

Benchers' Notes



Spring 2018

Volume 19, Number 1

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

President's Report



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

My term as President is nearly complete and I would like to take this opportunity to reflect on my activities since the last edition of Benchers' Notes.

December is always a busy month and this was true at the Law Society as well.

On 11 December 2017, I was happy to attend and speak at the Swearing In of Justice Alexander McDonald of the Supreme Court.

On 13 December 2017 I, along with other members of the Accounts and Finance Committee, attended a luncheon hosted by Scotia McCleod, who manage the Law Society's investments and provide investment advice. In attendance was a representative of Russell Investments, who provided us with his view on how the global markets are expected to perform in the near future.

On 14 December 2017, I was very pleased to attend and speak with the Executive of the Canadian Bar Association, Newfoundland and Labrador Branch, to discuss and explore ways in which the CBA and the Law Society can collaborate. It was agreed it is beneficial for such a meeting to happen annually with the future Presidents of the Law Society. After that meeting I attended the CBA President's Reception.

On 18 December 2017, I had the pleasure of attending the book launch organized by the SS Daisy Legal History Committee for the books *Discourse and Discovery* and *The Journals of George Simms, J.P.* It was a well attended event and it was a privilege to speak to the group and acknowledge the excellent work of this Committee.

On 19 December 2017, I started what I hope will be an annual event, when I hosted the 1st Annual President's Breakfast for the staff of the Law Society. With the able assistance of Vice-President Don Anthony, otherwise known as Chef Don, we cooked breakfast for everyone as a way of thanking the staff of the Law Society and letting them know how much all of us appreciate their hard work. To my knowledge none of the 15 people we cooked for were required to attend a hospital emergency ward after the breakfast. That is my standard for calling it a success.

On 20 December 2017, I attended the Benchers' Christmas Reception here at the Law Society. It was a great opportunity to chat with many members of the Law Society whom we otherwise do not see during the year, as well as many members of the Judiciary. I am pleased to note Justice Malcolm Rowe of the Supreme Court of Canada was in attendance.

That was December!

Things amped up again shortly after the Christmas holiday when, on the evening of 19 January 2018, I attended the Supreme Court where each of the Court of Appeal and the CBA hosted free legal clinics for members of the public. I expressed my thanks and apprecia-



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Benchers' Notes

tion on behalf of the Law Society to the lawyers who participated for their generosity in giving up their valuable time to make this very worthwhile event possible.

On 1 February 2018, I attended an Executive Committee meeting.

On 12 February 2018, I had several meetings with Law Society staff discussing various policies which need to be implemented in relation to various aspects of the Law Society's responsibilities.

On March 5-6, 2018 I, along with other Executive Committee members and Law Society staff attended the Federation of Law Societies meetings in Ottawa.

On 8 March 2018, I was honored to receive my QC designation and I

would like to take this opportunity to thank all those who attended the ceremony and reception and to those who sent along well wishes. Although I had lost my voice just days prior to this ceremony, which made things a little more challenging, it was still a joyous day which was nice to celebrate with family, friends and colleagues.

On 29 March 2018, I attended an Executive Committee meeting.

On 9 April 2018, we held our Benchers' Convocation, a luncheon, CLE Seminar and reception in Gander. These events were successful and were met with appreciation by members of the Bar who live and work in Central Newfoundland and Labrador.

In April as well, we were very saddened by the passing of fellow Law Society member, William Morrow, QC who will be recognized in the "In Memorium" section in the following pages. It is always a difficult and sad occasion to learn that one of our colleagues has passed and Mr. Morrow's family and close friends are in our thoughts.

In conclusion, I would like to thank the dedicated staff at the Law Society, as well as my fellow Benchers, for helping to make this past year a pleasurable one. I will remember, with a sense of achievement, how we overcame the challenges that were met and carry a sense of pride for all of the rewarding work accomplished by Benchers and staff of the Law Society this past year. ■



Christmas, Burin

Note from Brenda B. Grimes, QC

Executive Director

The start of 2018 has seen a number of changes at the Law Society. In January, we were delighted to welcome Aimee Rowe to the Law Society as General Counsel/Deputy Executive Director.

As I noted in the last edition of Benchers' Notes, this 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. Aimee has settled in very well and has already proven to be a great contributor. We are extremely pleased that she is with us.

At the end of April, we welcomed Leah Griffiths to the Law Society

team and she has transitioned smoothly into her position as Library Technician. We are very happy to have Leah onboard and we look forward to working with her and getting to know her better as the months progress.

We also have three employees who have celebrated major milestone anniversaries this year, namely: Anne Cross (35 years); Regina Whitty (25 years); and Janice Ringrose (25 years). The Law Society is incredibly fortunate to have the expertise and historical knowledge of these three remarkable individuals and I am glad to have this opportunity to acknowledge the hard work and dedication they have shown throughout the years.



