

# Benchers' Notes



Winter 2018

Volume 19, 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 online at [www.lawsociety.nf.ca](http://www.lawsociety.nf.ca).*

## President's Report



Donald E. Anthony,  
President, Law Society of Newfoundland  
and Labrador

Welcome to the Winter edition of Benchers' Notes where I hope to continue the tradition of keeping our members informed and updated with our latest news and to provide you all with information that I hope you will find to be helpful.

Before I get into the details of what I have been doing since being elected as President, I would like to express my sincere appreciation to my predecessor, R. Paul Burgess,

QC. I was fortunate to bear witness to Paul's dedication to the Society during his tenure as President and learned much from doing so. He continually expressed an eagerness to deal with the complex issues faced by the Law Society during his term as President and always carried out the role with apparent ease and a sense of excitement about the work. He is a great friend and passionate lawyer, dedicated to his colleagues and his profession.

I was officially confirmed as President following the Annual General Meeting (AGM) on 8 June 2018, where the results of the Benchers' election were announced. Elected were: Gladys Dunne, Valerie Hynes, Ann Martin, Doug Wright and Adrienne Edmunds, all of whom were warmly welcomed to the group. With their election, the terms of former Benchers Amy Crosbie and

Donovan Molloy, QC concluded. On behalf of Benchers, I would like to take this opportunity to thank these individuals for their dedicated service over their two terms as Benchers. Amy and Donovan always fully contributed their intellect and skills around the Benchers' table and we appreciate their commitment and efforts.

Following the AGM, I was pleased to attend the Annual Dinner. This is always an enjoyable event, with one of the highlights being the presentation of awards. Student awards were presented to: Dana Martin (Hunt Award), Sarah Pinsent (Penney Award and Spracklin Award), Stephanie Morton (Provincial Court Judges' Association Award) and Nakita Ryan (William J. Browne Scholarship). Service awards were also presented: Appointed Benchers, Linda Harnett was awarded the Jean Bruneau, OC, Certificate of Merit; Randell Earle, QC and Sheila Greene, QC were each presented with the Gordon M. Stirling Distinguished Service Award.

On 15 June 2018, I officiated at my first Call to Bar ceremony which was presided over by Chief Justice Raymond P. Whalen and where 6 students became lawyers.

On 26 July, I met with incoming Chief Justice Fry. We had an expansive conversation wherein we canvassed issues of mutual concern and benefit to the Bar, Bench and public at large.

On 10 September, I attended and spoke at the Swearing In of Chief Justice Fry - the first time in our province's history that a woman has been appointed as Chief Justice. I was honoured to participate in the



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ceremony and to attend the reception that followed.

During the month of October, I met separately with Chief Justice Fry, Chief Justice Whelan and Chief Judge Goulding to discuss, among other topics, the relationship between the Law Society and the Judiciary. I took this opportunity to update the Judiciary on the issues facing the Law Society, as well as to advise them of ongoing, new and potential initiatives and programs.

On 5 October, I officiated my second Call to Bar ceremony, which was presided over by Justice David B. Orsborn, where a total of 10 students became lawyers.

From October 17 through 19, Vice-President, Ian Patey, Brenda Grimes, QC, Aimee Rowe and I attended the 2018 Annual Conference of the Federation of Law Societies in Charlottetown, Prince Edward Island. The Conference, entitled "Robots and Rule Makers: New Frontiers for Legal Regulation, focused on emerging technologies. Through the various sessions and workshops that were of-

fered we examined the regulators' role and responses to technology-driven innovations. At the center of the discussion at this conference was the law societies' mandate to act in the public interest and ability to increase access to affordable legal services. I cannot overstate the benefit we derive from meeting with other legal regulators from across the country to share experiences, glean advice and discover opportunities to improve our services.

On 30 October I attended a retirement dinner for the Hon. Derek Green. It was a lovely event and a great opportunity to acknowledge Justice Green for the remarkable work he accomplished during his tenure as Chief Justice.

On December 4, Ian Patey, Brenda Grimes, QC, and I met with Minister of Justice and Public Safety and Attorney General, Andrew Parsons, QC. We enjoyed a friendly and productive conversation wherein we advised the Minister of new and ongoing initiatives of the Law Society and how some of our work will require legislative amendment.

This year, we have been saddened by the passing of fellow Law Society members, John Cochrane Sweetland, QC and William Augustus Collins, QC, both of whom will be recognized in the "In Memoriam" section in the following pages. It is always a difficult and sad occasion to learn that colleagues have passed and the families and close friends of both were very much in our thoughts.

My term thus far has been eventful and exciting and I look forward to the months ahead. I would like to thank my fellow Benchers for their continued support. I extend special thanks and appreciation to the Law Society staff, who make it possible to be able to fill the role of President while maintaining a practice. The amount and quality of the work they do is something we should all be proud of and for which I am immeasurably grateful.

