotia withdrew so Richard Scott, from New Brunswick, is the new second Vice-President.

During August and September 2016, I met with Chief Justice Green, Chief Justice Whalen and Chief Judge Goulding to discuss issues of mutual concern. One topic which was discussed in all three meetings centered around the implications of the recent Supreme

Court of Canada decision in *R v. Jordan*.

Executive Committee meetings were held on 12 July 2016, 8 August 2016, 9 September 2016 and 22 November 2016. All meetings were informative and the Executive Committee engaged in thoughtful discussions regarding a great deal of pertinent issues facing our Law Society.

For example, during the 8 August 2016 meeting, it was decided that our Law Society should provide input into the recently announced new selection process for Justices of the Supreme Court which had the potential to ignore a constitutional convention that a Supreme Court Judge must be appointed from Atlantic Canada. Draft letters were circulated to the Executive Committee and, on 16 August 2016, a conference call was held with representatives of the Atlantic Canadian Law Societies and the Federation to determine whether a unanimous position on the issue could be articulated. As New Brunswick was in favor of strict adherence to the principle that all Supreme Court Justices must be bilingual, a unified position from Atlantic Canada could not be achieved. On the same date, I wrote the Prime Minister and the federal Minister of Justice outlining our position. This letter was sent to our membership and can be found on the Law Society's website.

On this point, we were very happy to subsequently learn that a member of our judiciary, Justice Malcolm Rowe, was to be appointed as the first Justice for the Supreme Court of Canada from our province. His appointment was officially announced on 28 October 2016 and it was an historic moment in our province's history. A letter



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of congratulations was sent to Justice Rowe on behalf of myself and Law Society Benchers and I, along with our Executive Director, were invited to his Welcome Ceremony in Ottawa. This took place on 2 December 2016 and proved to be a very special event – watching history unfold before your eyes and experiencing a significant rush of provincial pride was very euphoric.

On 6 September 2016, I attended the opening of the Court of Appeal and heard a tribute by Chief Justice Green for the late John Kelly. It was very moving and I was honoured to be in attendance as Mr. Kelly was remembered and the work he conducted during his career acknowledged.

It was a pleasure to officiate at the 17 June 2016 Call to Bar, presided over by Justice Valerie L. Marshall, where a total of 10 students became

lawyers; and the 14 October 2016 Call to Bar, presided over by Chief Justice Raymond P. Whalen, where a total of 4 students became lawyers. During the 14 October Call to Bar, the Court and the Law Society of Newfoundland and Labrador took the opportunity to acknowledge the extraordinary contributions of Cecil Bayly Clift, John Clift, William Frederik Cyril Hutchings, Janet Morison Miller and Harris Rendell Oke, five students-at-law who were unable to continue their legal careers because of their service during WWI, by ceremonially calling them to the Bar and by conferring on them the Honorary Degrees of Barrister-at-Law. It was a very moving experience for all involved and thanks to all who took the time to attend.

From October 19 – 22, 2016, I, along with Vice-President, Paul Burgess, Don Anthony (*Executive Committee*

*Member*), Brenda Grimes, QC (*Executive Director*) and Frank O'Brien (*Director of Legal Education*) and the Law Society of Newfoundland and Labrador's new Federation Representative, Mr. Morgan Cooper, attended the Federation of Law Societies of Canada's Annual Meeting which was held in New Brunswick. The theme for the conference was "Legal Education - Building a Better Continuum Together" and it brought together representatives from the Federation, the Law Societies, the indigenous communities and the academy like never before.

In closing, I have enjoyed the first half of my Presidency and look forward to engaging with our membership and Benchers on any challenges we may face as a Society. ■



## Law Society of Newfoundland and Labrador

# Mandatory Continuing Legal Education

As Law Society members are aware, 2016 is the first year for the Mandatory Continuing Legal Education (CLE) program in Newfoundland and Labrador. For members' reference, the following documents relating to Mandatory CLE can be found on the Law Society's website:

1. Mandatory CLE Requirements
2. Mandatory CLE Rule 6.20
3. Mandatory CLE Annual Report & Plan

Please note that members must file their Annual Report & Plan from January 1 - January 31, 2017, and must **file electronically** as opposed to in hard copy paper form.

Electronic filing on the Law Society website will be available from January 1, 2017.

Further information and instructions on filing electronically will be provided to members in December 2016.

## Note from Brenda B. Grimes, QC

### Executive Director

I would like to take this opportunity to comment on one of the common areas of potential concern that has been identified in the course of recent trust account audits.

There continue to be some instances where members are not fully compliant with Parts XV and XVI of the *Law Society Rules* regarding Cash Transactions and Client Identification and Verification Requirements.

As you are no doubt aware, it is illegal for any person in Canada, including members of the legal profession, to knowingly participate in crimes involving money laundering or terrorist financing. To ensure that legal professionals are not unwittingly used by their clients to help with these activities, the Law Society enforces rules of conduct based on model rules developed by the Federation of Law Societies of Canada. While you should refer to Parts XV and XVI of the *Rules* for full details, following is a brief summary:

#### **No-Cash Rule**

Members of the legal profession are prohibited from accepting more than \$7,500.00 in cash. This is to ensure that individuals involved in money laundering or terrorist financing cannot use their legal advisors' trust accounts for illegal activities.

#### **Client Identification and Verification Rules**

Members of the legal profession are bound by strict "know-your-client" rules. This is to ensure that they are providing advice only to bona fide clients whose identity can be reliably ascertained.

In March 2015, the Supreme Court of Canada struck down certain provisions of Canada's Proceeds of Crime (Money Laundering) and Terrorist Financing Act and regulations pertaining to the legal profes-

sion. That decision by the Supreme Court concluded a 14 year legal debate between the Federation and the government of Canada over the application of the federal anti-money laundering and terrorist financing regime to lawyers and Quebec notaries. These regulations would have forced lawyers to collect information about their clients and their financial transactions and turn that information over to the government on demand. The Supreme Court found those requirements violated the protection in the Charter against unreasonable search and seizure, and the rights of security of the person. The adoption of the above *Rules* by all law societies was important to the Court in reaching this decision.

The government of Canada recently released a comprehensive report on money laundering and terrorist financing risks in Canada. For your information and review, a copy of that report, titled "*Assessment of Inherent Risks of Money Laundering and Terrorist Financing in Canada*," can be found at the following link: <http://fin.gc.ca/pub/mltf-rpcf/mltf-rpcf-eng.pdf>.