Brenda B. Grimes, QC
Executive Director

In closing, I would like to remind you that the Annual Law Society's Annual General Meeting will be held on Friday, 8 June 2018 at 2:00 pm at the Law Society. Our Annual Dinner and Cocktail Reception will be held the evening of Friday, 8 June. Further details can be found on the Annual Dinner and Cocktail Reception on our website, www.lawsociety.nf.ca.



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Decisions, Decisions, Decisions

Below is a brief summary of some of the decisions taken by Benchers during the period from September 2017 up to and including February 2018.

September 2017:

The 29 September 2017 meeting of Benchers was called to order by the President, R. Paul Burgess, QC.

As part of governance training, KPMG attended the Benchers' Convocation to give a high level overview of the Law Society's financial statements and the key components which Benchers need to consider while fulfilling their financial oversight role.

Following the presentation by KPMG, the President introduced a new initiative to recognize the work of outgoing Benchers. Departed Benchers Ian Wallace, Bert Riggs and Don Downer were invited to attend to accept awards. Unfortunately, Mr. Riggs was unable to attend, but Mr. Wallace and Mr. Downer attended to accept their awards.

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

Next, Benchers approved the Terms of Reference of the Indigenous Education and Action Committee and that Committee's members as recommended. They also approved recommended appointments to the Education Committee, the Complaints Authorization Committee, the Insurance Committee, the Honours and Awards Committee and the Access to Justice Committee.

Benchers went on to approve the addition of the position of General Counsel/Deputy Executive Director to the staff of the Law Society and the publication of the names of disbarred and suspended members on the website.

Donovan Molloy, QC reported on the Access to Justice Committee noting that there would be another free clinic with a particular focus on wills. He also raised the question of whether the Law Society should provide a letter of support for the expansion of the Unified Family Court jurisdiction. Following a thorough discussion, it was agreed that, while the concept of a family law court is a good one, commenting on it did not fall within the Law Society's mandate.

A discussion on the Transaction Levy followed and it was agreed that no changes would be made this year. Next, changes to the Code of Professional Conduct were approved.

Following the President's report, Morgan Cooper, the Law Society's Federation Representative, sought and received approval for changes to the wording of the National Requirement recommended by the National Requirement Review Committee.

The Consent Agenda was approved and Convocation was adjourned.

December 2017:

The 8 December 2017 meeting of Benchers was called to order by the President, R. Paul Burgess, QC.

Following approval of membership changes in status, Law Society Accountant, Richard Yabsley joined the meeting to give a synopsis of the Law Society and Insurance Program budgets. Written documentation was provided and Mr. Yabsley outlined the process followed for budget development and noted that, for 2018, a decrease in the Certificate Fee of \$120.00 (Law Society budget) was proposed while all other fees would remain the same. Benchers approved the Law Society budget and the Insurance Program budgets for 2018.

Benchers went on to approve the revised Terms of Reference and Work Plan for the Library Committee as well as the revised Copyright Notice and Declaration.

Next, Benchers were provided with Terms of Reference for the Code of Professional Conduct Committee and lay Benchers, Linda Harnett explained that the Committee's process includes an assessment of changes proposed by the Federation in conjunction with our Code and Rules to determine if there are any inconsistencies, offer feedback to the Federation and recommend changes to our Code. Benchers approved the Terms of Reference and the appointment of Linda Harnett as Chair of that Committee.

A discussion on the Law Society's current mandate and whether or not it required a change followed. Ms. Grimes, QC had gathered information from law societies across the country which was provided to Benchers prior to

Convocation. This report showed that other law societies had additional detail included in their mandates to deal with issues such as upholding the rule of law, promoting access to justice and the administration of justice. Benchers agreed that consideration of whether our mandate needs to be expanded in order to provide greater clarity on what issues the Law Society should be weighing in on is important and they approved the creation of the ad hoc Law Society Mandate Review Committee.

Benchers had a discussion about holding a Convocation in 2018 in Gander, NL and were advised that the intention, in order to maximize engagement with the members, was to hold a CLE event and also host a reception. Benchers approved holding the April Convocation in Gander.

Following the appointment of Ann Martin as an alternate for the Complaints Authorization Committee, the President provided his Report and the Discipline Report was provided.

Next on the agenda was the Federation Report. Morgan Cooper advised Benchers that there were three matters for which he needed Benchers approval:

- 1) CanLII was requesting that the levy increase from \$39.24 to \$41.94;
- 2) the Federation's Standing Committee on the Model Code was recommending changes to it; and
- 3) the Federation was seeking approval to intervene in a case which will ultimately address whether limits can be placed on the full communi-

cation between a lawyer and their client through the operation of the common law principle of informer privilege.

Benchers approved these three matters.

Following the presentation of the Financial Report, Benchers approved the consent agenda and Convocation was adjourned.