In conclusion, I hope that you and your families enjoy a wonderful Christmas and holiday season a wish you all a Happy New Year!



## Note from Brenda B. Grimes, QC

*Executive Director*

Over the last number of years, Law Society staff have been focusing on researching and preparing papers regarding various policy changes and strategic initiatives identified by Benchers during the strategic planning sessions held in 2015. Many of the initiatives relate to efforts to enhance the Law Society's regulatory tools in ways which adhere to the Law Society's mandate to regulate the legal profession and the practice of law in the

public interest by focusing on the real and identifiable risks which currently exist. As part of that process, Benchers are considering quality assurance initiatives such as: alternatives to the disciplinary stream which allow for public protection while recognizing the impact of mental or other health issues; practice management reviews/tools which would benefit the public by assisting members; and enhanced technology and communication tools.



Brenda B. Grimes, QC  
*Executive Director*

## Law Society Library

The last two years here in the Law Library have been filled with changes. In the Spring of 2017, we began a collection reorganization project that would cover all of the library resources. This project involved obtaining a new electronic catalogue, reviewing our holdings for currency and relevancy to the needs of the Members based on the 2016 Member use survey along with interactions with Members conducting research and switching from the American to the Canadian call number system for legal cataloguing.

I am pleased to report that the call number reassignment phase has been completed for circulating and reference items. Library users can now be reassured that they will only need to search in one area rather than two to find the items they need. If you are not familiar with the KF modified system, the call numbers follow a simple system of KF-a multi-digit number that identifies the area of law-a unique identifier for the item-the year of publication (range of publication for loose-leaf binders), ex: KF 8935 .N49 2005 would be KF-evidence-Law Society CLE- published in 2005. Now that everything is KF modified, the easiest way to locate this item on the shelf would be to look in the catalogue and remember just 8935 .N49 or you are always welcome to just ask us!

We launched our new electronic catalogue and it is fully available either on the home page of the Library page on the Law Society website < <http://www.lawsociety.nf.ca/library/> > or you can bookmark the link to our catalogue < <https://17941.rmwebopac.com/> >. A neat feature of the catalogue is that you can see how many volumes an item has or if the item is available for borrowing by doing a search and then selecting the title of the item. This will bring you to the full record of the item and, at the bottom of the page, you can see whether the item is available or if is loaned out and it's due date. Members can place

holds on items that are out by contacting the Law Library. Another great feature of our new catalogue is that Members can check their due dates without needing to go through the Law Library. If you have items out or want to make sure that everything was returned, you can select the login button in the upper left-hand corner of our catalogue. The system will request you to enter your email address – that will be the address you have entered into the Law Society Directory or provided to the Law Library. You do not require a password. The system will show you all of the items you have out and your borrowing history which can be useful for both your current due dates and if you need to try to borrow an item that was useful previously. Please note that this is only for Members who have borrowed from the Law Library. You will not have an account in the system if you have never borrowed from us before. Also, please note that we are not linked to the Law Society Directory so if you have made changes to your directory information, we request that you email us with the change of information so we can keep your library records current.

In addition to last year's change in Law Librarian, we have had a change at the Circulation Desk as well. Rosie Myers has moved on to other opportunities and Leah Griffiths has assumed the role of Library Technician. Leah has a Library Technician degree from the Nova Scotia Community College and a variety of library and archives experience. If you haven't had the opportunity and you are around Water Street, please feel free to come and meet your Library team.

## Law Society - Awards

### Service Awards

Life Membership was awarded to the following members: James Vavasour, QC and Edward Shortall, QC.



## Decisions, Decisions, Decisions

*Below is a brief summary of some of the decisions taken by Benchers during the period from April 2018 up to and including June 2018.*

### 9 April 2018:

This meeting of Benchers was held in Gander and was formally started by President, R. Paul Burgess, QC acknowledging that it was taking place on the ancestral lands of the Mi'kmaq and that the island of Newfoundland is the ancestral homeland of the Beothuk and Mi'kmaq. Mr. Burgess, QC also noted that the meeting was being held in the hometown of the late Kevin Preston, former Bencher.

The Education Committee presented the first report and Benchers approved three Certificates of Fitness, ten applications for Non-Practicing status and three applications to resign membership. With the recommendation of the Honours and Awards Committee, Benchers awarded life membership and the Gordon M. Stirling Distinguished Service Award to Randy Earle, QC. The President noted that Benchers had previously unanimously approved a motion granting the Jean Bruneau, OC Certificate of Merit to Ms. Linda Harnett. (Benchers voted and approved the awarding of the Gordon M. Stirling Distinguished Service Award to Sheila Greene, QC on 11 May 2018.)