**The report concludes that legal professionals are exposed to "high to very high" inherent risk scenarios for money laundering due to the nature of the products and services they provide. Mortgage fraud is specifically identified as one of nine activities that pose a high threat and real estate transactions in general are noted as providing many opportunities for the witting or unwitting involvement of members of the legal profession in money laundering. The report also concludes that the legal profession has a high vulnerability to terrorist financing activities, in part through potential use of their trust accounts. While there are regulatory measures in place, such as the "No-Cash" and "Client Identification and Verifi-**



Brenda B. Grimes, QC  
Executive Director

**cation" rules (the "Model Rules"), the success of these depends on compliance.**

Late last year, the International Bar Association (IBA) published a guide aimed at providing members of the legal profession with practical guidance for detecting and preventing money-laundering. The following quote from the IBA's website describes the guide:

*A Lawyer's Guide to Detecting and Preventing Money Laundering addresses the responsibilities of lawyers in many jurisdictions in this area and, as such, is the first of its kind. It focuses on the legal obligations lawyers have in various situations in terms of their own compliance with anti-money laundering (AML) laws and illustrates the latest detection techniques being employed by lawyers to avoid involvement in money laundering. In addition, the Guide provides thought-provoking commentary on the underlying ethical obligations that lawyers have – for example, being alert to finding themselves involved in criminal activity and taking care to avoid facilitating the work of criminals.*

A link to the electronic version of the guide can be found on the IBA website: <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=f272a49e-7941-42ee-aa02-eba0bde1f144>

You may find this information of use as you comply with the *Rules* outlined above.

I hope you all have a safe and Merry Christmas! ■

## Decisions, Decisions, Decisions

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

### April 2016:

The April 11, 2016 meeting of Benchers was called to order by the President, Susan LeDrew. Ms. LeDrew began the meeting by introducing Mr. Jeff Hirsch, President of the Federation of Law Societies of Canada, and welcoming him to the meeting. Mr. Hirsch was attending to observe and to bring greetings on behalf of the Federation.

Benchers approved the Minutes from the 15 February 2016 meeting and were provided with Minutes from the 20 January 2016 and 2 February 2016 Executive Committee Meetings. Ms. LeDrew proceeded to report on her activities since the February 2016 meeting. On 19 February 2016, Ms. LeDrew attended the Call to Bar presided over by Justice Faour and 14 people were called. The President noted that she attended the Chartered Accountants' Convocation on 27 February where 100 new graduates were celebrated and that she, along with Mr. Barry Fleming, QC and Ms. Grimes, QC attended the Canadian Society of Association Executives (CSAE) Symposium on 29 February – 1 March 2016. She noted that it was interesting to interact with people from other organizations and learn how to get the most out of the relationship between the Executive Director and the board. From March 10 – 11, the President attended the Federation of Law Societies of Canada meetings in Banff. Ms. LeDrew noted that agreement on most of the outstanding governance issues was reached giving the Federation an opportunity to focus on the future. On 17 March she attended the 40<sup>th</sup> Anniversary of the Court of Appeal where she gave

remarks and noted the impressive array of speakers. The President also commented on the meeting that she, Mr. Fleming, QC and Ms. Grimes QC had with the Minister of Justice and various department representatives. Areas of discussions during this meeting were: self-representation of corporations, insurance reform, possible variation of the *Wills Act/trust legislation, Limitations Act*, Law Foundation and, dismissal of criminal charges.

In closing her report, Ms. LeDrew noted with sadness the passing of Mr. James Thistle, QC and John Kelly.

Following the President's report, Ms. Sheila Greene, QC gave her report on the recent work of the Federation echoing Ms. LeDrew's comments that the meetings in Alberta helped to bring the chapter on governance to a close. She hoped that the new policies would help with transparency and accountability.

Mr. Hirsch then expressed his appreciation for the opportunity to attend and speak advising that one of his tasks is to educate others regarding the role of the Federation. He reminded everyone that the Federation is a voluntary organization and that, without the support of each jurisdiction, it would not exist. Some notable accomplishments include: mobility, Model Code of Conduct, National Discipline Standards, National Competency Profile, the development and funding of CanLII, the evaluation of existing and proposed law schools and the examination of the credentials of internationally trained lawyers – much of which has taken place in the last 5

years. He pointed out that it is only possible because of the people from each jurisdiction who devote time and energy to Federation work. Mr. Hirsch concluded by stating that he believed the Federation is now in a better place and that it is critical for it to continue to listen to members in order to deliver value.

A written report from the Insurance Committee was provided which included a summary of the proposed revisions to the Rules of the Reciprocal governing the calculation of premiums associated with membership in CLIA. The Chair of the Insurance Committee, Ms. Martin, advised that the changes were based on recommendations from our actuary developed in consultation and agreement with the actuary for CLIA and the actuary for other jurisdictions. The revisions make it more likely that, over a reasonable time frame, each jurisdiction will cover its own losses which was the guiding principal when CLIA was first established. Benchers approved the revised *Rules of the Reciprocal*, as presented, subject to any consequential amendments required to address non-substantive issues.

Mr. Richard Yabsley, Law Society accountant, joined the meeting and pointed out that the draft Financial Statements for the year ended 31 December 2015, which were provided for approval, did not differ substantially from the internals presented in February. Benchers approved the Financial Statements for 2015.

The Finance and Accounts Committee Report was presented and no concerns were noted. The Discipline Report was provided

followed by the Education Committee Report in which Benchers approved three transfers under the National Mobility Agreement and approved and issued nine Certificates of Fitness. Mr. Ian Wallace, Chair of the Education Committee, advised that five Applications for Admission as a Student and three notices of resumption of practicing status had been approved by the Education Committee. Benchers then approved seven applications for non-practicing status.

Mr. Hirsch gave his report noting that the Federation of Law Societies had had its first meeting with a federal Minister of Justice and Ms. LeDrew closed the meeting with an expression of regret at the passing of Jim Thistle, QC and John Kelly. Convocation was adjourned.

**June 2016:**

The June 10, 2016 meeting of Benchers was called to order by the President, Susan LeDrew. Ms. LeDrew noted that a new Consent Agenda format would be tested.

The Education Committee provided the first report whereby Benchers approved one transfer under the National Mobility Agreement and approved and issued ten Certificates of Fitness. Next, Benchers approved seven applications for Non-Practicing status and six applications to resign membership.

