

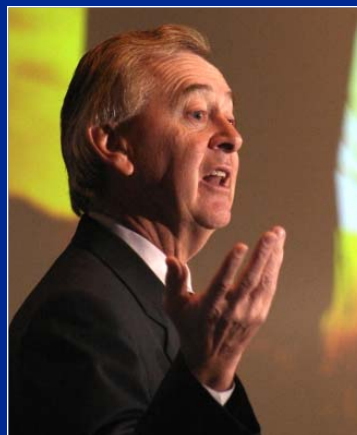
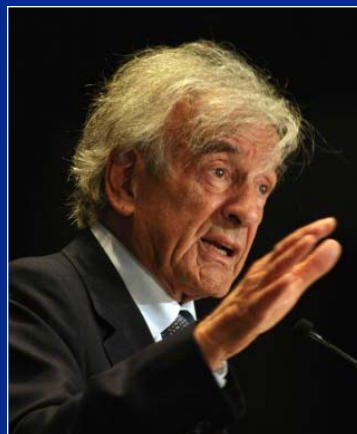
# Squid pro quo

Newfoundland and Labrador Branch

Fall 2007

Canadian Bar Association

## 2007 Canadian Legal Conference August 12-14, 2007 Calgary, AB



Photos by Jared Adams / Canadian Bar Association

## Canadian Bar Association - Newfoundland & Labrador Branch Executive Committee 2007-2008



**Seated (l to r):** Sheilagh Murphy, Past President; Christopher Pike, Vice President; Christine Healy, President; Sheri Wicks, Treasurer; and Roxane Dean, Executive Director.

**Standing (l to r):** Pamela Taylor, Communications Chair; Beth Whalen, Young Lawyers Chair; Janie Bussey, Secretary; and Cheryl Mullett, Membership Chair.

**Missing from Photo:** Tina Baker, Central Regional Chair; Jamie Merrigan, Western Regional Chair; and Jennifer Mercer, Labrador Regional Chair.

## Squid pro quo

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*Squid pro quo* is a publication of the Newfoundland and Labrador Branch of the Canadian Bar Association and is intended to provide a service to members by informing them of Branch activities and matters of general interest.

Members are encouraged to submit articles for publication, though articles submitted may, at the discretion of the Editorial Board, be edited for brevity and clarity, in which case the author will be consulted prior to publication. Articles must be submitted no later than October 31<sup>st</sup>, February 28<sup>th</sup> and June 30<sup>th</sup>.

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*Squid pro quo* can also be found on the CBA Newfoundland and Labrador Branch home page on the World Wide Web <http://www.cba.org>.

## Letter from the Editor



Pamela Taylor  
*Editor*

It is amazing how quickly time passes. Fall is almost finished and Christmas is only a few short weeks away. For many, Christmas socials have already started. A lot has happened since the summer edition of the *Squid pro quo* Magazine was published. The 2007 Canadian Legal Conference (CLC) was held in Calgary.

Pictures of speakers from the CLC are featured on this edition's cover. You will notice that we have given the Magazine a new look by utilizing the official CBA blue as a cover background. Let us know what you think!

This year we again have a fabulous group of people who have agreed to assist with the production of the *Squid pro quo*. These include our returning committee members Judy Manning, Chris Peddiggrew, Tammy Pike Farrell, Keri-Lynn Power and Ian Patey. New members to the committee include our Branch President, Christine Healy, Janet Grant, Don Anthony, Daniel Glover, Tracey Pennell, Sharyl Rowsell and Kelly Langthorne. Last, but certainly not least, is the final member of the *Squid pro quo* Committee, our Executive Director, Roxane Dean. Roxane's input and hard work is invaluable in the production of *Squid pro quo*.

We have several interesting In Personams in this edition. Judy Manning has written an insightful article on our National Canadian Bar Association (CBA) President, Bernard Amyot. Ian Patey talks to Mr. Justice William Goodridge about his recent appointment to the Bench and being the recipient of the 2007 CBA Distinguished Public Service Award. Tracey Pennell profiles Madam Justice Deborah Fry and I take off my Editor's hat to provide an In Personam article on Madam Justice Lois Hoegg. Our new Branch President, Christine Healy, has provided us with her first report outlining her goals for this year. Speaking of goals, you will also be introduced to this year's Section Chairs who have outlined their respective objectives.

Daniel Glover, one of four new committee members, has kindly agreed to take up where Geoff Aylward left off and has written Case Digest. As well, we have a new article in this edition of the Magazine. We know that many CBA members are actively involved in their community. We want to recognize that involvement. Look for the inaugural "Honouris Causa" article written by Janet Grant. In addition, one of our four new committee members Don Anthony has written an article "A Day in the Life of Perry Matlock" which helps to illustrate some of the various savings and benefits available to CBA members. Of course all of our regular features are still to be found inside including the always popular People and Places and another interesting article from Hughie Shea, our CBIA Representative.

As the Christmas season fast approaches, mark your calendars for the Annual President's Reception at the Fairmont Hotel on December 6, 2007. Also do not forget this year's Mid-Winter Meeting which will be held in St. John's on February 1-2, 2008. I hope you all enjoy the holidays and have a safe and prosperous New Year!



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# President's Report

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by Christine Healy



I am delighted to write this, my first report in *Squid pro quo* as Branch President. I have been involved with the Canadian Bar Association (CBA) since my law school days, and I have been a member of the Executive Committee of our Branch since 2001. My CBA involvement has brought me many opportunities to get to know other lawyers and to participate in the Newfoundland and Labrador legal community. I am honoured to serve as Branch President this year.

As I write this, the news reports are full of stories of lawyers being arrested and detained in Pakistan. CBA National released a statement of support for those lawyers



and the work they are doing to preserve the rule of law. On November 27, 2007, over 300 CBA lawyers marched to the Supreme Court of Canada in Ottawa to show

their support for members of the legal profession and judiciary of Pakistan, adding their voices to the worldwide call for an end to emergency rule and the restoration of the rule of law in that country. I am pleased to report that I was able to participate in the march while attending the CBA National Board of Directors Meeting in Ottawa.

This past summer in Canada, many of us spent a lot of time focused on an unfortunate magazine article that portrayed our profession in a dim light. If we needed any reminding, recent events in Pakistan should demonstrate that lawyers play an important role in society.

I appreciate that sometimes it is tough to remember that role when there is an unhappy client, a challenging colleague on the other side of a file, or a magazine cover that proclaims we are all "rats." But the real test of who and what lawyers are all about is met for me when I hear news of lawyers in Pakistan peacefully demonstrating to restore the rule of law. It is also met when I hear news every day of lawyers doing good jobs for their clients.

For me, the CBA is an important means to ensure we continue to meet the challenge of being a lawyer. The organization does impressive work to preserve and protect the rule of law, both here in Canada and internationally. I am proud to be a part of that.

## Branch Goals

We have an excellent Executive Committee this year that has come forward with tremendous ideas and energy for the Branch. We intend to see the Branch deliver relevant services to members, especially those in rural areas, and to grow our membership. Personally, the value of my CBA membership to me well outstrips the cost, but I want that "value proposition" to be clear to all of our members and potential members.

## Executive Committee

This "CBA year" sees several new faces on the Executive Committee. Cheryl Mullett has joined us as Membership Chair, Beth Whalen has joined as Young Lawyers' Chair, and Tina Baker has joined as our Central Regional Chair. The energy these women have already brought to their roles is apparent.

I would be remiss if I did not welcome back to the Executive Committee Vice President, Chris Pike; Treasurer, Sheri Wicks; Past President (and hard act to follow), Sheilagh Murphy; Secretary, Janie Bussey; Communications Chair, Pam Taylor; Western Regional Chair, Jamie Merrigan; Labrador Regional Chair, Jennifer Mercer; and our extremely capable Executive Director, Roxane Dean. I am excited to have such an outstanding group of people to work with this year.

## Mid-Winter Meeting

Work is underway to plan our Mid-Winter Meeting, which will take place in St. John's. The meeting will include a Professional Development Seminar focused on practical "nuts and bolts" issues for lawyers. This is a new initiative for the Branch, and we hope that it will deliver value to our members.

The Mid-Winter Meeting will also feature the Award for Excellence in Journalism, and the ever-popular Curling Funspiel. Mark your calendars for February 1-2, 2008.

## Conflicts of Interest Task Force

At the time of writing, I am preparing for our Conflicts of Interest Task Force meeting. CBA National has devoted resources to tackling the ever-vexing problem of conflicts. With jurisprudence from the Supreme Court of Canada seeming to cast an ever-wider net, the issues surrounding conflicts are of concern to all of us - whether big firm, small firm, rural, urban, and corporate counsel.

Robert Stack of Cox & Palmer is on the National Conflicts of Interest Task Force, and will be presenting the Task

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Force's consultation paper to the Branch. He will also be hearing feedback from our Branch on the issue. All CBA members were invited and encouraged to go to the Task Force's webpage at [www.cba.org/CBA/groups/conflicts/consultation.aspx](http://www.cba.org/CBA/groups/conflicts/consultation.aspx) and provide on-line feedback by November 29, 2007.

### Bar Admission Course

The Branch completed its presentation to the students at this year's Bar Admission Course. We were happy to have the opportunity to meet this jurisdiction's newest lawyers and tell them about the work that CBA does for lawyers. The presentation was well received and the annual Wine and Cheese Reception for the Bar Admission students, their principals, and the judiciary was a success.

### Section Chairs

We have a strong group of Section Chairs this year. Chris Pike, our Vice President, held an orientation session with Section Chairs in September. At that session, Section Chairs were encouraged to develop Lunch and Learns Sessions and other business meetings for their sections throughout the year. In addition, we have implemented a

new approach to CLE with the Law Society whereby small groups of Section Chairs will meet with the Law Society's Director of Legal Education and the Branch Vice President throughout the year to provide ideas and input for CLE. We are hopeful that this process will add significant value to the joint CBA-Law Society CLE programming.