A discussion on Practice Reviews followed and concluded with an agreement that it would be beneficial to obtain further information from the Complaints Authorization Committee and the Insurance Committee relating to the types of complaints and claims received; and from other jurisdictions which have implemented similar programs.

Benchers considered a package of material relating to the Automobile Insurance Review. Following a discussion, Benchers agreed to not present submissions on the issue of automobile insurance reform to the Public Utilities Board at this time but reserved the right to make submissions in the future if it appeared to be consistent with the Law Society's mandate.

Benchers went on to approve a recommendation relating to the procedure to follow when the vice-president is unable to fulfill his/her duties due to conflict; and the Collection and Development Policy and the Use and Access Policy developed by the Library Committee.

### 8 June 2018:

This meeting of Benchers was formally called to order by the President, R. Paul Burgess, QC acknowledging that the Island of Newfoundland is the ancestral homeland of the Beothuk and Mi'kmaq.

The President then welcomed Justice Malcolm Rowe to the meeting (the first time a Supreme Court of Canada Justice had attended a Benchers' meeting) who discussed the role of the various Courts of Appeal and offered Benchers an interesting perspective into a day as a Supreme Court of Canada Justice.

Benchers then approved six Certificates of Fitness, one transfer under the National Mobility Agreement, six applications for Non-Practicing status and ten applications to resign membership. They also approved a recommendation of the Honours and Awards Committee to award life membership to James Vavasour, QC.

Benchers next approved appointments to the Disciplinary Panel, Education Committee, Library Committee and Access to Justice Committee; the reappointment of the chairs of each Law Society Committee, with the exception of the Honours and Awards Committee (Rebecca Redmond MacLean appointed as the new chair) and Access to Justice Committee (Joan Dawson appointed as the new chair); and approved the creation of an equity and diversity committee with Scott Worsfold appointed as the chair of that committee.

Henny Harmsen, Counsel & Assistant Manager Practice Review at the Law

Society of Ontario, joined the meeting to discuss the practice review program in Ontario, which he described as a proactive means to ensure good practice habits. Mr. Harmsen noted in his presentation to Benchers that, although quantitative statistics are difficult to find, the program in Ontario has had a qualitative impact in that it is likely that less complaints are received and more are dismissed as a result of the program's existence. He noted that following initial reservations, practitioners now feel it is a program which benefits them.

A paper on Complaints Resolution without Formal Discipline was discussed. This strategic initiative was identified in 2015 to assist the Law Society in dealing with matters that engage or involve mental health issues. The paper recommended the development of a fitness to practice program. Benchers decided that the Law Society should move forward with the development of a fitness to practice program looking to Nova Scotia's program and experiences for direction.

Benchers went on to approve amendments to Rule VIII, Professional Practice Rules.

Following presentation of the financial report, Paul Burgess, QC acknowledged the loyal and dedicated staff of the Law Society lead by Ms. Grimes, QC, highlighting the strength of their unit. He also commended the Executive Committee and Benchers with whom he had relationships grounded in a mutual respect, noting that each play a significant role in governing the legal profession.

Convocation broke for the Annual General Meeting and when the meeting recommenced, the Executive Committee slate, namely Don Anthony (President), Ian Patey (Vice-President), Paul Burgess (Past President), Ann Martin (CAC Chair) and Renee Appleby was approved by Benchers.

# Insurance and Risk Management

## Do You Have What it takes to be a Sole Practitioner?

50% of the private practice firms in Newfoundland and Labrador are sole practitioners. It is also interesting to note that 35% of the insurance claim files are from sole practitioners. As a solo, it's great to have the freedom that comes with being your own boss, but you also have full responsibility for all aspects of the operation of your law practice. Do you have what it takes to be a sole practitioner? Take this self-assessment quiz to answer that question:

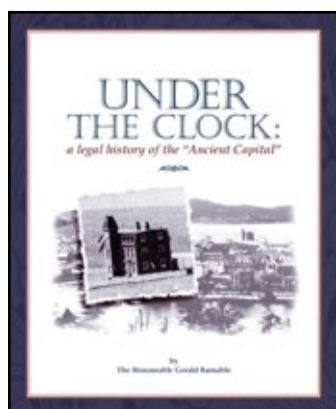
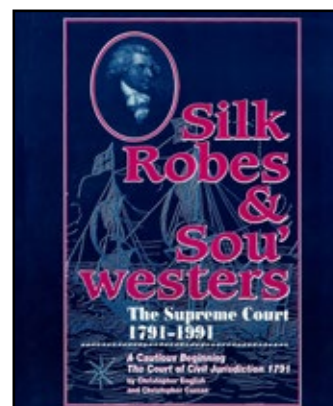
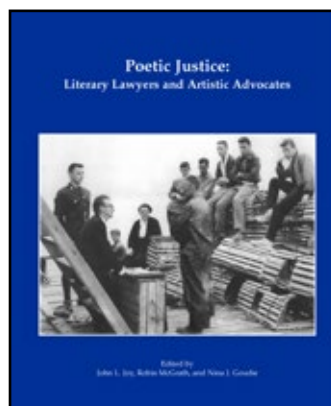
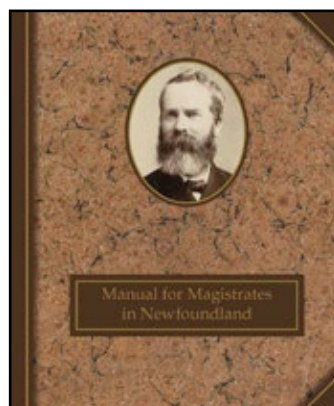
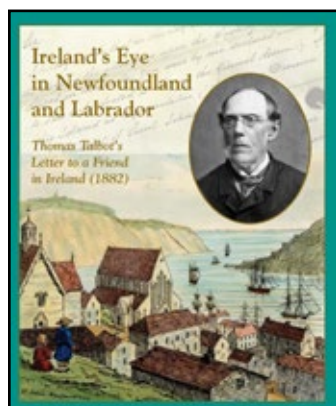
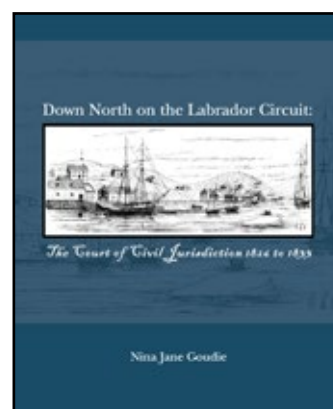
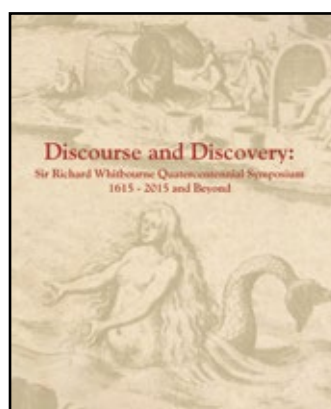
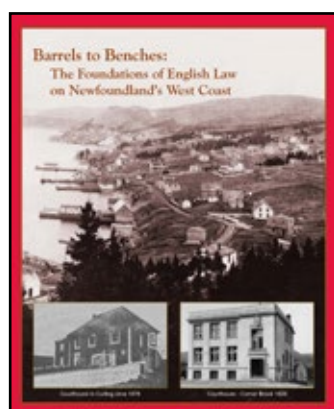
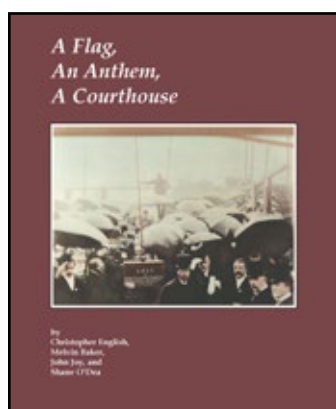
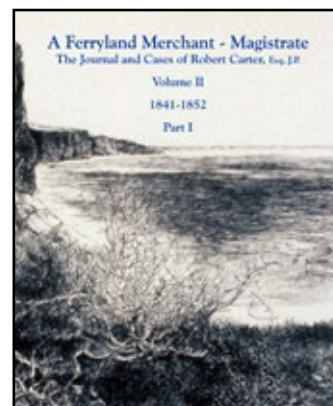
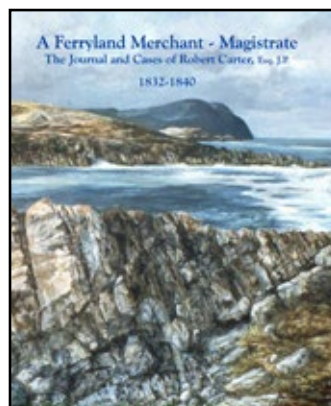
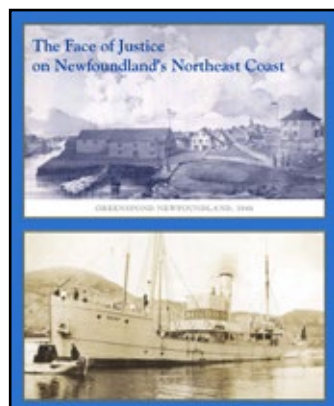
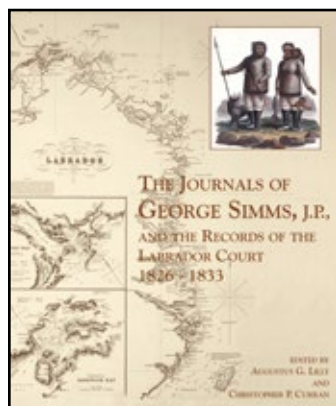
SKILLS		RESULTS				
<b>Getting Clients</b>		1	2	3	4	5
-projecting confidence in your skills	-asking for referrals	(low)				(high)
-networking	-identifying client needs					
-client service follow-up						
<b>Marketing</b>		1	2	3	4	5
-advertising/promotion/public relations	- advertising copy writing	(low)				(high)
-annual marketing plans	-pricing					
-marketing strategies						
<b>Financial Planning</b>		1	2	3	4	5
-cash flow planning	-management of credit lines	(low)				(high)
-bank relationships	-monthly financial statements					
<b>Accounting</b>		1	2	3	4	5
-bookkeeping	-billing, payables, receivables	(low)				(high)
-monthly profit & loss statements/balance sheets						
-quarterly/annual tax preparation						
<b>Administrative</b>		1	2	3	4	5
-scheduling	-benefits administration	(low)				(high)
-payroll handling						
<b>Personnel Management</b>		1	2	3	4	5
-hiring employees	-general management skills	(low)				(high)
-motivating employees	-firing employees					
<b>Personal Business Skills</b>		1	2	3	4	5
-oral presentations	-written communication skills	(low)				(high)
-computer skills	-writing skills					
-Technology skills	-organization skills					
<b>Intangibles</b>		1	2	3	4	5
-ability to work long and hard	-ability to manage risk & stress	(low)				(high)
-family support	-ability to deal with failure					
-ability to work alone	-ability to manage others					