Benchers also approved the appointment of Chairs/Members of various Law Society Committees as per recommendations made by the Executive Committee. Included in these recommendations approved by Benchers were: the current Chairs of all committees were reappointed with the exception of chairs of the Accounts and Finance Committee, Education Committee and the Real Estate Committee; recognizing the value of experience and historical memory with respect to both the Complaints Authorization Committee and the Bar Admission Committee, it was agreed that a further three year term for the members of these committees would be recommended with the proviso that new members should be transitioned in within that three year window; for other committees, it was recommended that anyone whose first term was expiring be reappointed for a further three years. Don Downer was appointed to the Insurance Committee, Renee Appleby to the Accounts and Finance Committee and Glenda Reid to the Library Committee as Chair.

Benchers then moved on to the Executive Committee Minutes of 29 March 2016 and 19 May 2016 and discussed the issue of court closures. It was noted that the Law Society had written a letter to the Minister of Justice requesting a suspension of the decision to close the

Courts until a broader costs/benefits analysis was conducted. Ultimately, while Benchers condemned the decision to close the courts, a consensus emerged that it is not within the Law Society's mandate to do more than write the letter and continue to attempt to meet with the Minister. Advocacy on behalf of the membership is the role of the CBA.

The President then gave her report on her activities since the April 2016 Convocation. Ms. LeDrew noted that she, Ms. Grimes, QC, Mr. O'Brien and the Executive Committee enjoyed a dinner with Mr. Jeff Hirsch, President of the Federation of Law Societies of Canada while he was visiting St. John's. She officiated at the 15 April 2016 Call to Bar presided over by Chief Justice Whalen where nine candidates in total were called. Ms. LeDrew attended a lunch for the Newfoundland Land Surveyors on 26 May 2016 and, in June 2016, along with Ms. Grimes, QC, attended the BC Benchers' Meeting and Retreat. Ms. LeDrew remarked that the most significant component of the retreat was the full day devoted to a discussion of the Truth and Reconciliation Report with very moving presentations from many First Nations' individuals. She obtained many good ideas for CLEs and had discussed the same with the Director of Legal Education, Mr. O'Brien.

Convocation then turned to the Financial Report where Mr. Yabsley noted that most items relating to the financial position of all of the Law Society's programs as of 30 April 2016 were on par with budget predictions and stated that he was not expecting a significant impact regarding the upcoming changes to HST/RST.

The Discipline Report was provided followed by the Federation

*In Memoriam*

Since the Spring 2016 edition of *Benchers' Notes*, Benchers and members were saddened to hear of the passing of the following member:

**Ronald S. Noseworthy, QC**

Roll #296; Called to the bar December 15, 1969

## Benchers' Notes

Report where Ms. Sheila Greene, QC noted that there was an upcoming Council meeting where the National Admission Standards Project, National Discipline Standards and levy were to be addressed. There being no questions, the Insurance Committee provided their report noting that CLIA is still in strong financial shape and that the new CEO was undertaking a comprehensive review to find further efficiencies in the program.

The meeting then shifted to the Consent Agenda where Benchers' Minutes from 11 April 2016, 4/5 May 2016 and 16/25 May 2016 were provided. Benchers were advised that twenty-two Applications for Admission as Student and four notices of resumption of practicing status had been approved by the Education Committee. Next, reports were provided by the following Law Society Committees: Bar Admission, Library, Honours and Awards, *SS Daisy* Legal History, Access to Justice, Real Estate and Accounts and Finance. Benchers approved the Consent Agenda.

In the final portion of the agenda, Chief Justice Greene and Frances Knickle, QC attended as representatives of the *SS Daisy* Legal History Committee to acknowledge and thank Benchers for their support and to report on the Committee's activities. They also thanked outgoing President, Susan LeDrew for her interest in and support of the Committee's work, by presenting her with a complete collection of the *Daisy* publications. The President expressed her delight at the gift and thanked them both for coming.

Convocation then broke for the AGM and, upon resumption of the meeting, the Executive Committee was presented for approval, namely, Barry Fleming, QC (President),

Paul Burgess (Vice-President), Susan LeDrew (Past President), Don Anthony (CAC Chair) and Ian Wallace (agreed to serve until his second term as Bencher expires in June 2017). Benchers approved the Executive Committee slate.

Ms. LeDrew and Mr. Fleming, QC both expressed their thanks to Mr. Kenneth Baggs, QC who noted that the Law Society had been a big part of his life during his years as Bencher.

Ms. LeDrew thanked outgoing Bencher, Liam O'Brien and congratulated new Benchers, John Hogan and Suzanne Orsborn

remarking that she was thankful to the profession for having elected her as a Bencher and to Benchers for showing confidence in her and electing her to the Executive. Ms. LeDrew closed by offering her support to incoming President, Mr. Barry Fleming, QC.

Mr. Fleming, QC concluded the meeting thanking Ms. LeDrew for all her work in her year as President and by indicating that he was looking forward to working with the new Executive Committee, and with Brenda, Phyllis and Frank, as well as all of the other staff. Convocation was adjourned. ■



*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 21st day of December, 2016  
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](mailto:erin.rowe@lawsociety.nf.ca)*

## Changes in Status

The following changes in status were approved by Benchers sitting in Convocation April 2016 - June 2016:

### Resumption of Practicing Status

Alexandria Hollett	26 February 2016	Julia Smart	28 April 2016
Christine Casey	9 March 2016	Robert Simmonds	16 May 2016
Jerry Wetzel	24 March 2016	Andrea Murphy McGrath	31 May 2016
Caitlin Urquhart	13 April 2016		

### Practicing to Non-Practicing Status

Mark A. Russell	17 February 2016	Oldric Noel Clarke	31 March 2016
G. John Samms	19 February 2016	Jennifer Berlin	1 April 2016
John C. Ottenheimer, QC	1 January 2016	Caitlin Urquhart	1 April 2016
Edward J. Shortall, QC	29 February 2016	Danielle Rode	16 May 2016
Amanda J. Summers	28 January 2016	John A. Baker	1 May 2016
Garrett R. O'Brien	1 April 2016	Wade Drover	31 May 2016
Christina A. Spurrell	21 March 2016	Madeline White	24 May 2016

### Members Granted Permission to Resign Membership:

Cindy Starkes	13 April 2016	Andree Thoms	16 May 2016
Heather Clarke	11 April 2016	Jeremy de Jong	1 May 2016
Elaine C. Wychreschuk	1 May 2016	Carolyn Moulard	19 May 2016

## 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](http://www.homewoodhumansolutions.com) offers an array of online resources.