February 2018:

The 12 February 2018 meeting of Benchers was called to order by the President, R. Paul Burgess, QC and he formally acknowledged that the meeting was taking place on the ancestral lands of the Beothuk and that the island of Newfoundland is the ancestral homeland of the Beothuk and Mi'kmaq. The introduction of the land acknowledgment into the proceedings was in furtherance of the Law Society's efforts at reconciliation with the aboriginal peoples.

The President encouraged Benchers to attend the meeting scheduled for 9 April in Gander and advised them that Raelene Thomas had resigned as a Bencher due to a conflicting work commitment.

Benchers approved three transfers under the National Mobility Agreement, twenty Certificates of Fitness, seven applications for Non-Practicing status, five applications to resign membership and four applications for Life Membership.

Next Benchers approved the recommended appointment of Ian Patey (Chair); Ann Martin; Renee Appleby; Glenda Reid and Phil Osborn to the Ad Hoc Law Society Mandate Committee and went on to approve the incorporation of

electronic voting into the election process and associated amendments to Part IV – Election Rules.

Following the above noted approvals, Benchers discussed the issue of automobile insurance having been provided with a package of material including the Terms of Reference for the PUB's review into automobile insurance; the Law Society's mandate; a synopsis of past decisions where a discussion of mandate was central; information regarding the experience of other jurisdictions which have become involved in insurance reform; a letter from Insult to Injury seeking the Law Society's involvement; and documentation regarding the Law Society's past involvement. Benchers noted that it would be helpful to have additional information, specifically from BC (which had just introduced changes to auto insurance) and Ontario (which had limited tort insurance) prior to the next meeting and decided to defer the issue until then.

Next on the agenda was the Practice Review Paper. The President noted that the paper was prepared by Ms. Grimes, QC in accordance with the Strategic Priorities Work Plan and addressed whether and how practice audits were conducted in other jurisdictions, options for introducing them here and the resource implications of doing so. He explained that it was intended to generate discussion on the issue which Benchers had highlighted as an area they wanted to examine during strategic planning. After some discussion it was agreed that the issue would be deferred to the 9 April 2018 meeting and that further information would be gathered.

Benchers approved the addition of Blair Downey to the Real Estate Committee following which Morgan Cooper gave a report on the activities of the Federation. He noted that discussions continued regarding some of the recommended changes to the Model Code, that the Federation would be intervening on the issue of informer privilege and that the fees for CanLII had been approved. He indicated that a committee was being struck to look at competency-based assessments for the NCA and advised that the Federation Council would be discussing Law Society priorities. Finally he advised that a Federation committee was considering whether the Federation should continue to be involved in the Family and Criminal Law CLE programs, requesting comment from Benchers on this. Some Benchers noted the success of the Criminal Law program and, specifically, the value for government employees.

Mr. Yabsley joined the meeting to give an overview of the Financial Report noting that the Law Society would likely post a surplus for 2017 largely due to a discipline recovery, salary changes with staff turnover and reduced library expenses. For the Insurance Program, final numbers would not be available until the actuary had completed his work re: damages and defence costs. He noted that custodianship costs had decreased.

Convocation was adjourned. ■

Law Society of Newfoundland and Labrador Continuing Legal Education

Changes to Mandatory CLE

A number of changes were made to the Mandatory Continuing Legal Education program, effective January 1, 2018. Notable changes include the following:

1. members are no longer required to file a CLE Plan;
2. members can now upload the details of their CLE activities at any point during the relevant calendar year using the Law Society's Lawyer Portal;
3. there is no longer a cap on the number of hours that members can claim for watching recorded CLE courses/seminars, provided that the course/seminar is less than 365 days old;
4. members can now apply for an exemption from the Mandatory Continuing Legal Education program in certain instances; and
5. members are required to report all of their CLE activities online using the Law Society's Lawyer Portal.

For further information, please review the Mandatory Continuing Legal Education Requirements document, which is posted on the Law Society's website.

Bar Admission Course

The Bar Admission Committee has added two new sections to the Law Society's Bar Admission Course ("BAC"): (i) labour / employment and (ii) lawyering skills / practice management. Additionally, the Indigenous Education and Action Committee is in the process of developing material for the BAC that will help promote Indigenous cultural competency amongst BAC students. Members who wish to get involved with the work of the Bar Admission Committee should contact the Director of Legal Education, Christian J. Hurley, for more information at (709) 722-4898 or by email christian.hurley@lawsociety.nf.ca.

Technology Upgrades

If you have visited the Law Society's seminar room or participated in an online webinar over the past few weeks, you may have noticed some changes. The Law Society recently completed a significant upgrade of its audio/visual equipment that, in addition to improving the experience for individuals in the seminar room, will also enhance the Law Society's ability to accommodate individuals who wish to remotely participate in a webinar, hearing, or conference call.