### How did you do?

- If your total is less than 20 points, you should reconsider whether owning a business is the right step for you
- If your total is between 20 and 25, you are on the verge of being ready, but you may be wise to spend some time strengthening some of your weaker areas
- If your total is above 25, you are ready to start a sole practice now

(Excerpt from Lawpro Magazine, 2017/Student Issue 5)

## 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 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!!!



# Looking for advice and support?



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## Law Society of Newfoundland and Labrador Continuing Legal Education

### Reminder Notice to Law Society Members - 2018 CLE Report Deadline

The Law Society would like to remind all members that the deadline for filing your CLE Report is December 31, 2018.

Unlike previous years, members can upload information relating to their CLE activities at any point prior to the deadline as follows:

1. Access the Law Society Portal
2. Enter your login details (reminder: your username is your Law Society member number)
3. Hover the cursor over your name at the top right-hand corner of your screen and a drop-down menu will appear
4. Click "CLE"
5. Click "CLE Report" found on the left hand side of your screen
6. Enter the activity details
7. Click "Save"

The member's CLE Report will be automatically updated upon completion of the foregoing steps. A confirmation email will not be sent after a submission has been completed. Members can determine how many CLE hours they have left to complete by referring to the "Additional Hours Required" line item in the table found at the bottom of their CLE Report.

## Amendments to Law Society Rule 6

At the Fall Term Convocation, Benchers approved several changes to Rule 6, which were proposed by the Education Committee in consultation with the Bar Admission Committee. The objectives of these revisions were to:

1. modify the responsibilities of the Bar Admission Committee and the Education Committee with respect to the Bar Admission Course;
2. include an explicit good character requirement for non-practising/suspended/former members seeking to return to practising status akin to that required of students pursuant to Rule 6.03(1)(a);
3. explicitly authorize the Education Committee to impose conditions and/or restrictions on non-practising/suspended/former members seeking authorization to return to practising status;
4. remove a reference to the defunct Newfoundland Law Reform Commission;
5. properly identify the various courts of the province; and
6. address consistency and grammatical issues.

It is anticipated that further changes to Rule 6 will be implemented in late 2018 or 2019 and members are asked to watch for broadcasts from the Law Society regarding same.

Thank you.

NL Continuing Legal Education



# Insurance and Risk Management

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

## Holiday Stress and Anxiety Prevention

**Are you approaching winter celebrations with apprehension? We have practical tips on how you can find fun in your function!**

Regardless of beliefs or religion, the approaching winter season brings with it the close to another calendar year and in many instances a celebratory atmosphere throughout various cultures. We're about to head into a high season of get-togethers with friends, family, neighbours and co-workers. We'll gather to share meals and take part in a host of other colder-weather traditions. Many would suggest these moments are supposed to make us feel good, filling us with joy and a renewed sense of togetherness. So, why is it that so many of us are finding that we no longer share this sentiment?

**For some, it may not be the most wonderful time of the year**

Every year the cavalcade of consumer goods associated with our various winter celebrations get stocked earlier and earlier on store shelves. The commercial blitz combined with the visual stimuli serves as a constant reminder of the coming holidays. Unfortunately for some, there are negative repercussions to the inescapability of the season. For those who have sensitive memories or highly emotional or traumatic events from past years tied to the holiday season, various triggers may induce strong reactions including anxiety and/or depression, and in some instances even phobias that can affect people's dispositions and behaviours significantly and may lead or contribute to adverse health outcomes.