# 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

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## 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](http://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.

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### 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](http://homeweb.ca)

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## How to Register for Homewood Human Solutions™ Member Services Area

1. Go to homepage: [www.homewoodhumansolutions.com](http://www.homewoodhumansolutions.com).
2. Once the homepage is displayed, click "Login" in the top right corner, and click "Register".
3. You will be requested to enter your Company / Organization name. If you are unsure of Company / Organization name you will be allowed to temporarily register without this information, however you will not have access to certain tools until your registration is validated by Homewood Human Solutions (within 24-48 hours).
4. Complete the profile section by selecting the proper information displayed in the text box(es) provided and click "Continue".

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

5. Fill in the required personal, address and system information on the form that is displayed, and click "Continue".
6. You have now created your member profile for access to the Member Services Area, providing you with seamless access to a number of online tools and resources. You will have the option of logging out or continuing on to the Member Services Area using the username and password you created. If you want to continue into the Member Services area, please click "Continue".

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

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

## 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.

## Complaints Authorization Report

The Complaints Authorization Committee, a statutory committee comprised of two lawyers and a public representative, all of whom are Benchers of the Law Society, reviews an *allegation* to determine whether there are reasonable grounds to believe that a 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 can only be made following a Hearing.

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

**Letters of Counsel** were issued by the CAC with respect to the following Complaints.

Complaint that the member's failure to communicate with the client in a timely manner does not comply with the standard of conduct contemplated by the *Code*. The Complaints Authorization Committee counselled the member that the standard prescribed by the *Code of Professional Conduct* requires that thorough and timely service be provided to all clients. Furthermore, the member was counselled to adhere to this standard in the future. (*Code of Professional Conduct (2013), chapter 3, rule 3.2-1*).

Complaint that the quantum of unassessed legal fees did not comply with the fair and reasonable standard contemplated by the *Code*. The quality of service provided was such that it warranted a substantial reduction of fees as assessed by the Taxing Master. The Complaints Authorization Committee counselled the member that the standard prescribed by the *Code* requires that legal fees be fair and reasonable. Furthermore, the member was counselled to consider the factors listed in the commentary to Rule 3.6-1 with respect to the fairness and reasonableness of legal fees. (*Code of Professional Conduct (2013), Chapter 3, rule 3.6-1*).

Complaint that the member's failure to treat documents, which were *prima facie* privileged, in the appropriate manner did not comply with the standard of conduct contemplated by the *Code*. The Complaints Authorization Committee counselled the member that the determination of whether or not the documents are privileged should be decided by the Court and not pre-determined by a lawyer. The Complaints Authorization Committee is of the opinion that any correspondence between a solicitor and client is privileged. Therefore the prudent solicitor, upon the

receipt of such information, should seal the information and provide it to the Court for a determination on privilege. (*Code of Professional Conduct (2013), Chapter 7, rule 7.2-10*).

Complaint that the member's conviction under the *Criminal Code of Canada*, subsection 253(b) and 255(1), does not comply with the standard of conduct contemplated by the *Code*. The Complaints Authorization Committee counselled the member that such conduct does not meet the standard of conduct required by the *Code of Professional Conduct* and expected by the public. Furthermore, the member was advised to avoid such conduct in the future. (*Code of Professional Conduct (2013), Chapter 2, rule 2.1-1 commentaries 2, 3 and 4*).

**Letters of Caution** were issued by the CAC with respect to the following Complaints.

Complaint that the member's failure to communicate with the client in a timely manner and failure to transfer the client file to the successor lawyer for five (5) months without a reasonable explanation, does not comply with the standard of conduct contemplated by the *Code*. The Complaints Authorization Committee cautioned the member that the standard prescribed by the *Code of Professional Conduct* requires that thorough and timely service be provided to all clients and that files should be transferred to the successor lawyer in a timely manner to ensure there is no prejudice to the client. Furthermore, the member was cautioned to adhere to these standards in the future. (*Code of Professional Conduct (2013), Chapter 3, rules 3.2-1 and 3.7-9*).

Complaint that the member's management of the client file during a period of approximately 36 months and the failure to transfer file docu-

mentation do not comply with the standard of conduct contemplated by the *Code*. The Complaints Authorization Committee cautioned the member that the standard prescribed by the *Code of Professional Conduct* requires that thorough and timely service be provided to all clients and that files should be transferred to the successor lawyer in a timely manner to

ensure there is no prejudice to the client. Furthermore, the member was cautioned to adhere to these standards in the future. (*Code of Professional Conduct (2013), Chapter 3, rules 3.2-1, 3.5-1, 3.5-2 and 3.7-9*).

Complaint that the member's swearing and filing of Affidavits, including unsubstantiated information which may have misled the

Court, does not comply with the standard of conduct contemplated by the *Code*. The Complaints Authorization Committee cautioned the member that it is important to note there are circumstances in which a Solicitor's Affidavit are inappropriate. (*Code of Professional Conduct (2013), Chapter 5, rules 5.1-1 and 5.2-1*). ■

## Mortgage Fraud – Red Flags

- The mortgage advance exceeds the balance due on closing.
- Credits which are not referenced in the purchase agreement or in amendments to the purchase agreement are granted to the purchaser for purported reasons including the following:
  - additional deposit
  - gift
  - promissory note
  - renovations and repairs
  - vendor take-back mortgage
  - rebate for real estate commission
- The mortgage advance exceeds the balance due on closing.
- Credits are granted to the purchaser in an amendment to the purchase agreement that have not clearly been disclosed to the lender.
- The purchase price of the property has escalated substantially over a relatively short period of time.
- The lender is effectively advancing more than 95 percent of the purchase price where the mortgage is insured.
- The purchaser provides no or minimal funds on closing such that only the mortgage advance is required to complete or substantially complete the purchase.
- Closing funds come in the form of a cheque or bank draft drawn from a source that indicates that the source may not be the purchaser.
- The purchase agreement (and any amendments to the agreement) indicate that the deposit is payable directly to the vendor rather than to the vendor's real estate broker or lawyer.
- There is third-party involvement including instructions, directions, client identification and information coming from a third party, or alternatively, directions to report to or pay excess mortgage proceeds to a third party.
- The same purchasers, vendors, real estate agency or mortgage broker are present in multiple transactions.
- The lawyer is asked to make a last-minute registration under a power of attorney.
- The lawyer is asked to complete a transaction in a short period of time.
- The lawyer is offered higher than usual legal fees for acting on the transaction.

