



## News & Updates

March 27, 2024



### Survey to Members on Court Technology

The Access to Justice Committee encourages you to participate in a survey as part of our ongoing commitment to refining court operations and advancing access to justice in Newfoundland and Labrador.

Your insights are important as we advocate for heightened integration of technology within court proceedings. This survey will take approximately 6 minutes to complete and will help contribute to our understanding of how technology can optimize court processes.

Your responses will remain confidential and are invaluable in our pursuit of a more efficient and accessible justice system. **The deadline to complete this survey is Thursday, 4 April 2024.**

Thank you for your invaluable participation.

[COMPLETE THE SURVEY](#)

# Meeting



## Benchers' Meeting

Please note that the next Benchers' meeting will take place on **Monday, 15 April 2024**. Anyone wishing to attend a Benchers' meeting:

1. is required to provide notice of attendance to the Law Society by emailing [erowe@lsnl.ca](mailto:erowe@lsnl.ca);
2. will not be permitted to use audio or video recording devices or communication devices during the meeting;
3. shall not speak, unless invited to do so by the President;
4. must observe and obey all rulings of the President; and
5. shall leave if the meeting is declared closed to the public or if asked to do so by the President.

At this time, attendance shall be via Zoom. An invite will be provided upon receipt of an attendance notice. Agendas will be posted on the [Law Society website](#) in advance of each meeting and the Minutes for the Public portion of each meeting will also be posted on the website. Please note that members are invited to attend the Public portion of the Benchers' meeting, however, the In-Camera portion of the meeting is closed to the public.

**Should you wish to attend** the Public portion of the Benchers' meeting on 15 April 2024, **please email [erowe@lsnl.ca](mailto:erowe@lsnl.ca) no later than 12:00 pm, Wednesday, 10 April 2024.**



## Nominations

The Law Society is seeking nominations for vacancies created by the expiry of terms as follows:

Eastern District – three (3).

- Scott Worsfold
- Suzanne Orsborn

- Michael Ladha, KC\*

#### Western District – one (1)

- Brenda Duffy, KC\*

\* Michael Ladha, KC, and Brenda Duffy, KC are eligible to seek election.

In accordance with s. 11 of the *Law Society Act, 1999*, interested members of the Law Society who are in good standing, practising, and are a resident in either the Eastern or Central District, should file completed nomination papers in [Form 4.01A](#) with the Executive Director at the Law Society offices no later than 5:00 pm, Monday, 8 April 2024.

For more information, please [click here](#).



Our [practice resources](#) offer valuable insights for lawyers navigating the complexities of law practice management. Designed to demystify the mandates of the *Law Society Act, 1999*, Law Society Rules, and Code of Professional Conduct, they serve as supportive tools. While not exhaustive, they provide valuable insights.

Please remember that every practice management question should be considered within your unique context, and professional judgment is very important.

#### [Reading Suggestions for Practice Management](#)

COMMUNICATION

## Disciplinary Matters

Through the disciplinary process, the Law Society of Newfoundland and Labrador reviews and assesses the professional conduct of its members. These assessments are made based on ethical standards outlined in the *Law Society Act, 1999*, along with the [Law Society Rules](#) and the [Code of Professional Conduct](#).



## Insights into the Canadian Lawyers Insurance Association's Cyber Program

Did you know that meeting minimum standards is crucial for eligibility under the Mandatory Cyber Program? Here are some key points to consider:

- **Backup Controls:** Weekly offsite data backups are necessary, with yearly testing.
- **Patching:** Applying critical patches within two weeks is essential.
- **Anti-Virus/Firewalls:** Ensure maintenance and monitoring of firewalls and endpoint protection.
- **Multifactor Authentication (MFA):** Enable it for email and remote access.
- **Email Scanning:** Enable scanning to prevent malicious content.
- **Employee Awareness Training:** Engage in yearly cyber awareness training.

Discover approved training options such as [An Introduction to Cyber Security](#) on the CLIA website. Remember to keep records of the training provided. Additional resources are available on the Law Society of Manitoba's Cyber Security [webpage](#).