Law Society – Awards

Service Awards

The *Gordon M. Stirling Distinguished Service Award* is open to members and former members of the Law Society and of the judiciary who have made a substantial contribution to the Law Society, the legal profession or the administration of justice, while at the same time making a significant contribution to the public or one's community.

The *Jean Bruneau, OC Certificate of Merit* is 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.

Following the circulation to all members of requests for nominations, Benchers approved the award of these honors as follows: *Gordon M. Stirling Distinguished Service Award* to V. Randell Earle, QC and Sheila Greene, QC; *Jean Bruneau, OC Certificate of Merit* to Linda Harnett.

These awards will be presented to Mr. Earle, QC, Ms. Greene, QC and Mrs. Harnett at the 8 June 2018 Annual Dinner, and we are happy that their dedication and contributions are being recognized.

Life Membership was awarded to the following members: William Morrow, QC, James Oakley, QC, John Byrne, QC, The Honourable Robert Wells, QC, Ruth Peters Wakeham, QC and Sheila Greene, QC.

Student Awards

The *Hunt Award* is presented to the Student-at-Law who receives the highest overall average mark in the Law Society of Newfoundland and Labrador's Bar Admission Course. The recipient of the *Hunt Award* for the 2017 Bar Admission Course is Dana Martin.

The *Penney Award* is presented to the Student-at-Law achieving the highest mark in the Family Law Examination of the Bar Admission Course. The recipient of the 2017

Penney Award is Sarah Pinsent.

Sarah is also the recipient of the *Spracklin Award* which is presented to the Student-at-Law achieving the highest mark in the Real Estate/ Wills Examination of the Bar Admission Course.

The *Provincial Court Judges' Association Award* is presented to the Student-at-Law achieving the highest mark in the Criminal Law Examination of the Bar Admission Course. The recipient of this award is Stephanie Morton.

The *William J. Browne Scholarship* is presented to a Student-at-Law who has submitted a research essay on a legal issue of current public concern. The recipient of the 2018 *William J. Browne Scholarship* is Nakita Ryan.

The above noted awards will be formally presented to Dana, Sarah, Stephanie and Nakita at the Annual Dinner on 8 June 2018. ■

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.

Changes in Status

The following changes in status were approved by Benchers sitting in Convocation September 2017 - February 2018:

Resumption of Practicing Status

Katrina Trask	June 13, 2017	Scott Burden	September 27, 2017
Elizabeth Zarpa	July 13, 2017	Tim Morris	October 17, 2017
Erika Breen Hearn	August 15, 2017	Peter Shea	October 23, 2017
Kelly Hynes Curties	August 15, 2017	Michael O'Rielly	November 2, 2017
Isobel O'Shea	September 12, 2017		

Members Granted Permission to Take Non-Practicing Status

Michael O'Rielly	6 June 2017	Cassandra Taylor	19 October 2017
Clare Brackley	14 June 2017	Vanessa Carroll	29 September 2017
Rebekah Coffin	1 July 2017	Genevieve Dawson	23 August 2017
Gordon Aylward	30 June 2017	Lisa Byrne	1 October 2017
Willis Wiseman	20 July 2017	David King	31 October 2017
Heather Jacobs	1 July 2017	Hilary Feltham	1 November 2017
Matthew Walsh	30 August 2017	Kendra Regan	24 January 2018
Leah Gruchy	1 September 2017	Judith Rae	25 December 2017
Janet Shodipo	10 November 2017	Ann Marie Rose, QC	1 December 2017
Alexander Gallichon	25 November 2017	Barbara Barker	20 November 2017
Shawn J. Kavanagh	1 November 2017	Lorna Proudfoot	24 November 2017
Katrina Trask	30 June 2017	James Maher	1 January 2018
Brian Dunphy	1 January 2018	Katrina Brannan	31 December 2017

Members Granted Permission to Resign Membership:

Toby Bristow	14 June 2017	M. Gerard Quigley	12 January 2018
Holly Chapman	17 July 2017	Thomas Mills	1 January 2018
David Moores	31 July 2017	Colin Andrews	31 December 2017
Alexander Barroca	28 September 2017	Cabot Martin	1 January 2018
Derek Sonnichsen	13 October 2017	Matthew S. C. Clarke	1 January 2018
Martin Lockyer	1 November 2017		

In Memoriam



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

William Gilbert Morrow, QC

Roll #539 — Called 10 April 1981

Insurance and Risk Management

Benefits of Voluntary Excess

Professional Liability Insurance

Excess insurance provides another layer of security should your defence and indemnity costs exceed the primary mandatory limits. As the value of client matters and transactions increases over time, so too does the need to secure adequate levels of errors and omissions insurance. One large claim could quickly erode the primary policy, leaving you or your firm exposed to significant personal liability.