## Client Identification Rules — Questions and Answers

**1. *In what circumstances am I required to identify my client?***

You must identify your client whenever you are retained to provide legal services, except:

- when you provide legal services to your employer, for example as in-house counsel;
- when you are acting as an agent for another lawyer who has already identified the client; or
- when you are acting for a client who has been referred to you by another lawyer who has already identified the client.

**2. *I was acting for a client on a matter before the rules came into force and the matter is continuing. Do I have to identify this client?***

Not as long as the matter is the same. But if you take on a new matter for this client you must comply with the identification requirements.

**3. *What are my obligations in determining whether a lawyer for whom I am acting as agent or a lawyer who has referred a client to me has taken the necessary steps to identify that client?***

You are expected to exercise due diligence to satisfy yourself that the other lawyer has already identified the client. This would involve asking the other lawyer to confirm that he or she has complied with the requirements of the rules.

**4. *What information do I have to obtain to identify my client when my client is an individual?***

When you are retained by an individual you must get the

person's full name, home address and telephone number, and occupation. Where applicable, you must also get their business address and telephone number.

**5. *What if the individual doesn't have an occupation or doesn't want to tell me what it is?***

The rules require you to find out what your client does. If your client doesn't want to answer the question you should explain that all lawyers are required to ask all clients for this information and that you need it to properly represent him or her. If the client refuses to provide this information, you must advise the client that you will be in breach of the rules unless you get it and your professional obligations do not permit you to act in such circumstances.

Note that 'occupation' does not need to be 'employment'. If your client is retired, a homemaker, a volunteer caregiver or otherwise occupied, you should record that information.

**6. *What information do I have to get from a client that isn't an individual, such as a company or a public body?***

When your client is an organization (a corporation, partnership, fund, trust, co-operative or unincorporated association) or a private company you must get and record its full name, its business address and business telephone number, where applicable its incorporation or business identification number and where it was issued, the general nature of the business and the name, position and contact information of the per-

son or persons instructing you in the matter.

**7. *Are there any exceptions to the requirement to obtain information about organizations?***

Yes. When your client is a financial institution, a public body or a public company (i.e. not a private company), you do not need to obtain or record the nature of the business activities it is engaged in.

**8. *What if my client is representing someone else?***

If your client is acting for or representing another person you must obtain the same information for that other person as you would if that person was your client: their full name, home address and telephone number, their occupation, and where applicable their business address and telephone number.

The same requirement applies if the third party is an organization or company: you have to get all of the information you would get if you were representing the organization or company directly.

**9. *The rules talk about identification and about verification. What's the difference?***

Identification refers to the basic information you need to get about your client to know who they are whenever you are retained: their name, address etc. Verification refers to the information you need to get to confirm that your client is who or what they say they are. Verification is required only when you are acting for a client or giving instructions on behalf of a client regarding the receiving, payment or transferring of money.

**10. Do I have to verify my client's identity whenever I receive money to cover my fees?**

No. Professional fees, disbursements and expenses are all exempted. If those are the only funds being transferred or received you do not have to verify your client's identity.

**11. Are there any other exceptions to the verification requirements?**

Yes, there are several.

You don't have to verify your client's identity when the money involved is paid by or to a financial institution or a public body such as a department of the federal, provincial or territorial government, a city, or a hospital, paid by a company other than a private company or paid to a client that is a company other than a private company. This means the only companies whose identity must be verified are companies whose shares are not publicly traded (i.e. private companies).

The verification requirements are also not triggered when money is received from the police or another public official acting in his or her official capacity or when it is paid to satisfy a fine or other penalty imposed by a court. Money received or paid for bail (Judicial interim release) is also exempt.

**12. My client will be receiving (or paying) money to settle a legal proceeding. Will I have to verify her identity in that case?**

No. There is no requirement to verify the identity of a client if the only funds involved are paid or received as a settlement of legal or administrative proceedings.

**13. My client has directed me to pay money in trust to another lawyer. Do the verification requirements apply?**

No.

**14. Do I have to verify the identity of my client when I receive money from the trust account of another lawyer?**

No, the verification requirements are not triggered in such a case.

**15. So how do I verify the identity of my client?**

If your client is an individual, you must look at an original identifying document that you reasonably believe to be independent and reliable, such as a government issued driver's licence, birth certificate, or where permitted, a provincial or territorial health insurance card. You must also retain a copy of the document for your records.

**16. How do I verify the identity of a corporation?**

You are only required to verify the identity of a corporation if it is a private company. To verify the identity of such a company you must consult documentation that is independent and reliable such as the corporation's annual filing or a certificate of corporate status.

**17. My client is a partnership. How do I verify its identity?**

Reliable documents to verify the identity of a partnership would include, for example, a copy of the partnership agreement.

**18. I am acting for a trust. How do I verify its identity?**

The documentation you will need to consult to verify the identity of a trust will vary depending on the nature of the trust. Examples of appropriate

documentation might include the trust agreement or other documents establishing the trust, documents amending the trust, and documents identifying the trustees.

**19. The rules talk about identifying directors and shareholders. What is required?**

When your client, or the party your client is representing, is an organization (e.g. a company, public body, or a trust), and receipt, payment or transfer of funds is involved, the rule imposes special requirements. You have to make reasonable efforts to obtain and record the name and occupation of all directors, except where the client or third party beneficiary is a securities dealer. When someone owns 25 per cent or more of the organization or the shares of the corporation, you must also make reasonable efforts to obtain and record their address.

**20. What are "reasonable efforts"?**

In most cases asking your client for the information will suffice. It may also be appropriate to consult corporate minute books where readily available or an on-line corporate registry service.

**21. If I am not able to get the names of the directors and owners may I continue to act for the client?**

Yes, provided you have made reasonable efforts to obtain the information. Although not required by the rules it would also be prudent to record the efforts you have made.

**22. I am a lawyer in St. John's and my client is in Calgary. Are there any special rules for verifying his identity?**

Yes, when your client is an individual and is in Canada, but you cannot meet with him or her, you have two options for verifying identity. Your first option is to have a commissioner of oaths or a guarantor certify that they have verified the client's identity by looking at the sort of reliable, independent documents discussed above.

**23. What does that involve?**

The person looking at the document will have to provide you with a legible photocopy of the document that they have signed and on which they have included their name, profession and address and have identified the type and number of the identification document provided by the client. This is called an attestation in the rules.