**So, what can we do about this?**

It's time for us to listen to our instincts and acknowledge what our minds and bodies are telling us. We can minimize some of the increased anxiety and reduce some of the stress that we feel building about the impending festivities by recognizing the symptoms we are experiencing, acknowledging our reactions to them, and developing plans to put safeguards and solutions in place that allow us to be better prepared for these events.

**Recognizing the symptoms of anxiety**

Generally, anxiety is a reasonable and temporary reaction to stressful situations or environments. What makes things more complicated is when someone has an anxiety disorder. In this case, the anticipation of what could happen at

a holiday-related event may bring on more debilitating symptoms like shallow breathing, heart palpitations, and irritability as the body responds with intense reactions that might seem disproportionately strong. These kinds of extreme anxiety responses have often been brought on by interpersonal conflict. Conditioned over time, these responses have trained the brain to overestimate the level of risk and/or danger that exists within a given situation. Someone with an anxiety disorder might experience the sudden onset of headaches, dizziness or even high blood pressure. While the scenario of relatives arguing about something might be somewhat uncomfortable for everyone, for a person with an anxiety disorder, this can have a very physical reaction that is instinctive and can be devastating. It's "fight or flight" in action. They may immediately feel like they need to withdraw and depending on the degree of uneasiness and tension that has been introduced, they may not be able to rejoin the gathering and may feel compelled to leave the immediate environment.

Every year the cavalcade of consumer goods associated with our various winter celebrations get stocked earlier and earlier on store shelves. The commercial blitz combined with the visual stimuli serves as a constant reminder of the coming holidays. Unfortunately for some, there are negative repercussions to the inescapability of the season.

**Clues your body uses to show that you are feeling stressed**

While some people insist they are motivated when they are feeling stressed, a stress reaction can actually set off instinctive physical, behavioral and psychological changes in our bodies that over time, can have a significant effect on our long-term health. Though you might not think they are related, stress reactions can cause you to lose sleep, create upper respiratory or digestive problems, be related to the development of hypertension, and over the longer term may be associated with coronary heart disease. Have you noticed nervous habits like nail biting increase when you're stressed? If you're a smoker, have you observed that you might be consuming more cigarettes when stress runs high? Even seemingly innocent things like a lack of patience, reduced activity levels, forgetfulness, difficulty concentrating, and uncharacteristic interpersonal conflicts are warning signs that your body is reacting to an increased amount of stress. The challenge in recognizing our reactions is that we think these are just normal responses. It's easy to rationalize that we've only had a bad day or are in a bad mood.

## Seven techniques you can use to help diminish your anxiety or alleviate stress

Being able to recognize anxiety and stress reactions is a great first step. The ultimate goal is to be able to respond with techniques that can be used to stop the escalation and re-focus ourselves.

### 1. Express yourself

Although it goes against what your body may be telling you, it's essential to stay connected with people who are supportive, caring and sympathetic. Meeting with trusted family members or friends who will listen to how you are feeling and help you express yourself is one way to reduce anxiousness and stress.

### 2. Look on the bright side

Being able to re-frame your perspective allows someone to look at difficult situations with a goal in mind to overcome any negative thinking. Shifting problems into opportunities can be a beneficial way to feel more in control.

### 3. Take a moment just to breathe

Your brain can switch from a stressed state to a relaxed and calm demeanor when you concentrate on the simple act of inhaling and exhaling. Over time, you can develop skilled relaxation that extends to release muscle tension and relieve feelings of anxiousness. Close your eyes, clear your mind and notice nothing but the rhythm of your breath. You could even use a positive message to stay focused: Life is beautiful. This is the very essence of meditation, and with practice, you can see significant improvements in concentration and your overall feelings of well-being.

### 4. Get enough sleep

Getting a restful night's sleep helps you cope better with the stresses you experienced during the day and enables you to prepare for tomorrow. Studies have repeatedly shown that the optimal amount of sleep ranges between seven and eight hours each night. After you feel more rested, you may even feel energized enough to wake up early to plan your day.

### 5. Exercise. Even 20 minutes a day can help

When you exercise, your body produces endorphins that combat stress and fatigue. Walk, swim, or dance. Move your arms and legs, stretch, get your blood circulating. Listen to music while you work out to help put you in a positive mood. Findings suggest that between 20 and 40 minutes of aerobic activity can result in a reduction of stress levels for several hours.

### 6. Plan ahead and prioritize

One of the best things you can do to stay calm and focused in stressful situations is to anticipate what could happen and visualize what you would do and what the priorities would be. Make a list of things you need to remember or complete, identify goals and remember, be kind to yourself by recognizing your accomplishments and progress.