The CLIA Voluntary Excess Program (VEP) has been protecting subscribing firms for over 25 years, and continues to be the leading provider of excess errors and omissions insurance in the province. CLIA offers members an option to purchase excess insurance up to an additional \$9 million in excess of the primary policy coverage of \$1 million.

This program is proud to be a not-for-profit plan designed by lawyers for lawyers, with stable coverage and rates during both "soft" and "hard" market conditions.

Matters you should consider in assessing the adequacy of existing insurance limits for you or your firm:

- the type of transaction and its potential impact on the client;
- the size of the transaction and the frequency of large transactions;
- the time horizon of the advice, as the impact of the advice may continue to grow over time as may the potential liability; and
- your risk tolerance.

Premiums

Premiums vary with the amount of excess coverage purchased. A member can choose the level of excess insurance based on the potential risk exposure.

The total premium is based on the total number of lawyers in a firm. If a member is a partner or associate in a firm and the member requires excess insurance, the excess policy must be purchased for the firm as a whole.

Discounts may be provided to subscribing members in the form of premium credits. Firms that have been with the program for a number of years may be eligible to receive additional credits based on the length of their participation in the excess program.

Claims-Made Policy

Excess insurance policies are generally claims-made, which means that it is not the date(s) when the work was done that triggers coverage but when the claim was known to the insured and reported to the insurer. If you have stopped carrying excess insurance at the time the claim is made, the excess policy will not respond.

Applications / Renewals

Although new business applications can be accepted at any time, the deadline for renewals is June 22, 2018.

For more information on the CLIA Voluntary Excess Program, please contact Janice Ringrose, Insurance and Risk Manager, at insurance@lawsociety.nf.ca, and visit www.clia.ca ■



Law Society Staff Recognized

In appreciation of years of service we are so happy to acknowledge the hard work and dedication of the following three individuals and we congratulate them on achieving these milestone anniversaries!!

Regina Whitty – 25 Years

Janice Ringrose – 25 Years

Anne Cross – 35 Years

Professional Assistance Program: Wellness Tip

The following is an article from *Homewood Human*, your health and wellness provider.

Six Steps to Reducing Work Stress

One in three Canadians say work stress is getting them down. Can you relate? If so, there are ways to deal with the causes of stress and develop proactive strategies to help you reduce your stress and anxiety levels. Of course, not all stress is bad stress.

In fact, some people find stress in their lives helps them to perform at their best. The key is to determine the right amount, so you will have energy, enthusiasm and drive while not taxing your physical and mental well-being.

Why is reducing stress important to your overall health?

Stress can have negative effects on your overall health. When stress becomes unmanageable, it can cause physical, behavioural, and psychological challenges, which inevitably impact your ability to perform organizational duties. These stresses have a variety of symptoms that can lead to more severe problems, if left unchecked.

- **Physical.** When you are stressed, it can impact your physical well-being. Stress reactions can range in symptoms such as loss of sleep, upper respiratory or digestive problems, to more life threatening conditions such as elevated blood pressure, hypertension, or coronary heart disease.
- **Behavioural.** Stress reactions can take a variety of forms, including nervous habits and tics (e.g. nail-biting), increased smoking or alcohol consumption, and negative health-related behaviours (e.g. reduced activity levels).
- **Psychological.** Reactions to stress may have negative effects on your mood (e.g. depression, anxiety or aggression), lower your tolerance and patience levels as well as disrupt your cognition (e.g. inability to concentrate, forgetfulness, lack of attention to detail).
- **Organizational.** Some of the most common individual outcomes of stress include increased absenteeism, decreased performance, and reduced

employee engagement, which may lead to increased accident rates, increased interpersonal conflict, impaired communication, and flawed decision-making within the organization.

Ultimately, any of these reactions can be devastating to both employee and employer. Remember, if you are beginning to feel symptoms of stress, use the strategies below to help alleviate your stress at work.

Step 1: Change Your Thinking

How you think has a profound effect on your emotional and physical well-being. Each time you think a negative thought about yourself, your body reacts as if it were in the throes of a tension-filled situation.

Use the tools below to change your thinking:

- **Re-framing your perspective** can reduce your stress by looking at challenging or difficult situations as opportunities to overcome. People who practice re-framing tend to look at “problems” as opportunities, pausing, assessing the scenario and regrouping in the moment to formulate a solution.
- **Focus on the positive** when stress begins to influence your mood and productivity. Take a moment to reflect upon the positive aspects of your life and profession and celebrate your milestones.

Step 2: Manage your feelings

It is important to realize that managing your feelings not only impacts your stress level, but also those around you. Stepping back from stressful situations and thinking about the solution can help you move away from the emotional reaction, and allow you to deal with the task at hand.