**24. Who can provide an attestation?**

An attestation may be provided by a commissioner of oaths or a guarantor in Canada when the client is in Canada. The list of guarantors is similar to the list of guarantors on a passport application and includes such professionals as lawyers, Quebec notaries, doctors, dentists, pharmaCists, professional engineers and veterinarians. You must exercise due diligence in ascertaining that the person providing the attestation is a member of one of these professions.

**25. What is the other method of verifying the identity of a client I cannot meet in person?**

If your client is an individual and is outside of Canada or if you choose not to use a commissioner of oaths or guarantor you will have to engage an agent to conduct the verification for you. If you use an

agent you must have an agreement in writing with that person and they must provide you with the information they obtain. The agent may provide the information in an attestation.

**26. I have acted for an individual client before and have already verified the client's identity. Do I have to do it again?**

As long as you recognize the person you do not have to verify the identity of an individual more than once.

**27. My client is a corporation or a partnership. Do I have to verify its identity again if I have already done so?**

No, you don't have to verify the identity of a client that is an organization if you have already done so. This exception also applies to verifying the identity of the person or persons instructing you on behalf of your corporate client and to obtaining names of directors and owners.

**28. I have acted for a corporate client on a number of matters and have complied with the identification requirements. Someone new is now giving me instructions on behalf of the client. Do I have to verify that person's identity?**

Yes. In every case involving the receipt, payment or transfer of funds, you must verify the identity of the person instructing you unless you have previously done so.

**29. Do I have to identify my client or verify my client's identity before acting for the client?**

In the case of an individual client you must identify the client when retained to act and must verify their identity

before or when you give instructions or act on their behalf to receive, payor transfer funds. The same is true for verifying the identity of the person or persons authorized to instruct counsel for a client that is a corporation or other organization.

**30. Does this mean that I have to verify the identity of my corporate client before I can act for them where the payment, receipt or transfer of funds is involved?**

No. When your client is not an individual you have 60 days from the time you give instructions or act on behalf of your client to receive, payor transfer funds to verify their identity.

**31. What happens if after the funds have moved I am unable to verify the identity of my client in the 60-day Window?**

You have an obligation to take all reasonable steps to verify your client's identity. Although you have 60 days within which to comply with the verification requirements if your client is not an individual, you should satisfy yourself as to the identity of your client as early as possible in the retainer. If, despite having taken aU reasonable steps, you are unable to verify your client's identity you will not be in breach of this requirement.

**32. Do I have to document the steps I take to verify my client's identity?**

Yes. The rules require that you obtain a copy of every document you rely on to verify a client's identity. You must also record the information you obtain to identify your client and any information and copies of documents you rely

on to identify the directors and owners of 25 per cent or more of any client that is a company or other organization.

33. *Do I have to keep identification and verification information in a separate file or can I keep it with my client files?*

The information and documents obtained to identify your client may be kept in your client file. There is no need to maintain a separate file.

34. *Can I keep identification and verification information in electronic form?*

Yes, as long as a paper copy can be readily produced.

35. *How long do I have to retain client identification and verification information?*

You have to keep the information for the longer of your professional relationship with the

client, as long as is necessary to provide service to the client, and six years following completion of the work the client retained you to do for them.

36. *Do I have to verify the identity of clients I was already working for when these rules came into force?*

The rules do not apply to matters for which you were already retained when the rules were enacted, but they do apply to all new matters for such clients. That means you will have to take the necessary steps to identify all clients for any matters for which you are retained after the rules come into force even if you have acted for the client in the past or have a general retainer agreement with the client.

37. *My client was very evasive when I tried to get the necessary information to identify*

*him and to verify his identity. What do I do?*

If you reasonably suspect that your client is trying to get you to assist him in something illegal or dishonest, then you have a duty to refuse to act in the matter. The duty applies whether your suspicions are aroused during the identification and verification process or at any time during your retainer.

38. *I need advice about a specific situation that is not addressed in these questions. What should I do?*

If you have any unanswered questions or concerns about compliance with the rule you should contact the Brenda B. Grimes, QC, Executive Director of the Law Society of Newfoundland and Labrador, at 722-4795.

## 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](mailto:lisa.kennedy@lawsociety.nf.ca) or by telephone at 758-0822.

## Insurance and Risk Management

We are pleased to announce that a new loss prevention initiative, **a Risk Assessment Visit**, is now available to members.

The purpose of the **Risk Assessment Visit** is to offer firms, especially solo and small firms (2-5 members), **a free, confidential service** to assist in identifying areas of risk that have potential to result in claims under the Lawyers' Insurance Programme.

The visit is designed to be a constructive, friendly, and confidential meeting to help identify and remediate possible sources of risk. **This service is not an audit.** Members will **voluntarily request** the Risk Assessment Visit. The visit will have a one-hour timeline objective and will be available at no charge to all members.

If you would like her to visit your office for this free, confidential Risk Assessment Visit, please contact our Insurance Administrator by responding to this dedicated email address, [insurance@lawsociety.nf.ca](mailto:insurance@lawsociety.nf.ca) or by telephone to the insurance dedicated line at 722-6008.

### In addition, a Mentoring Program is now available.

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

#### How Does the Program Work?

The Insurance Administrator will maintain a list of volunteer Mentors.

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

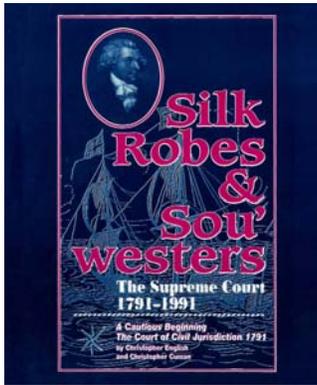
In each instance, the Mentee will indicate that he or she wishes to access the Mentoring Program and will identify which of the following areas of law guidance is required in:

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

The Insurance Administrator will provide the names of two contacts who practice in the area of law identified. It will be the responsibility of the Mentee to contact the Mentor.