### 7. Watch what you eat, drink and indulge in

Be aware of the effects that your dietary choices can have on anxiety and stress. Caffeine has been shown to increase cortisol levels, which in turn can lead to anxiousness. Nicotine is a powerful stimulant that produces epinephrine (adrenaline) when inhaled. Adrenaline can spike glucose levels, which in turn increases blood pressure, heart rate and respiration, creating conditions for an anxiety attack. Alcohol is both a stimulant and a depressant that causes mood and emotional changes that can induce an anxious response, trigger a depressive state and in some instances may result in fatigue. Often holiday gatherings mean an abundance of sweets and treats - with high levels of sugar and fat. Pay attention to your body's need for healthy food during this busy time of year.

## What else can you do to feel well throughout the season of winter celebrations?

Have the courage to be honest with your friends and family about how they can be involved and help you with goals to reduce stress and anxiety. Clarify expectations that they may have of you and reframe them. It may mean that you need to take a step back from traditions that you don't enjoy. That's okay. Releasing expectations from past years that have created anxious or stressful responses can be very liberating. This also allows you to focus on the current year: It's okay if priorities look different than those of past holidays or years.

Take time to reflect on the deeper meaning of these gatherings and events for you personally, for your family and your social circle. Think about what makes this year unique and memorable.

Finally, don't try and control the uncontrollable, especially other people's behaviour. Focus on the things you can control: like the way you choose to react to a perceived problem. If you need to, step back from stressful situations so you can move away from the emotional reaction that could create an anxious response. Remind yourself of what's important. Will it matter in a month, or in a year's time? Some people use the five by five rule to assess a situation: if it's not going to matter in five years, don't spend more than five minutes being upset by it.

In the end, it's about the series of small steps you can take to keep your brain calm at a particularly stressful time of year. Worrying is a habit you can learn to manage!

For additional information, support, resources and counseling on health and wellness, visit [Homeweb.ca](http://Homeweb.ca)

## Changes in Status

The following changes in status were approved by Benchers sitting in Convocation between February 2018 and June 2018:

### Resumption of Practicing Status:

Ken Anderson	30 November 2017	Andrew White	31 January 2018
Janet Carpenter	11 December 2017	Jaclyn Whelan	1 April 2018
Chad Blundon	12 December 2017	Bernadette Cole Gendron	30 April 2018
Tanya Bath O'Neill	13 December 2017	Katrinna Brannan	1 May 2018
Jacqui Walsh	11 January 2018	Heather Jacobs	3 May 2018

### Members Granted Permission to take Non-Practicing Status:

Pamela Earle	19 January 2018	Julia Tomson	30 March 2018
Jody Saunders	8 February 2018	Kenneth Anderson	9 April 2018
Stephen Lichti	14 February 2018	Timothy Morris	1 May 2018
Jennifer Berlin	9 February 2018	Reginald Butt	20 May 2018
Alexandria Hollett	20 February 2018	Edward Noonan, QC	31 May 2018
Kimberly Burrige	1 February 2018	Katie Philpott	1 March 2018
Jonathan Mahoney	7 February 2018	Elizabeth Ivany	31 March 2018
Sabrina Bitton	1 March 2018	Tracy Bannier	1 June 2018

### Members Granted Permission to Resign Membership:

Emily Lukawesk	7 March 2018	Jennifer Berlin	27 April 2018
Danielle Rode	6 February 2018	Felix Collins, QC	25 April 2018
Lisa Byrne	15 February 2018	David Bennette	26 April 2018
Robert Bursey	30 April 2018	Gordon Aylward	16 April 2018
Stephen Litchi	24 April 2018	Edward Langdon	26 April 2018
Maria Henheffer	19 April 2018	Owen Myers	1 January 2018
Colin Strapps	1 March 2018		

## *In Memoriam*



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

**John C. Sweetland, QC**  
#346; called 9 April 1973

**William A. Collins, QC**  
#322; called 14 December 1971





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



**Homewood**  
Health | Santé

## Professionals' Assistance Program: Get to know your PAP

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

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

### Plan Smart – Lifestyle and Specialty Counselling Services

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

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

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

#### Life Balance Solutions

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

#### Health Smart Coaching Services

- Nutritional Counselling
- Smoking Cessation
- 12 Weeks to Wellness

#### Career Smart Counselling Services

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

### Online Services – Homeweb

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

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

### How do I register for Homeweb?

**Step One:** Visit [www.homeweb.ca](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.

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

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

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

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## Complaints Authorization Committee

In accordance with Law Society Rule 9.06(5) the Vice-President has been directed to advise members of the society of the circumstances giving rise to the Committee's decision to counsel or caution a respondent, as follows:

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

The complaint was that a respondent failed to have a system in place whereby the respondent could answer, within a reasonable time, a communication that requires a reply.