Here are some exercises to manage your feelings:

- **Learning to express your feelings** in a controlled manner is a skill that takes time to master. If you are encountering difficulty with something or someone, communicating your concerns in an open and respectful way is an important step in reducing stress. Being proactive in your approach

when dealing with difficult situations reduces the risk of building resentment and sustained stress.

- **Take a deep breath.** Breathing exercises are a simple and very effective way to reduce stress and manage your feelings. This can be done anywhere, and it only takes a few seconds out of your day. Taking deep breaths during stressful situations can help your brain switch from a stressed state to a relaxed and calm demeanor, re-energizing body and mind.

Step 3:

Learning to Relax

Relaxing during challenging or uncomfortable moments can be difficult, but it is possible by taking small steps to keep you grounded during your work day. From the moment you wake up, to commuting to work, to managing your workday, there are little things you can be doing to help your body relax and focus.

Here are some steps that may help you relax:

- **Cut Back on Caffeine.** This may seem like an impossible task for those who feel they need a caffeinated beverage in order to function. However, it is important to know that caffeine increases the production of the stress hormone called cortisol. Cortisol is often associated with the reaction called

“fight-or-flight”, where your body has a physiological reaction due to perceived harm or threat. By substituting caffeine with herbal teas, juices or water, you can lower your cortisol levels, allowing you to relax more easily.

- **Meditation at Work.** Using scheduled breaks for meditation is a simple but effective method to relax your mind and body. Find a comfortable place, close your eyes, clear your mind and begin to take deep breathes. If your workplace is noisy, try sitting in your car or closing the office door to minimize external stimulation. Repeating a mantra or creating a rhythm or pattern can help you stay focused. Think of a mantra - a positive, inspiring word or phrase. For example, “Life is Beautiful.” Practicing meditation regularly can lead to deeper levels of relaxation, which can enhance your energy and increase your level of concentration and your overall feeling of well-being.
- **Listen to Music.** Where permitted and not being disruptive to others, use headphones and listen to music you enjoy. This can be a great way to let go of stress and put you in a positive mood. Using music to reduce the surrounding noise of your workplace can help you focus on the task at hand and minimize the distractions of your environment.

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.

Step 4: Staying Connected to Purpose and Meaning in Life

When stress begins to take over your life, it becomes difficult to see the bigger picture. It often feels like everything around you is going wrong and there is no end in sight. Although this is often not true, the feeling of being stuck in your predicament can be overwhelming.

Here are some tactics to use to alleviate stress in those situations:

- **Keep the Big Picture in Perspective.** Remind yourself of what is important; will it matter in a month, or a year? Some people use the “five by five rule”; if it’s not going to matter in five years, don’t spend more than five minutes being upset by it.
- **Clarify Expectations** that others have of you. If your job expectations are not clear, or if the requirements of your work constantly change, stress and anxiety may build up. Consider speaking with your supervisor to clarify expectations and establish strategies to meet your job requirements.
- **Don’t Try to Control the Uncontrollable.** Many things in life are beyond our control, particularly the behaviour of others. Rather than stressing over them, focus on the things you can control such as the way you choose to react to perceived problems.

Step 5: Time Management

Everyone has moments when they feel like there just isn’t enough time in the day. Using time management skills and tactics can greatly reduce stress at work.

Here are some common practices in time management:

- **Take time to plan ahead.** When you’re stretched too thin and running behind, it’s hard to stay calm and focused. Planning ahead and making a list allows one to visualize what needs to get done and what is of priority. Having an agenda or online calendar can help with planning and time allocation.
- **Re-evaluate your goals and prioritize them.** Make a list of tasks you need to complete. Review your list and tackle each item in order of priority. Try to leave a portion of your day free for unexpected tasks or emergencies. Identifying goals and priorities in groups of “complete today”, “nice to have”,

and “ongoing” can help with organization and makes your list more manageable.

- **Do one thing at a time.** Multi-tasking (e.g. working on a report while speaking on the phone) may seem like a good strategy but it doesn’t usually improve productivity, efficiency, or accuracy. Focus on doing one thing at a time and doing it well. This will minimize errors, reducing the need for corrections and updates.
- **Waking up early.** Give yourself an extra 15 minutes each morning. By getting up earlier, you won’t feel as rushed and your state of mind will be calmer. You can use this time to create your to do list, or spend time with your family.

Step 6: Getting Active

Being active is important to reducing stress and living a healthy life. When participating in physical activity your body creates endorphins, chemicals in the brain that act as natural stress reducers.

Here are some simple strategies to get active:

- **Morning exercises.** Doing exercises in the morning can have a positive effect on one’s stress levels throughout the day. Findings suggest that getting 20 to 40 minutes of aerobic activity can result in a reduction of stress levels for several hours.²
- **Walk at lunch.** A brisk walk at lunchtime can help you blow off steam, lift your spirits, and get you into better shape. Take short breaks during the day to stretch and increase your blood circulation. If you are unable to walk at lunch, try parking further away from the entrance, or take the stairs rather than an elevator.
- **Sleep.** It may be obvious, but getting a restful night’s sleep helps you cope better with the stresses of the day and prepares you for tomorrow. If you have difficulty sleeping, adjust your evenings and try an earlier bedtime.