As a final note, I should point out that I am the third sequential female Branch President, following in the able footsteps of Jennifer Newbury and Sheilagh Murphy. This is the first time in our Branch's history that we have had a "threepeat" for women Presidents, but given the present composition of our Executive Committee (10 women, 2 men), I don't think it will be the last!

I will keep you updated on our progress through the year. If there is a concern you want to bring forward, please do not hesitate to contact me at [christinehealy@gov.nl.ca](mailto:christinehealy@gov.nl.ca). Please also make note of the annual Presidents Reception at the Fairmont on Thursday, December 6, 2007. This event is a great opportunity to meet with our colleagues and enjoy some Christmas cheer. I hope to see you there! ■

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## Past President's Report

by Sheilagh Murphy



My last official task as Branch President was to attend the Board of Directors meeting at the Canadian Bar Association's (CBA) Canadian Legal Conference in sunny Calgary this past August. During the meeting we were informed, among other things, that nationally, it was an exceptionally good year for CLE programming. As well, we were given a presentation by Simon Chester and others on Conflicts in the post - Strowther world and we were given the background information behind the CBA Conflicts of Interest Task Force, which has recently presented its report and is currently seeking input Canada-wide.

A significant portion of the board meeting was dedicated to issues surrounding rural access to justice. The Board agreed that a small working group of volunteers may continue to meet via conference call to discuss and attempt to identify what needs to be done, and then discuss what the budgetary need of this project would be. I am a member of that group and will report back to the Branch in future if requested.

Finally, I note that Steve Bresolin (*Associate Executive Director*), Helga Otto (*Director, Meetings and Conferences*), and Jack Innes (*Treasurer*) are retiring from their positions at CBA National. Their immeasurable contributions to this organization have helped shape the CBA into the organization it is today. I would like to personally thank them and wish them all the best on their retirement. ■

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## Administrative Law

by Donna Strong, Section Chair



### Recent Development in the Law

The Court of Appeal recently rendered its decision in *Newfoundland and Labrador Association of Public and Private Employees v. Newfoundland and Labrador (Treasury Board)* [2007] N.J. No. 262 which considered whether technicians who stayed at the hospital on standby awaiting results of specific testing were entitled to be compensated separately for subsequent testing under the callback provisions of the collective agreement. The lower court had reviewed the arbitrator's decision and had found that the arbitrator had not explained the evidentiary basis for his finding that technicians called to perform the test series knew they were being told to report to work again at a later time for subsequent testing. The arbitrator's stated reasons did not support his findings.

The Court of Appeal considered the applicable standard of review for factual findings and whether it should differ from the standard respecting the interpretation and application of the Collective Agreement. The Court of Appeal concluded that "having regard to the statutory framework, the nature of the privative clause and the close linkage between the factual issues and the interpretation and application of the Collective Agreement, the arbitrator's findings of fact in this case should be reviewed on the reasonableness standard".

This decision cited *Voice Construction* [2004] 1 S.C.R. 609, which had signaled a departure from the presumptive adoption of the standard of patent unreasonableness and had applied the less deferential standard of reasonableness to labour arbitration. The Court of Appeal also referenced its decision last year in *Newfoundland and Labrador (Treasury Board) v. NLNU*, (2006) 258 Nfld. & P.E.I.R. 21 wherein they had determined that the reasonableness standard of review applied to the arbitration board's interpretation of the Collective Agreement.

### New Legislation

The *Mental Health Care and Treatment Act*, SNL 2006, c. M-9.1 came into effect on October 1, 2007, and deals with the delivery of mental health care services to persons who are involuntarily certified with a mental disorder. The legislation provides a process for the apprehension, custody, assessment, committal, treatment and care, and supervision of these individuals. Part IV of this legislation creates new Community Treatment Orders and will become effective on January 1, 2008. These orders will allow a person to reside in the community while receiving treatment, care and supervision for a mental disorder. Part V of the *Act* creates a new Mental Health Care and Treatment Review Board consisting of 13 members (to replace the former three member Mental Health Review Board), which will hear and decide applications made to review the issuance of or renewal

of certificates of involuntary admission or community treatment orders. While the powers of the new Board are similar to the powers of the old Review Board, it has a broader representation and mandate in that it will also deal with issues relating to the new Community Treatment Orders and not only applications respecting persons committed to a treatment facility.

This *Act* replaces the *Mental Health Act*, RSNL 1990, c. M-9 which had been in existence for approximately 35 years.

The Administrative Law Section is planning a Lunch and Learn Session early in the new year with speaker Karen Stone, Legislative Consultant with Health and Community Services, to speak to this new legislation. ■



### Canadian Bar Association

#### Young Professionals International Legal Internship Program

The Canadian Bar Association announces 8-month placements available in the Americas, Africa and South East Asia duration August 1, 2008 to March 31, 2009 for young (30 and under) qualified Canadian lawyers interested in contributing to human rights and legal development, and getting international experience. Interns are overseas for 6-7 months. Airfares, accommodation and expenses paid, nationally and internationally. Please note that some opportunities in Latin America are open to Spanish speakers only, and we encourage applications from Spanish speakers.

This program has only just been announced (Oct 2007) by the Canadian International Development Agency (CIDA). Those interested should check our website regularly for further announcements.

For further information about the program, and information on how to apply, please see the CBA's web site at [www.cba.org/CBA/IDP/YIIP/](http://www.cba.org/CBA/IDP/YIIP/)

Subject to the requisite standard criteria and selection procedures, the program can accommodate applicants prepared to raise their own funding. Information on the web site.

# Criminal Law

by D. Mark Pike, Section Chair



### Criminal Justice Committee Established

The Minister of Justice has established a Criminal Justice Committee (CJC) for the Province.

Former Chief Justice of Canada, Antonio Lamer, recommended in his report at the Commission of Inquiry pertaining to the murder convictions of Ronald Dalton, Gregory Parsons and Randy Druken, *inter alia*, that a Criminal Justice Committee be established in the Province. Commissioner Lamer expressed the view that dangers can arise where components of a "system" go their separate ways. He concluded that the sharing of information, dialogue and understanding other points of view are always valuable pursuits. He believed that it would be helpful to have a forum where representatives of the Crown and criminal defence counsel could meet and discuss matters of common concern on an ongoing basis. Other components of the criminal justice system should also participate.

Once formed, the "constituents" of the members of the CJC could refer issues or problems to their representatives for discussion and, hopefully, resolution. It was proposed that the Committee be chaired by a judge or retired judge and provided the services of an assistant in the Justice Department on a part-time basis. Commissioner Lamer recommended that the Committee be composed of the following: a judge or retired judge appointed by the Chief Justice of Newfoundland and Labrador; a representative of the Minister of Justice; a representative of the defence bar; a representative of the Director of Public Prosecutions (DPP); a representative of the Legal Aid Commission (Legal Aid); a representative of the Royal Newfoundland Constabulary (RNC); and a representative of the Royal Canadian Mounted Police (RCMP).

Erin Breen, of Simmonds Breen Sullivan, and I were appointed as representatives of the defence bar. Mr. Justice Robert Wells was appointed Chair of the Committee by the Chief Justice of Newfoundland and Labrador. The other members of the CJC are: Ted Cardwell Q.C. (Office of the DPP); Dennis McKay Q.C. (Legal Aid); Chief Joseph Browne (RNC); and Inspector Leigh DesRoches (RCMP). The CJC is fortunate to have the services of Ms. Donna Ballard who is the Minister of Justice Representative as well as Assistant to the Chair.

The first meeting of the Committee was held on September 20, 2007. I was impressed with the commitment of all members of the CJC to work together in coordinating aspects of the criminal justice system in this Province and to keep the

lines of communication open at the highest level possible, to ensure that the system works as it should.

The proper functioning of the Committee is possible only when the Committee members can be made aware of problems or potential problems in their respective areas. I encourage every member of the Canadian Bar Association or criminal law practitioner who has an issue relevant to the functioning of our criminal justice system to bring it to the attention of one of the representatives on the Committee. It is most encouraging to see that lawyers, judges and police officers are determined to ensure that the terrible injustices of the past are not repeated and that our criminal justice system reaches its pinnacle of health and vibrancy. ■

## YELLOWKNIFE NORTHWEST TERRITORIES

**The Yellowknife Mid-Winter Meeting of Council, Feb. 21 to Feb. 24, 2008**

*Your unique opportunity to visit the Northwest Territories with friends and colleagues!*

**Lights:** Experience the Northern Lights at their best, shining in ever-changing patterns over magnificent scenery and unspoiled pure wilderness. And enjoy the creature comforts of our full-service Explorer Hotel, or accommodations at the Yellowknife Inn and the Chateau Nova.


**Camera:** Memories are made of visits like this. Your biggest challenge – to capture an experience that stirs the imagination, captures the soul and creates those indelible memories. Our CBA Yellowknife Committee has assembled a program that will provide just the right mix of business and socializing in one of Canada's most unique settings.

**Action:** If there's one Mid-Winter Meeting to take in – this is it!

- Continuing Legal Education: Our National Aboriginal Law Section and CLE Committee present a program on how indigenous perspectives are influencing the evolution of Canadian law. The program will focus on the environment, regulatory processes, sustainable development, oral history and elder testimony, and the impact of climate change.
- Advocacy on behalf of the profession: The CBA's Task Force on Conflicts began work last fall amidst the realization that lawyers are increasingly at risk of finding themselves in a conflict-of-interest situation. Lawyers
- Networking: So many opportunities! Meet with friends at the Welcome Reception, held at the Prince of Wales Northern Heritage Centre – a museum with special exhibits on the Dene Nation. And don't miss out on end-of-evening socializing at the Top Knight Pub, At-Home Dinners with members of the Yellowknife Bar, and on Saturday Night, the President's Dinner at the Aurora Village. And plan on booking at least one of our optional tours, from town-visit to dog-sledding!