[VIEW FULL ARTICLE](#)

Course: Mental Health and Wellness in the Legal Profession

CLIA recognizes the importance of promoting wellness for the profession. Courses designed to help lawyers recognize the symptoms of mental health issues in their colleagues and themselves, and that offer supports and treatment options are invaluable. Mental Health and Wellness in the Legal Profession is a national self-learning program designed to provide Canadian lawyers, judges and law students with education, supports, and resources to assist them in understanding mental health and addiction issues. The program was developed as a result of a partnership between the Canadian Bar Association, the Mood Disorder Society of Canada and Bell Let's Talk and is available online.

[LEARN MORE](#)



### Notice of Cancellation of K.C. Ceremony

This is to advise the King's Counsel Ceremony scheduled for Thursday, March 28th **has been cancelled**. An update will be provided once a future date has been determined.

## *Important* INFORMATION

### B.C. Supreme Court Grants Federation Injunction Application

As previously reported, in September 2023, the Federation of Law Societies ("Federation") launched a legal challenge to amendments to the *Income Tax Act* which expanded mandatory disclosure obligations and created a new category of notifiable

transactions. The Federation's application for an injunction suspending application of the provisions to legal professionals pending the outcome of the litigation was granted in late November 2023 and a recent decision has clarified the scope of that injunction, confirming that there should be no retroactive application of the contested provisions to legal professionals should the constitutional challenge fail. If the Court rules against the

Federation on the merits of the challenge, legal professionals would be required to make disclosures only for transactions for which the reporting obligation arises after the date of the final decision. A copy of the [Injunction Order](#) is attached.

A date has not yet been set for a hearing on the merits of the Federation's petition.

For more information, please [\[click here\]](#).

#### Related Notices

[News Release - November 28, 2023](#)

[News Release – October 24, 2023](#)

[News Release – September 12, 2023](#)



#### Trust Conditions in Real Estate Transactions

Some Canadian Law Societies are noting an increase in inquiries regarding lawyers imposing trust conditions in residential real estate matters that contradict the agreement reached between the parties. In some cases, the lawyer representing the seller is requiring the buyer to provide cash to close in the form of a certified trust cheque. In some jurisdictions, this condition is inconsistent with the standard real estate contract, which does not require the buyer to certify their trust cheque.

Trust conditions serve as tools for lawyers to establish agreements between parties and lawyers should not use them to avoid delays with financial institutions or to avoid incurring additional costs on behalf of their clients. Conflicting trust conditions violate the [Code of Professional Conduct](#) (see commentary to Rule 7.2-11), put the entire transaction at risk and undermine the trust that parties have in the legal system.

If a trust condition imposed on a lawyer is inconsistent with the terms of the parties' agreement, then that lawyer must immediately:

- reach an agreement with the entrustor to amend or clarify the trust conditions; or
- return the entrusted property to the entrustor.

For additional practice resources related to real estate transactions, [visit our website](#). Should you wish to discuss specific practice management concerns, please contact the Law Society's Director of Practice Management, Angie Whitehead, at [awhitehead@lsnl.ca](mailto:awhitehead@lsnl.ca).



## Transgender Day of Visibility

March 31 is the day that annually marks the Transgender Day of Visibility (TDOV). On TDOV we honour and empower the lives of transgender, non-binary people, and gender non-conforming people.

The Law Society, through its Equity and Diversity Committee, is committed to diversity and inclusiveness and increasing awareness among its members and the population generally. Today we take the opportunity to celebrate those who identify as transgender, non-binary, or gender non-conforming, and to recognize their struggle in society.

[\[read more...\]](#)

READ MORE



## Virtual Pink Tea

Tuesday, April 9, 2024, 12:00-1:00 MDT

The Famous 5 Foundation is extremely honoured to welcome Michelle O'Bonsawin, the first and only Indigenous Justice on the Supreme

Court of Canada to their first 2024  
Virtual Pink Tea.

For more information, or to purchase  
tickets, please [click here](#).



The Law Society of Newfoundland and Labrador website has an events section with updated CPD opportunities, events, conferences, and more.