Remember, you aren’t alone. Many people face work related stress. Taking small steps each day to reduce your work related stress will benefit your overall health in the long run.

For additional information, support, resources and counseling on health and wellness, visit the Homeweb.ca. ■



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



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

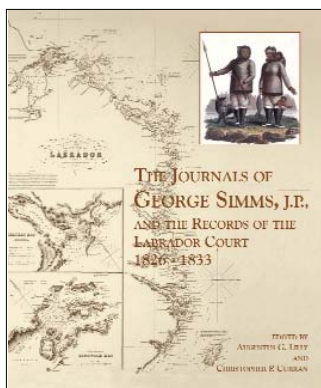
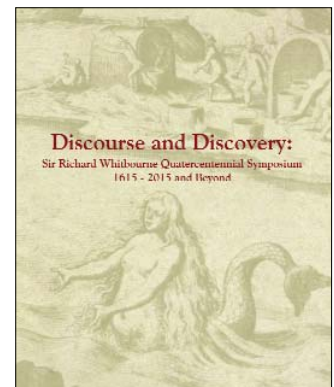
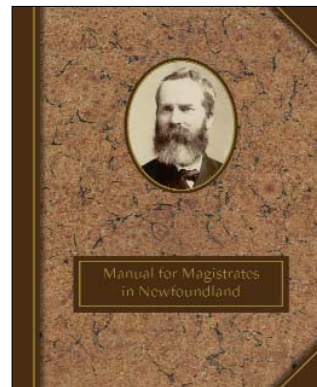
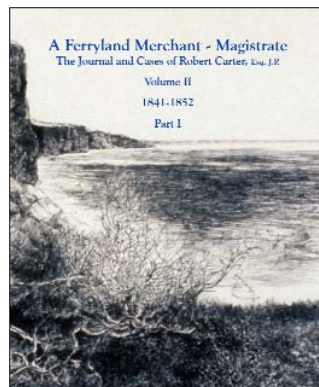
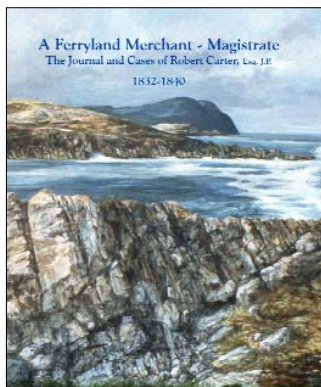
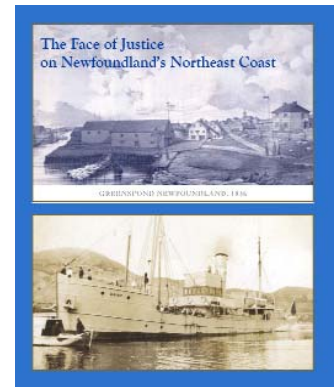
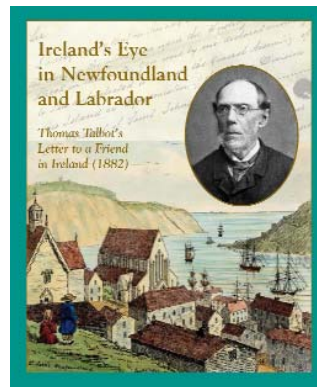
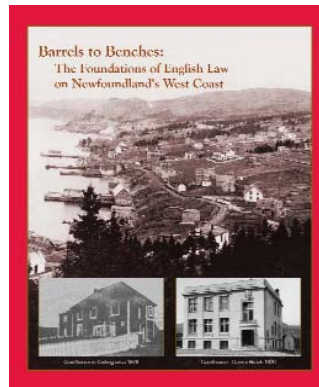
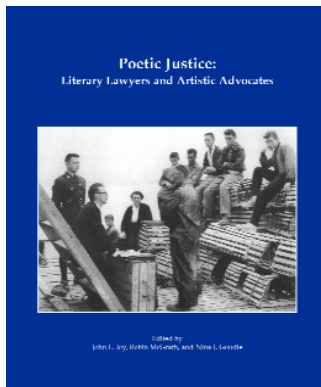
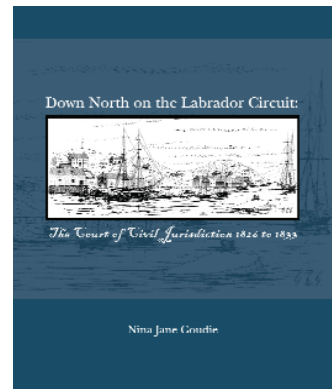
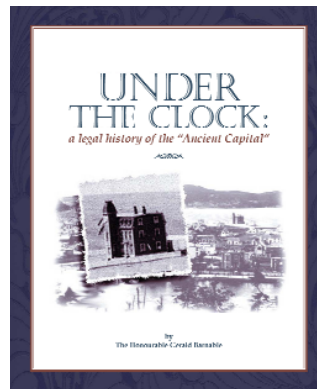
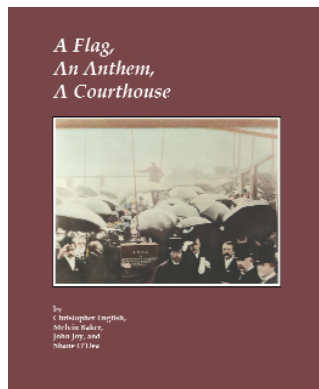
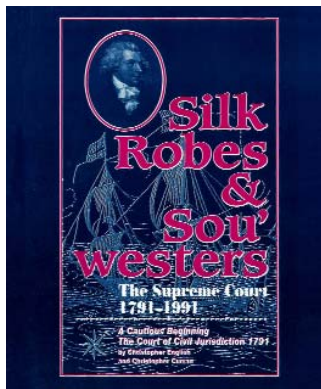
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Homewood
Health | Santé