Check out the registration brochure for details – it's in the mail!

Or register online at <http://www.cba.org/midwinter>.



THE CANADIAN BAR ASSOCIATION  
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## Family Law

by Suzanne Orsborn, Section Chair



The National Section meeting of the Family Law Section was held in Ottawa on October 20, which was coordinated to coincide with the joint Canadian Bar Association/Justice Canada National Section Meeting on October 19.

At the joint meeting with the Federal Department of Justice (DOJ), we were provided with an update of ongoing activities and initiatives that the DOJ is presently working on. This included a review of the recent amendment to the *Child Support Guidelines* to include a more specific definition of "special expenses" at section 7(1.1) of the *Guidelines* as well as of the child support recalculation mechanisms at section 25.1 of the *Divorce Act*. Interjurisdictional support orders, an ongoing issue of concern of the National Family Section, was discussed and a submission was made to Justice Canada and the Federal-Provincial-Territorial Committee in April of 2007. We were also provided with a status report on the Spousal Support Guidelines Advisory Project from Professor Rollie Thompson. It is expected that the final version of the Advisory Guidelines will be released in January of 2008 and will include a brief report of the revisions, noting the changes from the draft proposal, and a 20-page "operating manual" to the guidelines. More information about the particular changes will be provided in a later report, and possibly through an information session to be held once the final version is released.

One of the most recent initiatives of the DOJ has been the publication of its text, "What Happens Next?" which is a resource to help children whose parents are undergoing a separation. Additional information, including an online version of the text, is available on the Federal Department of Justice website at [www.justice.gc.ca/en/ps/pad/](http://www.justice.gc.ca/en/ps/pad/).

At the National Section meeting, all those present provided an update of new developments in their respective jurisdictions. One particular trend that was present throughout the meeting was an increasing recognition nation-wide of the benefits of using alternative dispute resolution (ADR) mechanisms in resolving family issues. However, the actual application varies across the provinces and territories, both in terms of how and when ADR may be required to be used according to court procedure rules, and in terms of how lawyers use ADR in their own private practices. Newfoundland and Labrador is one of only a few provinces that has formally adopted ADR (through our Family Justice Services) in family law matters, though the use of ADR in private settings does not appear to be as fully developed and embraced in our jurisdiction as in others across the country.

It is anticipated that the first Lunch and Learn Session for the Family Law Section will be held in December, 2007. The focus will be on the enforcement of family law related orders, with participation to come from members of law enforcement community.

One of the most recent developments in our Province in the area of family law has been the creation of a joint Bar/Bench Committee (Unified Family Court). The first meeting of the committee was held on October 3, 2007, with the next meeting to be held in mid-November. I am sitting on this committee and welcome any suggestions or comments that members may wish to raise with the committee, and will also inform members of developments or information coming out of committee meetings and activities.

Additional information about the National Family Law Section initiatives is available at [www.cba.org/CBA/sections%5Ffamily/main/](http://www.cba.org/CBA/sections%5Ffamily/main/).

I look forward to working as Section Chair for 2007-2008. Any concerns or suggestions are welcome. I may be reached at 570-7248 or [sorsborn@bensonsmyles.com](mailto:sorsborn@bensonsmyles.com). ■

### Branch Days Gone Bye...

Can you identify the people in this photo?

Answer on page 23



## Section Update

# General Practice, Solo and Small Firm

by Geoff Aylward & Bob Buckingham, Section Co-Chairs

The annual planning meeting of the General Practice, Solo and Small Firm Conference (GPSSC) was held on October 11, 2007 in Vancouver. The GPSSC was a co-sponsor of the Pacific Legal Technology Conference (PLTC) which was held on October 10. Geoff Aylward attended on behalf of the Newfoundland and Labrador Branch. The meeting had the best attendance record of any meeting for the PLTC Conference. The conference was such a success that the GPSSC intends to partner with another full day conference on technology on the day before next year's national planning meeting.

The National GPSSC plans for the upcoming year include:

- Two e-newsletters that will be circulated to all members in firms of less than 10 lawyers;
- Liaise with Legal Professional Assistance Conference (LPAC) for a joint CLE program as we did in Calgary to present a CLE for the 2008 Canadian Legal Conference (CLC) in Quebec City in August 2008;
- Conduct a conference call later this year and in the spring of next year;
- An online CLE that would then be developed as a podcast;
- The CLC session on financial planning for lawyers, including office accounting, starting up a practice, managing a practice, closing a practice and general financial advice to lawyers; and
- Accessibility to CBA - GPSSC webpage to be enhanced with special features for GPSSC members.

One of the hot topics discussed during the meeting was the proposed legislation in Ontario which will require two lawyers for each real estate transaction. This will adversely affect clients in relatively small rural areas that are serviced by only one lawyer.

There was a very useful discussion of the recent Supreme Court of Canada cases of Pecore and Saylor on survivorship rights to joint accounts. This is an issue that practitioners should be familiar with and address when advising clients on estate and family matters.

Jean L. Beauchamp, past Chair of the GPSSC, made the following comments and recommendations on office technology:



- Processors in new computers should be Intel Core 2 Duo (not Core 2);
- Wait until Service Pack 1 is available before upgrading to Vista OS;
- It is time to go wireless, the Blackberry way: as CBA members we get a great deal with Rogers;
- Antivirus: Nod 323 is the best antivirus at a cost of approximately \$150 for a server and 5 stations;
- AVAST is available for free but you can not use it unless you are a home user. There is, however, a business license version available;
- Windows Office 2007 has completely different types of file formats so if you are running office 2003, you need to download an application to read .xdoc;
- Microsoft license allows three installations; Adobe allows two installations; WordPerfect allows two installations;
- It is time to get digitally organized. The software, File Center 5.0 works with Microsoft Outlook and helps you create a digital environment in a virtual office;
- It is time to go PDF before Ecourt. We will have Ecourt across Canada in a few years and we need to get organized to be able to file documents in that format;
- ScanFront 220P, a new scan machine from Canon, allows you to email, utilize USB functionality or FTP which is programmed by touch screen;
- Backup: Jean does a backup with MY Book. It is one Terrabyte and comes as two drives that can either be configured as one drive or two mirror drives. It needs to be My Book World II, by Western Digital; and
- System Mechanic 7 Professional is multi-functional anti-virus, firewall, clean-up, defragmentation- superior to any other production on the market; It is important to regularly defragment the computer drive.

The local section of the GPSSC intends to hold a fall and spring Lunch and Learn Session which will address law practice technology and practice management issues. ■



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# Young Lawyers - CBA Report

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by Beth Whalen, Chair



On Tuesday, October 30, 2007, the Young Lawyers - Canadian Bar Association (YL-CBA) hosted a Halloween Social. The event opened with a reception at Klondike Jake's and was followed by a tour of the Harbour Haunt. In spite of a few screams heard during the evening, the event was deemed a big hit! We would like to thank everyone for coming out and encourage you to attend all future YL-CBA social events.



The YL-CBA will be holding its first Lunch and Learn Session early in the new year. The YL-CBA strives to offer Lunch and Learn Sessions on topics that are of interest to young lawyers. If there are any topics that you would like to see addressed, please feel free to contact either me (tel. 570-7342) or Roxane Dean at the Branch office. ■



On Friday, November 16, 2007, the YL-CBA hosted the annual Wine and Cheese Reception for the Bar Admission Course students. The event was held at the LSPU Hall and all participants in the bar course, the students' principals, instructors and all members of the judiciary were invited to attend an evening of socializing and informal conversation.

The National YL-CBA held its Young Lawyers - CBA 2007 Directorate meeting in Montréal on November 16-18, 2007. The benefits of the meeting were many, including a chance to meet other young lawyers from across Canada and share our ideas and goals for the YL-CBA.



## Universal Firm Focus

Within the Newfoundland and Labrador Branch, a Universal Firm is defined when 85% or more of the lawyers, in a firm with 2 or more lawyers, are members of the Canadian Bar Association (CBA), and where these memberships are paid by the Firm on behalf of its lawyers.

Universal Firms are the cornerstone of CBA membership. Through their support of the CBA, Universal Firms are recognized as leaders in the legal community and as advocates for the profession and for the Rule of Law in Canada.

The Newfoundland and Labrador Branch gratefully acknowledges each firm's commitment to the CBA and their ongoing contributions to our profession.

Barry, Walsh & Associates

Mills Hussey & Pittman

Cox & Palmer

Poole Althouse

McInnes Cooper

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O'Dea Earle

French, Noseworthy & Associates

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Stewart McKelvey

If you would like to inquire about how you can become a Universal Firm, or think that your firm should be included in the above list, please contact Roxane Dean at the Branch office.



CANADIAN BAR ASSOCIATION  
NEWFOUNDLAND AND LABRADOR



### ANNOUNCEMENT

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If you have any questions about this preferred supplier agreement, please contact Roxane Dean, Executive Director, at the CBA Branch office at 709-579-5783 or email: [cba-nl@nl.rogers.com](mailto:cba-nl@nl.rogers.com).

## Canadian Bar Association Member Savings: A Day in the Life of Perry Matlock

by Don Anthony



There are days that seem like they will never end and others that pass before you are able to get half your work done. For Perry Matlock, this day was feeling like the latter. The day's saving grace was that he had managed to save money at nearly every opportunity.