The Committee determined that this failure does not comply with the standard of conduct contemplated by the Code. The Committee counseled the member that lawyers are required to have a system in place wherein they have the ability to receive email or other communications from their clients within a reasonable time. (Code of Professional Conduct (2013), chapter 3, rule 3.2-1, commentary [5](g)).

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

The complaint was that the respondent continued to use firm letterhead subsequent to his election of non-practicing status which was misleading. The Committee cautioned the respondent that it is inappropriate to misrepresent one's standing with the Law Society in communication with others. (Law Society Act, 1999, s. 2, Law Society Rules 2.19(5) and 2.24 and the Code of Professional Conduct (2013), chapter 2, rule 2.1-1, commentaries [1], [2], [3] and [4]).

### The Law Society currently has possession of files from the following lawyers:

Alan Carter  
Christopher Sullivan  
Claude Sheppard  
David Pitcher  
David Sparkes  
Doug Harvey  
Fabian O'Dea  
Frederick R Bishop

Gerard Griffin  
Gerard Gushue  
Glen Bursey  
Glube Jewell  
Gordon Seabright  
Hugh Coady  
James Nurse  
Jody Saunders

Keith Rose  
Kent Morris  
Michael Drover  
R A Parsons/O'Neil  
Ronald Noseworthy  
William Browne  
William Parsons  
John Sweetland, QC

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.

### For Lease: 357 Duckworth Street, St. John's

Walk to the Court House or Provincial Court  
Recently renovated, very attractive space in the downtown core. Almost turn-key, just needs your personal touch.

4,900+ sq. ft. available over two floors. Includes first floor.

\$24.00/ ft sq gross with parking included!

MLS #1136566

For more information see:

<http://www.martek.ca/index.php/properties-lease/office/duckworth-street-357>





## Call to Bar



**15 June 2018**

**1st row (l-r):** J. Habet, K. Cleghorn, R. Roche

**2nd row (l-r):** D. Ashton, J. Rocheleau, C. Burt



**5 October 2018**

**1st row (l-r):** V. Medon, A. Rankin, T. Starrett, M. Drover

**2nd row (l-r):** H. Holm, M. Wells

**3rd row (l-r):** E. Newton, J. Cooke

**Back row (l-r):** J. Freeman, P. Shink

## Law Society Annual Dinner



- #1 **The Hunt Award**  
Award Winner: Dana Martin  
Award presented by Donald Anthony  
(Award in Memory of Charles E. Hunt, QC and  
The Honourable Mr. Justice Douglas C. Hunt)
- #2 **Award in Memory of Edward J. Penney**  
Award Winner: Sarah Pinsent  
Award Presented by Lynn Sullivan
- #3 **Provincial Court Judges' Association Award**  
Award Winner: Stephanie Morton  
Award Presented by Judge Brazil
- #4 **Award in Memory of Wayne F. Spracklin, QC**  
Award Winner: Sarah Pinsent  
Award Presented by Daniel Simmons, QC
- #5 **William J. Browne Scholarship**  
Scholarship Winner: Nakita Ryan  
Award Presented by Ian Patey and Father Browne





## Awards Presentations

- #6 **Presentation of the Gordon M. Stirling Distinguished Service Award**  
Award Recipient: Sheila Greene, QC  
Award Presented by R. Paul Burgess, QC
- #7 **Presentation of the Gordon M. Stirling Distinguished Service Award**  
Award Recipient: Randell Earle, QC  
Award Presented by R. Paul Burgess, QC
- #8 **Presentation of the Jean Bruneau, OC, Certificate of Merit**  
Award Recipient: Linda Harnett  
Award Presented by R. Paul Burgess, QC



6



7



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## 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.



## Benchers' Convocation - 8 June 2018



**Back Row (l-r):** Renee Appleby, Suzanne Orsborn, Glenda Reid, Rodney Zdebiak, Douglas Wright, John Hogan, Adrienne Edmunds, Allan Skanes, Ross Elliott, Joan Dawson, Linda Harnett

**Front Row (l-r):** Scott Worsfold, Paul Burgess, QC, Donald Anthony, Ian Patey, Ann Martin, Brenda Grimes, QC

### Officers

*President:* Donald E. Anthony

*Vice-President:* Ian S. Patey

#### Elective Benchers

#### Appointed Benchers

##### *Eastern District:*

Joan M.B. Dawson  
Gladys H. Dunne  
John J. Hogan  
Valerie A. Hynes  
Ann F. Martin  
Leanne M. O'Leary  
Suzanne M. Orsborn  
Scott Worsfold  
Douglas W. Wright  
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  
Linda Harnett  
Glenda Reid  
Allan Skanes