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!!!

Complaints Authorization Committee

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 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 Caution** was issued by the CAC with respect to the following Complaint.

Complaint that the member's comments in professional communications, with respect to the opposing party, does not comply with the standard of conduct contemplated by the *Code*. The Complaints Authorization Committee cautioned the member to refrain from the use of inappropriate comments in the member's professional practice and to ensure that the member's future communications, both verbal and written, are consistent with the proper tone of a professional communication from a lawyer. (*Code of Professional Conduct* (2013), chapter 2, rule 2.1-1, chapter 5, rule 5.1-5, chapter 7, rules 7.2-1 and 7.2-4). ■

Law Society Library

This is a friendly reminder to our Members that all registered Members of the Law Society have borrowing privileges with the Law Society Law Library.

Members in the towns of St. John's, Conception Bay South, Mount Pearl, and Paradise are considered in-town Members. The borrowing periods for in-town members are currently 2 weeks for regular circulating material and overnight loans (24 hours) for items from the Reserve Collection.

Members who reside outside of those areas can request items to be sent to them for research purposes at the Law Library's cost. Borrowing periods for out of town Members are 2 weeks for regular circulating material and 1 week for items from the Reserve Collection.

All Members may renew up to three times (2 weeks each) by contacting the Law Library at either lawlibrary@lawsociety.nf.ca or calling (709) 753-7770 (1-800-984-7770) prior to or on the day due.

In order to borrow materials from the circulating collections, it is essential that the pink borrower card at the back of the item (usually inside the back cover) is filled

out and then placed in the grey Borrower Card box at the Circulation Desk. Please note that in order to assist with processing of Borrower Cards, we request that Members complete all of the required fields on the card. A completed card consists of the date you are borrowing the item, your name written clearly, and a contact phone number. (*Example below.*)

AUTHOR		
TITLE		
DATE DUE	BORROWER'S NAME	PHONE
2018-04-12	Perry Mason	555-5555

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.

To Register for Homewood Human Solutions Member Services:

1. Go to homepage:
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 the 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 the Client Service Centre for immediate assistance at 1.800.663.1142.

NEWFOUNDLAND & LABRADOR CONTINUING LEGAL EDUCATION

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

Children as Witnesses in the Criminal Courts

Wednesday, June 20, 2018
9:00 am - 4:30 pm

"I Don't Want to Go!" Cases Where Children Resist Post-Separation Contact with a Parent

Thursday, June 21, 2018
9:00 am - 4:30 pm

Registration begins at 8:45 am

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

Benchers of the Law Society



Back Row (l-r): Linda Harnett, Ann Martin, Judge Robin Fowler, (*until 8 August 2017*), Donovan Molloy, QC, Ian Patey, Glenda Reid, Renee Appleby, Brenda Grimes, QC

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

Officers

President: R. Paul Burgess, QC

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 (*until 09/02/18*)

Call to Bar



February 16, 2018

Twenty lawyers were Called to Bar on February 16, 2018 and were photographed at the Supreme Court. They are:

- 1st row (l-r):** J Morris, K. Paterno, S. Morton, A. Vizsolyi, R. Roach, S. Pinsent, S. Hogan, G. McGrath, K. Morry
2nd row (l-r): G. Johannson, T. Payne, J. Molony, D. Constantine, D. Martin, Y. Pirzada, T. Munn, P. Power, T. Leatch, K. Galway, E. Delaney



April 13, 2018

Three lawyers were called to Bar on April 13, 2018. Pictured in the above photo are:
(l-r): B. Dalley, A. Adjei, S. O'Keefe