The day started with an early morning Provincial Airlines flight from St. John's to Montreal. Being a Canadian Bar Association (CBA) member, Perry was able to take advantage of preferential rates with discounts of up to 65% and advanced bookings offered through the Branch's Preferred Supplier Program.

Perry's sister picked him up and loaned him her car for his short time in Montreal. He then headed straight downtown for a meeting with The Counsel Network to assist him with finding a new candidate to join Perry's firm. Being able to take advantage of a comprehensive recruitment company like The Counsel Network can be great help when trying to find just that one particular fit for your firm.

The inundation of emails tends not to let up while traveling and luckily Perry carried a Blackberry from Rogers Wireless, a CBA preferred supplier. Lucky because he was able to find out that a document which had been

emailed to him that morning had to be reviewed, approved and sent to a client in Edmonton in two hours. The Blackberry data service made sending and receiving emails more affordable due to the 20% discount on his monthly service package with Rogers as a CBA member. That savings was also taking a strain off of the firm's coffers. Perry was able to review the documents and get the originals sent by Purolator Courier to ensure everyone had copies in time for the next meeting. Being a CBA member he was also able to take advantage of a 30% discount through Purolator Courier, a CBA preferred supplier.

Once that crisis was averted, it was back to the airport for his next destination, Toronto. With no time to get the car back to his sister, Perry decided to make use of the Park N' Fly service at the airport. He could safely park the car there and his sister could come by and pick it up after work. Convenient for her but also for Perry as he knew his sister's car would be safe and that he would receive a 20% discount as a CBA member.

No siblings in Toronto meant no free rides for Perry, so he went directly to Avis for the next best thing. Preferred rates for CBA members meant he did not need to shop around with other car rental agencies. They could not make the traffic any better, but at least the ride was cheaper.

Arriving for his meeting with only seconds to spare, Perry was happy to find that the audio visual equipment he had arranged through AVW TELAV was all ready to go and the promotional material prepared by Dye & Durham was in place. He would have to remember to recommend both companies to his colleagues because with the CBA benefits they offered, they were a very cost effective way to impress these new potential clients.

After talking and shaking hands for what seemed like hours, Perry made his way to the Delta Hotel where the preferential CBA rate allowed him to spend an evening in comfort while saving his client money. Later that evening he strolled into the hotel bar and reached for his CBA MasterCard. Remembering that the interest rate on his card is only 9.99%, he knew that he could enjoy his favorite cocktail without breaking his travel budget. ■

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# Honouris Causa

## We salute these CBA members

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by Janet Grant



*In addition to busy practices and family responsibilities, many lawyers volunteer their time and energy to our community in an effort to "give back" to society. Squid pro quo would like to recognize our colleagues' volunteer activities. We have therefore decided to add a new feature "Honouris Causa" to the magazine to acknowledge your community involvement.*

*A request for submissions was sent via email to all Canadian Bar Association (CBA) members on Oct 31, 2007. In January 2008, a further request for submissions will be sent to the membership requesting input for the Spring 2008 edition.*

*Are you a CBA member? Are you or a colleague volunteering locally or nationally? Have you been recognized by an organization for your volunteer activities? Are you a coach of your son or daughter's sports team? All members are encouraged*

*to forward submissions which will be included in the Spring edition. The content of this article is dependent on submissions received from CBA members. Let us know what you or colleagues are doing in your community. Please note that this article will highlight CBA members only.*

*As of the publication date for this edition, the following submissions have been received.*

*In our inaugural Honouris Causa article, we are highlighting the diverse community contributions of various members of Benson Myles. The firm of Benson Myles was the 2005 recipient of the St. John's Board of Trade Community Service Award for the firm's contribution to the community.*

**Jeff Benson** is the Secretary of the Newfoundland Symphony Orchestra (NSO) and the Chair of its annual fund-raising gala committee. He is the founding Chair of the Board of Trustees of the NSO Foundation. He also acts as the secretary and legal counsel for the Art Association of Newfoundland and Labrador.

**David Buffett** is a Past President of the Canadian Federation of Humane Societies (CFHS) and now serves as a member of CFHS's Bills & Legislation Committee. He is the Newfoundland and Labrador President of the Society for the Prevention of Cruelty to Animals. He is also a Council Member with the Canadian Council on Animal Care. As well, he is a member of the City of St. John's Animal Control Advisory Committee. He is also a member of the St. John's East Rotary Club.

**Genny Dawson** is involved with the Choices for Youth program.

**Paul Dicks** serves on the Provincial Executive Board and the National Governance Committee of Junior Achievement of Canada.

**Frank Fowler** is a Past President and active member of the Rotary Club of St. John's Northwest. Frank is Past President of the St. John's Regional Council, Boy Scouts of Canada, the St. John's Neighbourhood Good Will Centre and the Parish Council of the Basilica of St. John the Baptist. He has served as a director and as honorary solic-

itor for a large number of not-for-profit community organizations throughout the years.

**Bob Matthews** has been active with the Canadian National Institute for the Blind for many years as Chairman of the Advisory Board at Grand Falls, and a member of the Board of Management at St. John's. He is a former President of the Blomidon Golf & Country Club at Corner Brook and a member of the YMCA Board of Directors in that City. He is also a former Executive Member of the West Coast Social Welfare Council and a former Bencher of the Law Society of Newfoundland.

**Joan Myles** is a member of the Board of Managers for St. David's Presbyterian Church. Previously, she has served on the Avalon Consolidated School Board and the Provincial Advisory Council on the Status of Women.

**Wayne Myles** is a member of the National Board of Directors for the Victorian Order of Nurses and has also served as its National Chair. As well, he is a member of the Board of Directors for the National Broadcast Reading Service, Inc.

**Suzanne Orsborn** has been a member of the Board of Directors for the Pottle Centre since 2006. She is also involved with the Gower Street United Church, serving as a member of the Offician Board since 2006 and as a member of the Gower Community Band since 2005.

**Jay Neville** is an ambassador for the St. John's Board of Trade. He is also involved with the Paradise Youth Soccer Association. As well, he is a guest advisor for the Canada/NL Business Centre.

**Philip Osborne** is a member of the Rotary Club of St. John's Northwest. He sits on the planning committee for the annual charity auction and is chair of the Vocational Service Award committee.

**Gary Peddle** is actively involved in a number of not for profit organizations which include serving as Past-President of Big Brothers/Sisters of Canada, Past President of Big Brothers/Big Sisters of St. John's, Charter-President of the Rotary Club of St. John's East, Past President of the Rotary Club of St. John's East Foundation Inc, and as President of the St. John's Oilfield Technical Society from 1994-2000. Gary is a past director of the Victorian Order of Nurses and a past director of the St. John's Board of Trade. Gary is currently the President of the Memorial University Alumni Association. He has been a part-time Instructor at

the Faculty of Business Administration, Memorial University. Gary also sits on the Salvation Army Advisory board for Newfoundland and Labrador. Currently Gary is President of the United Way of Avalon.

**Chris Pike** has been involved with Scouting since 1997. He has been a leader for Beavers, Cubs and Scouts. He is also a member of the North East Avalon Service Team, which trains new leaders and provides support services to groups in that area. In September 2007, Chris was appointed Deputy Commissioner (Administration) for the Newfoundland and Labrador Council. In June 2007, Chris was awarded the Medal of Merit for his "especially good service" to Scouting and was also presented with the Centennial Commemorative Medal, issued to mark Scouting's centennial year, for his excellence in program delivery and his support of the aims and principles of Scouting.

**Mark Pike** is the Chair of the Ministry and Personnel Committee of St. James United Church. ■

## *Mark Your Calendars !*

December 6, 2007

### **President's Reception**

Court Garden, Fairmont Newfoundland  
St. John's, NL

February 1-2, 2008

### **Branch Mid-Winter Meeting**

St. John's, NL

February 21-24, 2008

### **2008 Mid-Winter Meeting of Council**

Yellowknife, NWT

March 16, 2008

### **CBA - NL Branch Children's Easter Egg Hunt**

The Fluvarium, St. John's, NL

April 2008

### **Law Day Events**

Supreme Court of Newfoundland and Labrador  
287 Duckworth Street  
St. John's, NL

July 4-5, 2008

### **Branch Annual General Meeting**

St. John's, NL

August 17-19, 2008

### **CBA Canadian Legal Conference and Expo**

Quebec City, PQ

# In Personam

by Judy Manning



## Bernard Amyot, CBA National President

On August 14, 2007, at the Canadian Bar Association's (CBA) Canadian Legal Conference in Calgary, Bernard Amyot assumed the reigns of the CBA for 2007 - 2008. Bernard brings to the position a wealth of experience which will enable him to serve the various stakeholders of the CBA. Already, Bernard has been effective in voicing the CBA's position with respect to matters of national and international concern. Now we take the opportunity to explore beyond Bernard's office as President of the CBA, to gain a glimpse of the road that lead him to this milestone in his professional life.

Born and raised in Montréal, Québec, Bernard Amyot received instruction en français at Collège Jean-de-Brébeuf throughout his secondary school years, an institution operated by the Jesuits. Upon completion of Collège d'enseignement général et professionnel (CEGEP), Bernard enrolled at McGill Law School, where he was the youngest student in his class.

Following the completion of his civil law degree in 1982, Bernard continued into his fourth year of studies, completing the McGill National Program, and earning a common law degree. Upon graduation from McGill, Bernard attended Bar School in Québec, from September to May, and then articulated for six months, culminating in his call to the Bar in 1984. Today, approximately twenty-three years later, Bernard is a partner in the Montréal office of Heenan Blaikie LLP, where he enjoys a successful commercial litigation practice, focusing his efforts mainly in the area of professional liability claims.