### **Law Society Events**

- Evidence Law Refresher: 5-Part CPD Seminar Series ([recordings are available](#) for the completed portions of this series):
  1. Back to Basics: Purposes, Sources & Fundamental Concepts of Canadian Evidence Law - *November 30*
  2. Shortcuts to Proof: How to Avoid Leading Evidence (or Lead Less of It) - *January 18*
  3. Opinion Evidence: Admissibility, Pitfalls - *February 20*
  4. Famous and Frustrating: The Law of Hearsay - *March 19*
  5. Documents, Electronic Documents, and Affidavits - *April 1*

### **Third-Party Events**

- Indigenous Law Issues 2024 by the Law Society of Ontario - *April 3*
- Fertility Law: Current and Emerging Issues by Osgoode Hall Law School - *April 9*
- Justice Malcolm Rowe: "What Trial Lawyers Need to Know About Appeals" - *April 18*
- Emerging Issues in Elder Law by Osgoode Hall Law School - *May 9*
- Advanced Securities 2024: Combo by the Continuing Legal Education Society of British Columbia - *May 9*
- Diversity Trial Advocacy Program (Toronto) by the American College of Trial Lawyers - *May 10*
- Screening - Best Practices for Identifying and Managing Power Imbalances and Family Violence by MDW Mediation - *June 19*
- 2024 National Criminal Law Program by the Federation of Law Societies of Canada - *July 8*
- National Family Law Program by the Federation of Law Societies of Canada - *July 22*
- Family Mediation - Theory, Skills, and Practice by MDW Mediation - *September 19*



[VIEW ALL EVENTS](#)

Did you know that the Law Society of Newfoundland and Labrador website has a News section with updated information on job opportunities, professional development, notices, and more? Visit our website today to check out some of the great online resources available.



### Current Opportunities

- Legal Assistant/Receptionist - Park Avenue Law Group
- Crown Attorney - Nova Scotia Public Prosecution Service (Truro)
- Crown Attorney - Nova Scotia Public Prosecution Service (Pictou)
- Board Member - National Arts Centre
- Construction Adjudicators - Government of Canada
- Legal Appointments Board Member - Department of Justice and Public Safety
- Crown Prosecutor - Alberta Crown Prosecution Services Division
- Crown Attorney - Nova Scotia Public Prosecution Service
- Estate Planning Lawyer - IG Wealth Management
- Crown Prosecutor - Saskatchewan Public Prosecution Service

[VIEW ALL OPPORTUNITIES](#)

### Search for a Will

Members are reminded that they may only disclose the contents of a will where authorized to do so. By sending this search for a will, the Law Society is not in any way authorizing disclosure to the individual initiating the request. Members must assess whether that individual is entitled to review or know the contents of the will.

[John Joseph Howe](#)

[Anna Pudan](#)

Born October 17, 1943; died December 11, 2021.

Last place of residence was Placentia Bay.

Any member with information regarding the Last Will and Testament is asked to contact Lisa Connell at (902) 824-6249 or [lisa.connell@scenic.ca](mailto:lisa.connell@scenic.ca).

Amanda Butler

Born October 17, 1985; died July 14, 2023.

Last place of residence was Conception Bay South.

Any member with information regarding the Last Will and Testament is asked to contact Rebecca Hutchinson at [rhutchinson@macgillivraylaw.com](mailto:rhutchinson@macgillivraylaw.com).

Christina Grace Baird-Duncan/Christina Grace Baird/Christina Grace Duncan

Born February 16, 1936; died January 8, 2024

Last place of residence was St. John's.

Any member with information regarding the Last Will and Testament is asked to contact Paul Coxworthy at (709) 722-4270 or [pcoxworthy@stewartmckelvey.com](mailto:pcoxworthy@stewartmckelvey.com).

Born June 27, 1953; died March 9, 2024.

Last place of residence was Carbonear.

Any member with information regarding the Last Will and Testament is asked to contact Diana Pudan at [trueredscorpio@yahoo.ca](mailto:trueredscorpio@yahoo.ca).

Alice Bridget Roche

Born May 23, 1933; died October 1, 2011

Last place of residence was Torbay, NL.

Any member with information regarding the Last Will and Testament is asked to contact Wayne White at [wayne@waynewhitelaw](mailto:wayne@waynewhitelaw).

**VISIT US**



This is a mandatory communication.