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

# Publications of the SS Daisy Legal History Committee

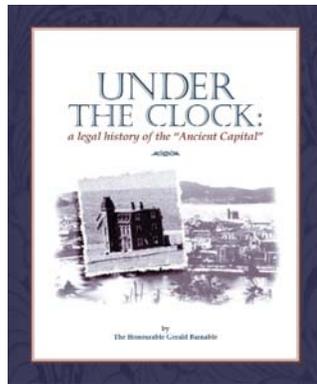
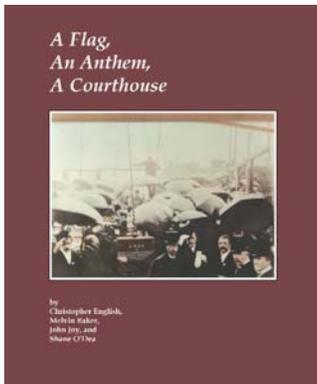


## SS Daisy Legal History Committee

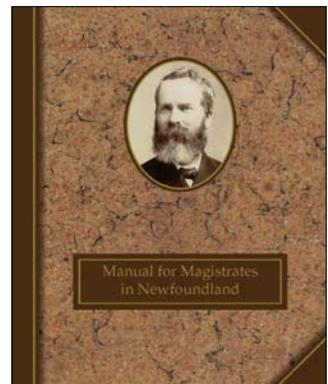
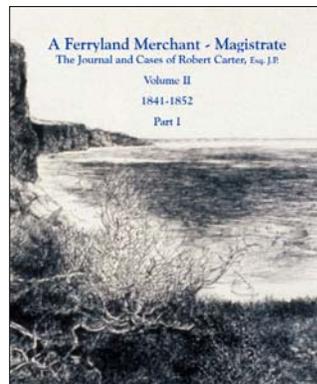
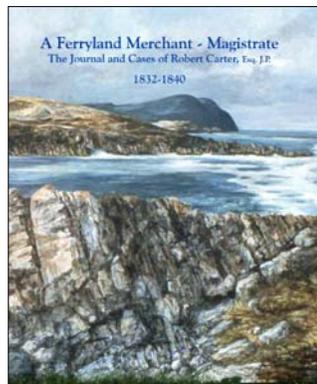
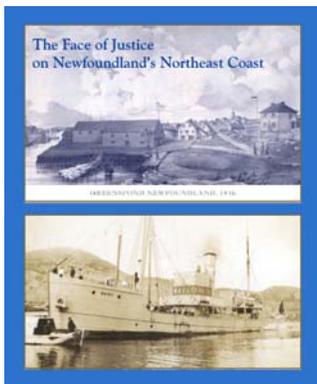
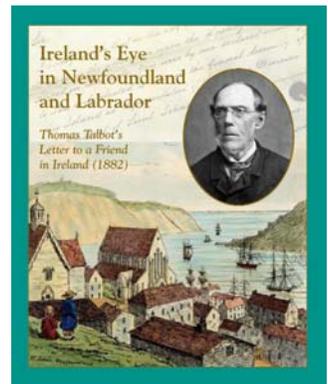
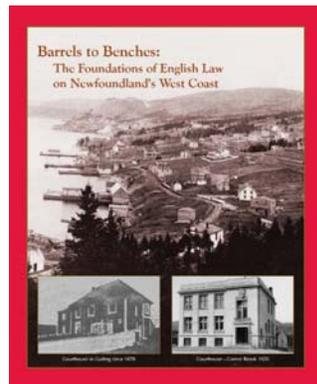
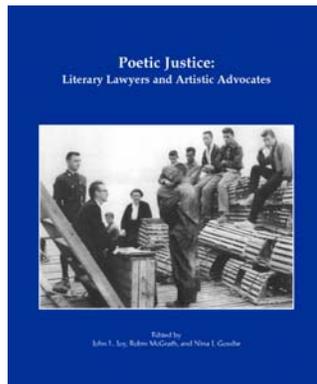
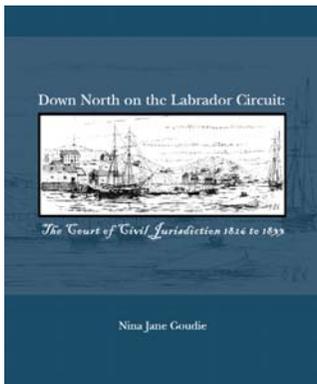
Christopher P. Curran, QC and The Hon. John L. Joy – *Co-Chairs*

Melvin Baker  
Gerald J. Barnable  
Christopher English  
The Hon. J. Derek Green  
Frances Knickle, QC  
Angela M. Whitehead

James E. Merrigan, QC  
Milton R. Reid  
Robert P. Pittman, QC  
Jerry Bannister  
Thomas J. Burke, QC  
Francis P. O'Brien (*Ex Officio*)



The eleven books shown here have been published in recent years by the SS Daisy Legal History Committee. They offer a varied and interesting look at the development of law in Newfoundland and Labrador over the last two centuries and more. Please call (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!!!



## Law Society Library

The Library participated in the Court of Appeal Information Session held on October 20th from 7:00-10:00 pm. Along with PLIAN, CBA and the NL Legal Aid Commission, the Library had an information booth set up in the Supreme Court foyer, attended by the library's technician, Rosie Myers. Rosie and representatives from each participating organization were available before, during and after presentations delivered by Chief Justice Green and Court of Appeal staff, to provide information and answer questions from any members of the public in attendance. This was a welcome opportunity to bring the library outside of its walls in order to connect directly with the public while strengthening ties with other organizations working within the legal community.



## Access Law Clinic – A Success

The Law Society Library was pleased to host the first Access Law Clinic on Saturday, November 19, 2016. As an initiative of the Access to Justice Steering Committee, it was an opportunity for members of the bar to provide free legal advice to the public in the following areas of law: Wills and Estates, Employment, Human Rights and Housing.

The clinic was a great success. Members of the public very much appreciated the guidance received. Thanks to the following for generously donating their time: Sydney Blackmore, Cletus Flaherty, Carey Majid, Shelley Bryant, Felicia Tupper, Matthew Moulton, Lynn Butler, Judy Manning, Donovan Molloy, QC, Ian Wallace, Kevin O'Shea and Gail Hogan.

It is anticipated that the Access Law Clinic will be held again in early 2017 and that it will also be

offered outside St. John's. Volunteers from all parts of the province are needed and can contact Kevin O'Shea director@publiclegalinfo.com or Ashley Woodford cba-nl@cba.org .

Thanks to everyone that took the time to complete the Library's survey. Well over 200 members responded and we got some very useful feedback. It was very gratifying to see the number of people who spoke very positively about the services provided by our staff. Gail, Rosie (and Heather and Harriett) are to be congratulated for their very useful efforts.



### Staff Retirement

Gail Hogan, will be retiring on 27 January 2017 after 26 years of exemplary service to the Law Society, members and the public.

Benchers, members and staff of the Law Society will certainly miss Gail's knowledgeable and helpful assistance and her wonderfully fun personality.