The son of two physicians, it might seem that medical school would have been a more natural fit for Bernard than law school. However, given that previous summer jobs had found him cloistered in the basement of the local hospital, amidst the archives, and Bernard required distance from the regular hospital environment in order to maintain consciousness, one might reasonably conclude that Bernard gravitated to law somewhat by the process of elimination. However, Bernard maintains that it was a close friend of his mother's who actually inspired him to enter the legal profession. Back in the mid-1950s, being one of two female medical students at the University of Montréal, Bernard's mother befriended a female law student who was also one

of two female law students enrolled in that year. The two young ladies would prove to be pioneers in their respective fields, each embracing their professional roles, as well as the joys and responsibilities inherent to their roles as mothers. Bernard keenly observed the stamina and determination with which these women faced the various challenges that befell them, and was inspired by their resilience. Not forgetting the queasiness that he experienced at the local hospital, Bernard felt drawn to the legal

profession. Bernard remarks with great satisfaction, on the much increased level of participation amongst females in the study of law today. He notes that in excess of 60% of law students in his home province of Québec are female, and females account for more than 50% of Québec lawyers who have less than ten years of experience in practice.

It is with obvious awe that Bernard recalls the most gratifying experience of his legal career - the opportunity to work with the Honourable Mr. Justice Louis-Philippe de Grandpré, when Mr. Justice de Grandpré returned from his tenure with the Supreme Court of Canada from 1974 - 1977 to practice at the firm of Lafleur Brown de Grandpré.

Bernard describes his mentor as the "consummate litigator in the good sense of the term", being not only a great advocate, but possessing an uncanny ability to cultivate superior relationships with clients, always maintaining a thorough understanding of his clients' respective business interests. Bernard recalls fondly that, even when Bernard was but a lowly articling student, Mr. Justice de Grandpré would nonetheless take the time to inquire about Bernard's well-being and that of his family. Now ninety years old, Mr. Justice de Grandpré continues to reside in Montréal, and Bernard takes the time to visit his old friend and mentor a few times each year. In fact, Mr. Justice de Grandpré, a former CBA President, circa 1972-1973, was the first person to sign Bernard's nomination papers when he sought the office of 2nd Vice President of the CBA.

Bernard describes himself as "a child of universality", initially becoming involved with the CBA when his law firm automatically enrolled him as a member, and encouraged him to become involved with the Young Lawyers - CBA.

*(continued on page 20)*



**Bernard Amyot**

# In Personam

by Tracey Pennell



## Justice Deborah Fry

Born in Shellbrook, Saskatchewan to Doctor Harry and Joan (Stewart) Fry, Madam Justice Deborah Fry was actually delivered by her father, the only doctor for miles. Dr. Fry was a proponent of continuing education, and as a result the Fry family resided in Nova Scotia and British Columbia while he completed post graduate studies, before settling down in Prince Albert, Saskatchewan. It is a long way from Prince Albert to St. John's, and I have recently had the pleasure of sitting with Justice Fry to chat about her experiences in life and her journey to becoming a Supreme Court Justice.

Following her graduation from high school in Prince Albert, Justice Fry completed her Bachelor of Science (Nursing) Degree and began her professional career as a nurse, first in rural Saskatchewan as a public health nurse and later in pediatrics. Justice Fry later moved to Australia where she continued to work as a nurse and also traveled, settling in Perth. It was while living in Perth that she decided to return to school in order to obtain her medical degree. Justice Fry indicated that her father always encouraged her to obtain a good education and to use it to build a satisfying career. She indicated that her parents taught her that anything worth doing was worth doing well, and that there were no barriers to career choices for young women.

During her first year of medical school, Justice Fry returned to Saskatchewan with the hopes of finishing her medical degree at the University of Saskatchewan. However, upon her return, she was informed that she no longer met the residency requirements as she had not resided in Saskatchewan for the previous three years. Undaunted by this information, Justice Fry decided to enter law school with the intention of using the three years to fulfill the residency requirements for medical school. Fortunately for the law profession, Justice Fry enjoyed law school and what the legal profession had to offer. It was while attending law school that Justice Fry met her future husband, John Clarke. After a four month courtship, the couple was married. During Justice Fry's third year of law school, John returned home to Newfoundland and Labrador and was admitted to the Bar. That year was arguably the quietest of their marriage. Following her graduation from law school, Justice Fry moved to Newfoundland and Labrador where

she commenced her exceptional legal career.

After moving to Newfoundland and Labrador, Justice Fry articulated with the Department of Justice under Mary E. Noonan (later Madam Justice Noonan). She became pregnant with her first child while articling and her daughter Lesley was born in February 1981. Justice Fry returned to work just three weeks after giving birth to Lesley, finished her articles and was called to the Bar in April 1981, accompanied by Lesley.



Justice Deborah Fry

Following her call to the Bar, Justice Fry's legal career and public service career took off. She started as a Justice solicitor with the Departments of Social Services and Health and progressively assumed greater and greater responsibilities in the public service. During her tenure as a solicitor with Justice, Justice Fry represented the Government of Newfoundland and Labrador in important litigation, including representing the Attorney General of Newfoundland and Labrador as an intervenor before the Supreme Court of Canada in the Dolphin Delivery case, where she raised the issue of the application of the

*Charter* to private litigation, an issue that had been overlooked, or perhaps strategically ignored by all other counsel. During the early *Charter* era there were several further opportunities to intervene at the Supreme Court of Canada.

Justice Fry was quickly appointed the Assistant Deputy Minister for the Department of Labour which was followed by an appointment as the Associate Deputy Minister with the Department of Justice, and then Deputy Minister positions with various departments including: Employment and Labour Relations; Education; Human Resources and Employment; and Health and Community Services. Justice Fry was appointed the Clerk of the Executive Council in 2001, the first woman to hold that position. In fact, there are only two premiers in the history of this Province (Smallwood and Moores), for whom Justice Fry has not served in an executive position.

(continued on page 21)



# In Personam

by Pam Taylor



## Justice Lois Hoegg

Lois Robin Hoegg was sworn in as a Justice of the Supreme Court of Newfoundland and Labrador on June 27, 2007. I recently had the privilege of sitting down with Madam Justice Hoegg to reflect on her career and to discuss her thoughts on her new appointment.

Lois was born on July 23, 1954 in Stellarton, Nova Scotia to parents Robert and Betty. Robert and Betty Hoegg were hard working, dedicated parents who instilled in Lois and her two sisters, Judith and Nancy, that they should do unto others as they would have others do unto them. Throughout her life and career, Lois has tried to live up to this golden rule.

Lois graduated from Stellarton High School in 1972 and from Acadia University with a Bachelor of Arts degree in 1977. She traveled Europe and North America and worked with the Canadian National Youth Service Program, Katimavik before commencing law school at Dalhousie University in Halifax, Nova Scotia in 1979.

When asked why she chose law as a career, she recalled an incident which happened on her way back from Halifax to Acadia University in her last year of undergraduate studies. She was reading *Ms. Magazine* and came across a story about a female deacon at a church in New York City whose hand was bitten by a parishioner while she was serving Holy Communion. The minister's hand was bitten because she was female and the communicant felt women should not be ministers. Lois, a passionate advocate of gender equality, was horrified by this story. Her dad tried to console her by predicting that change would come in time. Her retort was "but Dad, I only have one life". Never one to wait and let life simply happen around her, Lois began thinking about how she could make a difference, and settled on law, thinking that as a lawyer she might have the opportunity to effect change.

Lois met her husband and subsequent law partner, Chesley Crosbie, Q.C., while both were attending law school. They married in May 1982 and moved back to Newfoundland and Labrador shortly thereafter. Lois remembers having difficulty adjusting to the Newfoundland and Labrador weather. It was so cold that year they had to wear mitts and hats in June to barbeque. Accepting the unpredictable

Newfoundland and Labrador climate was a challenge. It was not, however, a challenge accepting her new family, the Crosbies. She describes her in-laws' home as warm and inviting from the get go, and a "microcosm of liberal democracy where all manner of opinion on all manner of subjects was and is entertained".

Upon her arrival in Newfoundland and Labrador, Lois commenced articles with the Department of Justice, Criminal Division. She was admitted to the Newfoundland and Labrador Bar in July 1983 and worked with the Department of Justice as a Crown Attorney until December, 1988. In January 1989, she took a position as Legal Director of the Law Society of Newfoundland and Labrador, where she stayed until 1992. That year she joined her husband in private practice at the firm Ches Crosbie Barristers where she remained until her recent appointment to the Bench.

In addition to a full and varied practice over her 25 year legal career, Lois managed to find the time to give back to her profession and community. Her various involvements over the years with the Canadian Bar Association (CBA) are almost too numerous to mention. Some of the highlights include: Executive Member of the CBA-NL Branch 1995-1999; President of the CBA-NL Branch 1997-1998; Member of the CBA National Ethics and Professional Issues Committee 1999-2004; Chair of the CBA National Ethics and Professional Issues Committee 2002-2004; and Co-Chair of the Canadian Legal Conference (CLC) held in St. John's in 2006. The latter was a three year commitment which culminated in a fantastic and highly memorable CLC which broke previous attendance records. As well, in her role as Chair of the National Ethics and Professional Issues Committee, she spearheaded a revision of the CBA Code of Professional Conduct.

Lois was appointed an Adjudicator of the Royal Newfoundland Constabulary Public Complaints Commission in 1994. She held this position until June 2003 when she was appointed Commissioner of the Public Complaints Commission. She was a Lay Disciplinary Committee member of the Institute of Chartered

*(continued on page 22)*



Justice Lois Hoegg

# In Personam

by Ian Patey



## Justice William Goodridge

So let's start at the end of the beginning. After nearly 25 years of private practice, the son of Isabel Galway and Chief Justice Noel Goodridge found himself in a canoe heading north on the George River, retracing the voyage Mina Hubbard made one hundred years earlier through the Labrador wild and northern Quebec to Ungava Bay. Ten days by canoe with three companions in some of the most isolated and unspoiled wilderness on earth, it is easy to see why Justice William Goodridge calls it "the trip of a lifetime". I suspect many would. He described it as follows: "There were feelings of isolation and anxiety; some mornings you had a lump in your stomach as you looked at what you were facing, but it was exhilarating. I have great memories of that trip."

And in those words, I like to think that canoe trip is a particularly fitting paradigm for the personal and professional journey of our most recent recipient of the Canadian Bar Association (CBA) - Newfoundland and Labrador Branch Distinguished Public Service Award and new appointee to the Supreme Court of Newfoundland and Labrador, William Herbert Noel Goodridge.

Justice Goodridge began the journey to his recent public service recognition while a student, when his first forays into extracurricular activity included a stint as Assistant Editor of the School Newspaper at Brother Rice in addition to his involvement in athletics. While a commerce student at Memorial, Justice Goodridge continued his passion for athletics, as well as his commitment to extracurricular pursuits as a yearbook volunteer and member of the Commerce Newsletter Committee. His athletic pursuits taught him the benefits of the team dynamic; that the sum of the whole was greater than the sum of the individual parts, and that a good team could accomplish a heck of a lot more than a group of individuals working independently of each other.

His view of public service as an obligation for members of the legal profession began to develop after he left Osgoode Hall Law School in Toronto and commenced his articles of clerkship under Ernest Reid, Q.C. at Stirling Ryan. Justice Goodridge spent the entirety of his legal career with Stirling Ryan and its successor firm Stewart McKelvey. Of his articling experience he remembers most fondly Mr.

Reid's tutelage. "Ernest was a fabulous mentor. While I don't think it was necessarily the norm at the time, he met with me on a regular basis and gave me practical and common sense tips about running a law practice, business tips, and about dealing with people, more so than any particular legal insights. Those tips were valuable and truly helped me throughout my career."

It was immediately with the commencement of his articles with Stirling Ryan that Justice Goodridge began to pursue public service as an integral part of his legal career. A request to be the student representative of the Bar Admission Committee got him involved with the Law Society of Newfoundland, followed by numerous committee positions, appointment to Benchers and ultimately a term as President of the Law Society. Concomitant with his early involvement with the Law Society, Justice Goodridge became the CBA's Young Lawyers' Representative and continued for many many years as an active member of the CBA.



Justice William Goodridge

Through his years at Stirling Ryan and Stewart McKelvey, Justice Goodridge sought to instill in young lawyers that view of public service as an obligation of members of the legal profession. For him, it was always a pleasurable obligation and he invariably encouraged articling clerks and new lawyers to become active with the CBA or Law Society. His desire to evoke a passion for public service in young lawyers undoubtedly came from the personal satisfaction that his own activities provided him. The most memorably satisfying experiences came in the recent past. As President of the Federation of Law Societies of Canada, Justice Goodridge enjoyed the opportunity afforded that office to influence legislation and policy in Canada and relished the fact that from that position the voices of all lawyers in Canada could be heard on a national level.

The public service activity most familiar to readers of *Squid pro quo* is likely Justice Goodridge's most personally satisfying activity to date, namely his work in East Africa through the CBA International Development Committee. He originally became involved in the international work in the late 1980s with the fall of eastern European commu-

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nism and the influx of new migrants through Newfoundland. At that time he made the acquaintance of Ron Pink, Q.C. of Nova Scotia who was involved with the CBA International Development Committee. Ten years later, Ron Pink, Q.C. recommended Justice Goodridge as his replacement as the Atlantic Representative on the committee. While on that Committee, Justice Goodridge became aware of a program with the challenging goal of establishing independent law societies in five East African counties, and was asked to be one of the workshop facilitators for that program. His involvement enabled him to travel to East Africa over a number of years for weeks at a time assisting in the set up and preparation of legislation for those law societies.

That experience instilled in Justice Goodridge a respect for the rule of law that transcends the more common notion of the concept as being solely the purview of political philosophers: "When we speak in Canada about the importance of the rule of law, I think sometimes we're speaking in abstract terms. But when you are in developing countries and you see that it is possible for laws to exist but not always be enforced, or only be enforced in ways that benefit certain segments of society, you realize for the first time what rule of law really means. They can have the same laws on the books, but lack of security, lack of consistent enforcement and the ability to enforce those laws is a huge issue. People in Africa have the same desires, aspirations and ambitions as people in Canada and the same capacity and the same intellect, and yet, they are in a position unlike Canada, where they cannot achieve those goals for reasons outside their control. To me, that is really striking. I was forced to look at them, and myself and ask why me, why am I so fortunate in Canada? It seems so unjust, so unfair."

In addition to his extensive public service activities, Justice Goodridge was able to flourish in his legal practice with Stewart McKelvey. While he spent a number of his early years engaged in a variety of practice areas, for a brief period he practiced commercial law exclusively. During his subsequent 20 years of private practice, Justice Goodridge distinguished himself as a skilled civil litigator, and particularly enjoyed the exercise of cross examination. His greatest satisfaction from his legal endeavours did not come from the successful multi-million dollar litigation matters, but from making a real difference in the life of the individual client who came to him for help. During his time with Stewart McKelvey he relished the opportunity to forge good friendships with the members of the firm throughout Atlantic Canada.

His balance of the successful legal career with family commitments and commitments to public service was dependant on the commingling of a number of critical factors. First, his wife Janet was incredibly supportive of his

endeavors, particularly the international development work which necessitated his absence for extended periods of time. Second, he admits that the balance was not always easy and it required decisions on what his priorities were at any given time. As he stated: "I really worked at it and I was fairly ruthless about items on my daily routine. Almost nothing would stand in the way of playing squash at lunch time. I was also strict about family time. It almost didn't matter what work was there; if I had put a weekend in my schedule to do something with the family, that was going to happen and nothing would stand in the way of it. I had a budget for my time so I tried to stay with it and it would be very very exceptional that I would vary from that."

The end of Justice Goodridge's journey through private practice has come about as a consequence of his appointment to the Trial Division of the Supreme Court of Newfoundland and Labrador. He admits that it was a career path that he had thought about pursuing over the last number of years. The practice of law had been personally fulfilling and exciting, but he had pursued it for almost 25 years and was interested in a new challenge. Exciting in its 'newness', Justice Goodridge enjoys the fact that the position engages his academic inclinations, and enables him to explore research, study, reading and pure law in its intellectual sense. That is not to say that he intends on stopping his individual voyage of personal and professional development. Through his new role on the Bench, he hopes to gain from the unique situations in Labrador that make for special challenges which he hopes to impact in a positive way.

He closed our discussions on his career to date with sage advice to practicing solicitors: "Most importantly, maintain your ethical standards. If you keep the highest ethical standards everything will fall into place behind that. There is no compromise on that. Regarding your work and family balance, be ruthless about it. It works. We work to live, we don't live to work. You will always have to work at it, and it gets harder as time passes, but you always have to be strict about it."

On behalf of the *Squid pro quo* Magazine, I extend our sincere congratulations to Justice Goodridge and thank him for his contributions to the public and the profession. Perhaps his own journey will be one worthy of retracing. ■

**Check us out on the Web!**

**[cba.org/Newfoundland](http://cba.org/Newfoundland)**

## **Bernard Amyot** (continued from page 15)

Tracing his history as an active participant in the legal community, Bernard recalls with enthusiasm his term as President of the Junior Bar in Montréal, 1991-1992, and his subsequent involvement at the CBA Branch level, his term as a Bencher at the Barreau de Québec, his role in co-chairing the CBA Canadian Legal Conference in 2003 in Montréal, and, of course, his decision to seek the position of 2nd Vice President of the CBA in 2005, which eventually led to his current role as President.

Bernard resides in Montréal with his wife, Francine Ethier, and their children, fourteen year old Juliette and six year old Eric. Recently appearing in his court robes as a guest presenter in Eric's kindergarten class (which attire caused him to be mistaken for a priest by his young audience), Bernard faced the challenge of conveying to a group of intrigued six year olds what it is that lawyers actually do.

As Bernard succinctly explained, "We try to help people resolve their problems". As Bernard reflects, although lawyers are often seen in an adversarial capacity, in truth, it is often a lawyer's task to try to bring people closer together, with recourse to litigation, of course, when efforts to find a resolution are ultimately unsuccessful. Despite his role as an

accomplished litigator, and a generous contributor of his time and talents to our profession on a nationwide basis, Bernard regards his most significant role as that of father to Juliette and Eric. His preferred mode of relaxation is spending time with his children; incidentally, he has been known to play a round of golf or two.

Bernard feels that the combination of "some intelligence, a lot of hard work, and good people skills" make for a successful legal career. He says that clients value responsiveness from their lawyer. Bernard opines that clients like to know what to expect; even if they are simply told that their problem cannot be dealt with in a particular week, clients appreciate having a reasonable timeframe within which to place their expectations. Bernard also feels that clients ought to be able to talk to their lawyers in an unrestrained way, wherein they are comfortable explaining their positions and asking questions.

Bernard recommends that young lawyers cultivate their networks early and work to nurture their relationships in the community at all stages of practice. He advises young lawyers to get involved in an organization that they enjoy, in order to reach out to the community through that involvement.

What lies beyond this milestone for Bernard? He jokingly advises that he is not immune to the lure of a career as an investment banker. However, based on our conversation, it appears more likely that Bernard will continue in the litigation role that is clearly very close to his heart. While thrilled to be CBA President, Bernard admits that, over the past few months, he has actually experienced times when he has found himself "missing the office", when his CBA duties necessitated various absences from the office, seemingly a sign that Bernard has found his true niche in litigation.