Gail, we wish you much health and happiness in all of your future endeavors!



# Law Society Annual Dinner

June 10, 2016



1

**#1 Presentation to the Past President**  
President Barry Fleming, QC  
and former President, Susan LeDrew

**#2 The Hunt Award**  
Winner: Ms Jasmine Compton  
Presented by Susan LeDrew  
(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 Co-recipient Allison Conway  
Presented by Marcus Evans, QC

**#4 Award in Memory of Edward J. Penney**  
Award Co-recipient Brittany Keating  
Presented by Marcus Evans, QC

**#5 Award in Memory of Edward J. Penney**  
Award Co-recipient Nicholas Leamon  
Presented by Marcus Evans, QC



2



3



4



5

## Clovelly

- #6 **Provincial Court Judges' Association Award**  
Award Winner: Nicholas Leamon  
Presented by Donald Anthony.
- #7 **Award in Memory of Wayne F. Spracklin, QC**  
Award Winner: Catherine Quinlan  
Presented by Beth McGrath
- #8 **William J. Browne Scholarship**  
Scholarship Winner: Ryan Belbin  
Presented by Fr. William Browne, SJ
- #9 **Magna Carta Canada 2015 & Council of Canadian Law Deans National Law Student Essay Competition Certificate**  
Recipient: Kirsten Morry  
Presented by Susan LeDrew

## Awards Presentations



## Benchers' Convocation - June 10, 2016



**Back Row (l-r):** Donovan Downer, Ian Wallace, Ann Martin, Ian Patey, Donovan Molloy, QC, Robin Fowler, Glenda Reid, Rebecca Redmond MacLean

**Front Row (l-r):** Barry Fleming, QC, Susan LeDrew, Paul Burgess, Brenda Grimes, QC, Donald Anthony, Renee Appleby, Linda Harnett

### Officers

**President:** Barry Fleming, QC  
**Vice-President:** R. Paul Burgess

### Elective Benchers

**Eastern District:**  
Donald E. Anthony  
Amy M. Crosbie  
Robin L. M. Fowler  
John J. Hogan  
Ann F. Martin  
Donovan F. Molloy, QC  
Leanne M. O'Leary  
Suzanne M. Orsborn  
Ian S. Patey  
Ian C. Wallace

**Central District:**  
Renee L. F. Appleby  
Rebecca A. Redmond MacLean

**Western District:**  
James E. Merrigan, QC  
Trevor A. Stagg

**Labrador District:**  
Adrienne S. Edmunds

### Appointed Benchers

Dr. Donovan Downer  
Glenda Reid  
Linda Harnett  
Bert Riggs

## October 14, 2016 – Special Call to Bar

At this Special Call, in addition to the regular Call to the Bar Convocation, the Court and the Law Society of Newfoundland and Labrador recognized the extraordinary contributions of five students-at-law who were unable to continue their legal careers because of their service during WWI, by ceremonially calling them to the Bar and by conferring on them the Honorary Degrees of Barrister-at-Law. The five Candidates for Honorary Admission are:

### Cecil Bayly Clift

Born St. John's, on May 23, 1892, the son of James Augustus Clift, KC, and Agatha Patterson Clift. Educated at Bishop Feild College, St. John's and Fettes College, Edinburgh, Scotland. Entered into articles under Sir James Winter, KC, 1909; upon the death of Sir James in 1911, he transferred articles to James P. Blackwood, KC, and later to his father, James A. Clift, KC. Enlisted in Newfoundland Regiment September 7, 1914. Killed at Gueudecourt, France, October 12, 1916. Accepting on behalf of Mr Cecil Bayly Clift is Ms Isabelle Goodridge and Justice William Goodridge.



### John Clift

Born in St. John's, on August 23, 1893, the son of James Augustus Clift, KC, and Agatha Patterson Clift. Educated at Bishop Feild College, St. John's, and Fettes College, Edinburgh, Scotland. Enlisted in the Newfoundland Regiment, September 7, 1914. Severely wounded at Gueudecourt, France, October 12, 1916. Awarded Military Cross "for conspicuous gallantry and devotion to duty" at Bailleul, France, April 1918. Retired from the Regiment, February 25, 1919. Entered into articles under Edward S. Pinsent, KC, in 1919. Died of complications from war wounds, February 12, 1920. Accepting on behalf of Mr John Clift is Dr David Rendell.

### William Frederik Cyril Hutchings

Born in St. John's, on June 21, 1894, the son of Charles H. Hutchings, KC, and Annie Maud White Hutchings. Educated at the Methodist College, St. John's, and Mount Allison University, Sackville, New Brunswick. Entered into articles under James P. Blackwood, KC., 1914. Enlisted in the Newfoundland Regiment September 16, 1914. Discharged from the Regiment February 28, 1919. Re-entered into articles but forced to abandon for medical reasons. Accepting on behalf of Mr William F C Hutchings is Mr Patrick Shea.



### Janet Morison Miller

Born in St. John's, on November 12, 1891, the daughter of Lewis Miller and Mary Morison Miller. Educated at Bishop Spencer College, St. John's. Entered into articles under William Morison, 1910. First female allowed to enter into articles in Newfoundland. Travelled to the United Kingdom in 1915, where later joined the Voluntary Aid Detachment and served until the end of the war. Returned to Newfoundland in 1919 but chose not to resume her law studies. Died in St. John's on April 5, 1946. Accepting on behalf of Ms Janet Miller is Ms Andrea Crosbie, Mr Nick Crosbie and Mr Paul Crosbie.

### Harris Rendell Oke

Born St. John's, on September 1, 1891, the son of John Carnell Oke and Florence Jeans Oke. Educated at Bishop Feild College, St. John's. Entered into articles with John Fenelon, 1909. Enlisted in the Newfoundland Regiment September 16, 1914. Transferred to the Royal Scots Regiment, November 11, 1915. Awarded Military Cross. Did not return to Newfoundland after the war ended. Died December 17, 1940. Accepting on behalf of Mr Harris R Oke is Mr Bert Riggs.



## Call to Bar



**June 17, 2016**

1st row (l-r): Critch, A. Wadden, C. Saunders, A. Conway, K. Phillips

2nd row (l-r): R. V. Yip, J. Simpson, M. Gough

3rd row (l-r): C. Strapps, A. Clements



**October 14, 2016**

1st row (l-r): A. Barnes, J. Tomson

2nd row (l-r): J. Farrell, D. Urbas, K. Gibson