On behalf of the *Squid pro quo* Committee, I would like to thank Bernard for his cooperation in providing a candid and entertaining interview for the purpose of this article, and also, for his tremendous contributions to our profession in his role as President of the CBA. ■

## **Canadian Bar Association Newfoundland & Labrador Branch**

### **Distinguished Public Service Award**

The public is invited to nominate lawyers in the province  
for the Canadian Bar Association

#### **2008 Distinguished Public Service Award**

to recognize a lawyer's contribution to community service.

The award will be presented during the  
Newfoundland and Labrador Branch's Annual Meeting.

Please contact Roxane Dean, Executive Director by  
April 30, 2008 to obtain a nomination form.



**Canadian Bar Association  
Newfoundland & Labrador Branch**  
Box 59, Suite 402, 139 Water Street  
St. John's, NL A1C 6C9  
Tel: (709) 579-5783  
Fax: (709) 726-4166  
Email: [cba-nl@nl.rogers.com](mailto:cba-nl@nl.rogers.com)

### **DOES THE NL BRANCH HAVE YOUR CORRECT EMAIL ADDRESS?**

Branch notices for Lunch and Learn Sessions, CBA Luncheons, Annual General Meeting etc. along with other items of interest to members are distributed electronically. Therefore, it is extremely important that the Branch has your up to date information on our database. Current CBA members can update their profile, including address and practice information by going online at:  
[www.cba.org/CBA\\_memberUpdate/Login.aspx?Page=Update](http://www.cba.org/CBA_memberUpdate/Login.aspx?Page=Update)



## *Justice Deborah Fry (continued from page 16)*

During her public service career, Justice Fry was involved in a number of files affecting significant public issues. From 1996 to 1998, she was involved in the changes to the denominational school system in the Province and was part of the governmental team that effected the constitutional changes. Justice Fry was also involved in the following files: the development of the strategic social plan (the blueprint for social development in the Province that sees communities and government working collaboratively to integrate social and economic policies); the labour relations issues of the Hibernia project; the merger of the departments of Health and Social Services; and the negotiations respecting Lower Churchill Falls power development. Justice Fry indicated that she was proud and fortunate to have been part of those files. Justice Fry also appeared before many administrative tribunals, including the International Labour Organization in Geneva, Switzerland. In addition to managing a very active legal career, Justice Fry continued to give lectures at the three nursing schools in St. John's and also at the medical school.

It is no surprise that in 2002, Justice Fry received the Queen's Golden Jubilee medal and the YMCA & YWCA's Women of Distinction Award. In 2003 and 2004, Justice Fry was named to the Top 100 of Canada's Most Powerful Woman, an award that she was very honored to receive.

Justice Fry thoroughly enjoyed her career as a public servant and indicated that she cherished and appreciated every experience and opportunity she was provided with. She also indicated that she feels that civil servants are often not recognized for the valuable work they do and the contributions they make to society.

Justice Fry has also been involved in a number of community organizations and charities. With a list as long as her professional accomplishments, it is noteworthy to mention the following contributions: her role on the Provincial Advisory Council on the Status of Women; her role as one of the first women members of Rotary in this Province; Vice-Chair of the Board of the St. John's Maple Leafs Foundation; member of the Board of the Stella Burry Foundation; and member of the Rhodes Scholarship Selection Committee. While juggling a busy and rewarding legal career and volunteering her time to numerous organizations, Justice Fry also found time to have a family and raise two children, daughter Lesley and son Matthew. Justice Fry made the time to attend the music lessons, hockey games, soccer games, basketball games and volleyball games that her children were involved in.

After completing her career in government, Justice Fry recommenced her career in private practice. Justice Fry indicated that mediation and dispute resolution has

always been an interest of hers and her work during her tenure at government exposed her to many issues in the labour field that often required mediation. In 2005, Justice Fry attended the Mediation Program at Harvard Law School and in 2006, she became a certified professional in managing workplace conflict. Justice Fry and two legal colleagues, one being her husband, opened the Centre for Innovative Dispute Resolution which aims to provide a full range of dispute resolution services, including mediation, arbitration, facilitation, system design and training.

On May 25, 2007, Justice Fry was sworn in as a Supreme Court Justice. Justice Fry commenced her duties with the Trial Division in June and is spending this fall with the Unified Family Court, a time she is finding both challenging and rewarding.

When asked why she wanted to become a judge, Justice Fry indicated that she thoroughly enjoyed her legal career, and while in public service, she was often leading departments, making decisions, dealing with people, and hearing and analyzing all sides of an issue, and occasionally contributing to the development of important public policy, something she also enjoyed doing. Justice Fry indicated that being a judge is another stepping stone in her continually evolving career and she is excited and humbled by the important role that she has been asked to fulfill. She looks forward to developing as a judge and hopes that the practicing lawyers and litigants that come before her find her to be respectful, fair and evenhanded. If her past is any indication of her future, I'm sure that will not be a problem.

I would like to thank Justice Fry for taking the time out of her very busy schedule to speak with me. It was truly a pleasure discussing the life and legal career of a woman who has made, and continues to make, great contributions to this Province. ■



## *New CBA Members* *Joined since August 15, 2007*

Edward Brown . . . . . *White Ottenheimer & Baker*

Liam Legate . . . . . *Law Student*

Beth Sheppard . . . . . *Benson Myles*

## **Justice Lois Hoegg** (continued from page 17)

Accountants of Newfoundland and Labrador from 1998 to 2007, and a member of the Law Society of Newfoundland and Labrador Discipline Committee from 2002 to 2007. She served as Chair of the Salary and Benefits Tribunal of the Judges of the Provincial Court of Newfoundland and Labrador from February 2001 to 2005. She also found the time to lecture at the Bar Admission Course from 1989-2004 in the areas of civil litigation and professional discipline.

Lois has also volunteered in her community. She was a board member for the Memorial University Botanical Gardens from 2000-2004. She has been a board member for the Shallaway Choir, and co-host of an annual coffee christmas party for Planned Parenthood from 1992-2004. Lois is an avid supporter of the arts and has been involved in numerous fundraising activities for arts related projects.

When asked about accomplishments in her career of which she is particularly proud, she cites building a law firm with her husband. Ches had started the firm about a year before Lois joined him. She enjoyed tremendously the Crown and Law Society work but always wanted to broaden her legal career by practicing privately. She is very proud of the work she was able to do in private practice and that her marriage has survived the experience.

In addition to building a law firm, Lois and Ches have also built a family, being the proud parents of three daughters, Charlotte, Catherine and Rachel. Raising a family and practicing law has not been easy. She stresses the importance of having good solid supports, and advises young lawyers, particularly women, not to be afraid to delegate, or to seek help from others.

Lois is well known to many young lawyers due to her willingness to assist and mentor new members of the profession. When asked if she had any advice for young lawyers, she replied as follows, "Always remember to be proud of your profession - it is an honourable one. Always try to get along with opposite counsel and try not to personalize dis-

putes. Be a strong advocate for your clients. Remember the role of law in society and the important part that lawyers play in that role. Lawyers are there to advocate positions. The whole point of the system and the rule of law is to provide a civil forum for the resolution of disputes. It is the basic underpinning of a civilized society."

When asked about her feelings on moving into this new phase in her career, she says she is extremely honoured to become a Supreme Court Justice. She realizes it is also a great responsibility with its own set of challenges. One is making decisions which affect people's lives and liberties. She says that everyone who comes before the Court has a reason for being there, whether by choice or not, and their stories all deserve sincere consideration before being judged according to law.

As a person who had the privilege of working with Lois for five and a half years, I can attest to her passion, dedication and commitment to the rule of law. I am sure she will bring those same qualities to bear in her new role as a Supreme Court Justice. On behalf of myself and the entire *Squid pro quo* Committee, I thank Lois for taking the time to speak with me and wish her continued success in the future. ■



## **Provincial Airlines Limited**

Provincial Airlines Limited (PAL)  
is the  
Exclusive Provincial Preferred Supplier  
for air travel within Newfoundland and Labrador  
for members of the  
Newfoundland and Labrador Branch  
of the  
Canadian Bar Association.

The logo for Discoveries Unlimited Inc. features a stylized graphic of a microphone and a document, with the text "Discoveries Unlimited Inc." and "Court Reporting & Conference Services" below it.

**Discoveries  
Unlimited Inc.**  
Court Reporting & Conference Services

**Judy (Moss) Lockyer**  
President

927 Torbay Road, Torbay, NF, A1K 1A2, Tel: (709) 437-5028

# CBA Membership Advantage RRSP

by Hughie Shea, CBIA Representative



The Canadian Bar Financial Association (CBAF) was launched in 2005. The mandate was simple, create an RRSP for lawyers that was cost effective, easy and could deliver a wide array of investments. We partnered with Manulife Investments to serve as the backbone and plan administrator. This was done for several reasons specific to our clients.

An insurance company can offer a segregated fund structure which allows for potential creditor protection. For any businessperson limiting creditor risk just makes sense. According to the major rating firms such as Moody's Investor Services and Standard and Poor's, Manulife Investments is the second largest life insurance company in Canada and the sixth largest in the world. Partnering with Manulife Investments provides CBAF with stability, strength and expertise.

Being a Canadian Bar Association (CBA) member means that the fees charged on your investments are reduced. They are reduced by 40 basis points, which is 0.40%. Therefore, as a CBA member you would save \$400 annually on a \$100,000 account. While we do not limit the RRSP offering to just CBA members, in a very quantitative measure, being a card-carrying member will save you money.

In 2007, we expanded the RRSP offering to include a Group RRSP. Now, any firm can offer a Group RRSP with the following advantages: lower than retail fees; the ability to

provide employer contributions which are 100% tax deductible to the firm; access to institutional funds and fund managers; leading brand name funds like Fidelity, Jarislowsky Fraser, and Trimark; and online investment account access.

Another CBA membership advantage is that if your firm is a member, your staff also gets a fee reduction. They will enjoy more money going to their return rather than to the financial institution managing the money.

The following charts illustrates the savings for a staff member involved in a Group RRSP who is making contributions of \$300 per month. An 8% compound return over 20 years is assumed. (That 8% return would be 8.4% for the firm who is also a CBA member.)

	Account Value non-CBA member firm	Account Value CBA member firm	CBA Member Advantage
Staff Member	\$170,700	\$178,761	\$8,061 or + 4.7%

What is the end result to the staff member? In retirement the fee reduction still applies. As a twenty-year payout they would receive on a monthly basis:

	Account Value non-CBA member firm	Account Value CBA member firm	CBA Member Advantage
Staff Member	\$1,398	\$1,506	\$108 or + 7.7%

Remember we took no additional risk. The increase of 7.7% as a payout was strictly due to the reduction in fees available to CBA members.

Being a CBA member will not only provide you with long-term benefits but those benefits can also provide tremendous value to your family and staff. Further information is available from our websites, [www.barinsurance.com](http://www.barinsurance.com) and [www.barfinancial.com](http://www.barfinancial.com). My email is [hughieshea@financialanswers.ca](mailto:hughieshea@financialanswers.ca).

If you have any questions about RRSPs, retirement planning or insurance related issues, I would appreciate the opportunity to be of service. Good luck during the remainder of 2007 and here's wishing everyone a very prosperous and healthy 2008. ■



## Branch Days Gone Bye...

The photo on page 7 was reproduced from a 35 mm slide. In the photo, from left to right are: Lorne Campbell, Q.C., National CBA President (1970-1971); John Turner, Minister of Justice for Canada (1968-1972); and John O'Neil, CBA Branch President (1969-1970).

## Owning the Right Amount of Life Insurance Has Never Been So Affordable!

**Check out the Canadian Bar Insurance Association's Level 80 Term Life Rates!**

### Male, non-smoker, regular health\*

	<b>\$ 250,000</b>	<b>\$500,000</b>	<b>\$1,000,000</b>
Age 35	\$173	\$310	\$546
Age 40	\$183	\$327	\$576
Age 45	\$219	\$426	\$827
Age 50	\$298	\$580	\$1127

### Male, smoker, regular health\*

	<b>\$ 250,000</b>	<b>\$500,000</b>	<b>\$1,000,000</b>
Age 35	\$241	\$431	\$761
Age 40	\$319	\$571	\$1008
Age 45	\$415	\$808	\$1569
Age 50	\$657	\$1277	\$2481

### Female, non-smoker, regular health\*

	<b>\$ 250,000</b>	<b>\$500,000</b>	<b>\$1,000,000</b>
Age 35	\$132	\$236	\$417
Age 40	\$136	\$243	\$429
Age 45	\$163	\$317	\$616
Age 50	\$211	\$410	\$797

### Female, smoker, regular health\*

	<b>\$ 250,000</b>	<b>\$500,000</b>	<b>\$1,000,000</b>
Age 35	\$176	\$315	\$556
Age 40	\$226	\$405	\$715
Age 45	\$299	\$582	\$1131
Age 50	\$434	\$843	\$1639

☞ **CBIA Level 80 Term Life rates include a Waiver of Premium Benefit which will pay premiums in the event of a serious disability. For more information, or a free, no obligations quote via email within one business day, please contact your Newfoundland CBIA Authorized Representative:**

**Hughie J. Shea B. Comm., CFP**  
**709-726-6570 Ext. 226**  
**or via email at**  
**[hughieshea@financialanswers.ca](mailto:hughieshea@financialanswers.ca)**  
**or visit [www.barinsurance.com](http://www.barinsurance.com)**



CBIA

THE CANADIAN BAR INSURANCE ASSOCIATION

\*Cost of ownership for the first year, rounded to the nearest dollar. Rates are for illustration purposes only, actual policy provisions will apply, E&OE.





## Section Chairs - 2007 / 2008

### ABORIGINAL LAW SECTION

Currently Vacant

### ADMINISTRATIVE LAW SECTION



**Donna Strong**

Section Chair

Tel: (709) 777-7777, ext. 3171

Fax: (709) 777-1349

Email: donna.strong@easternhealth.ca

My plans for the Section this year include:

- To keep Section members up to date on significant case law and new legislation in the area of administrative law in the province;
- To keep members informed of any relevant developments on a national level; and
- To hold two Lunch and Learn Sessions, one in the early winter to discuss the new *Mental Health Care and Treatment Act* and the other to be decided, based on interest or suggestions brought to my attention.

I encourage members to contact me with any suggestions for topics or areas of concern.

### ALTERNATIVE DISPUTE RESOLUTION (ADR) SECTION



**Andrew Wadden**

Section Chair

Tel: (709) 570-5525

Fax: (709) 738-7999

Email: awadden@coxandpalmer.com

My plans for the Section this year include:

- To keep section members apprised of recent updates both locally and nationally in the area of ADR; and
- To hold at least one Lunch and Learn Session with a guest speaker who is experienced in the ADR field, specifically mediation, to discuss the benefits of this medium.

### BANKRUPTCY & INSOLVENCY SECTION



**Griffith Roberts**

Section Chair

Tel: (709) 726-3321

Fax: (709) 726-2992

Email: groberts@coxandpalmer.com

Goals: *(Submission not received prior to publication deadline)*

### BUSINESS LAW SECTION



**Beth Whalen**

Section Chair

Tel: (709) 722-7584

Fax: (709) 722-9210

Email: bwhalen@wob.nf.ca

My plans for the Section this year include:

- To keep section members up to date on recent legal developments in Business Law, both provincially and federally;
- To support and promote the continuation of online CLE seminars from our National Business Law Section;
- To work with other sections with similar interests; and
- To continue our Branch's national presence and keep members informed on the National Business Law Section initiatives and developments.

Activities:

- To organize one substantial CLE and one Lunch and Learn Session; and
- To attend the National Business Law Meeting and bring our provincial views to the table.

I encourage all members to contact me with any issues or ideas for our Business Law Section this year.



**CIVIL LITIGATION SECTION**

**Sheri Wicks**  
Section Chair  
Tel: (709) 570-7360  
Fax: (709) 722-9239  
Email: swicks@wob.nf.ca

My plans for the Section this year include:

- To continue to work with other Section Chairs to provide programming of benefit to the greatest number of members as possible;
- To conduct at least two Lunch and Learn Sessions of interest to section members;
- To keep the catalogue of Practice Notes issued by the Supreme Court and Court of Appeal of Newfoundland and Labrador up to date on the Branch website for the benefit of all members; and
- To participate in National Section Chair meetings and conference calls and provide regular feedback to the section membership on discussions during same.

I encourage all members to contact me with any questions, concerns or suggestions for Lunch and Learn Session topics.

**CONSTITUTIONAL & HUMAN RIGHTS SECTION**

**Jamie Merrigan**  
Section Chair  
Tel: 709) 634-3136  
Fax: (709) 634-8247  
Email: jemerrigan@pa-law.ca

In the past year I have been very active at the National Section level, participating in working groups on Security Certificates, the Air India Inquiry and Lawful Access issues.

My plans for the Section this year include:

- Hold two Section meetings, one in St. John's and one via conference call;
- Host at least one Lunch and Learn Session; and
- Provide a proposal for a speaker, preferably of enough significance to warrant a more formal luncheon or dinner event.

Ideas, suggestions and input from section members are most welcome. Please contact me at your convenience.

**CONSTRUCTION LAW SECTION**

**Genevieve Dawson**  
Section Chair  
Tel: (709) 722-8735  
Fax: (709) 722-1763  
Email: genevieve.dawson@mcinniscooper.com

Goals: (Submission not received prior to publication deadline)

**CORPORATE COUNSEL SECTION**

**Regan P. O'Dea**  
Tel: (709) 737-1610  
Fax: (709) 737-4125  
Email: rodea@johnson.ca

My plans for the Section this year include:

- To encourage a more active Corporate Counsel Section with regular meetings;
- To promote the Canadian Corporate Counsel Association (CCCA) and its activities and functions with members; and
- To organize a Lunch and Learn Session or CLE that addresses topical issues for corporate/in-house counsel and business lawyers.

**CRIMINAL LAW SECTION**

**Mark Pike**  
Section Chair  
Tel: (709) 570-7244  
Fax: (709) 579-2647  
Email: mpik@bensoymyles.com

My plans for the Section this year include:

- Arrange Lunch and Learn Sessions on topics of interest to section members;
- Increase membership participation in section activities particularly as they relate to reforms arising from the Lamer Inquiry; and
- Keep members informed of National developments.

Ideas, suggestions and input from section members are most welcome. Please contact me at your convenience.

**ELDER LAW SECTION**

**Ed Ring**  
Section Chair  
Tel: (709) 739-7768  
Fax: (709) 739-4434  
Email: e.ring@wellsandcompany.ca

My plans for the Section this year include:

- Keep section members informed about trends and developments in the area of Elder Law throughout the year;
- Co-ordinate with other Sections with similar issues; and
- Arrange Lunch and Learn Sessions during the year on issues of interest to section members;

I welcome all suggestions and participation from section members, and I look forward to serving you as Section Chair this year.

**ENVIRONMENTAL, ENERGY & RESOURCES LAW SECTION**

**Greg Moores**  
Section Chair  
Tel: (709) 570-5797  
Fax: (709) 722-4565  
Email: gmoores@smss.com

As one of the smaller sections of our Branch, the Environmental, Energy and Resources Law Section is sometimes challenged to maintain a significant level of activity. That being said, section membership in 2007-2008 is such that I would anticipate us undertaking some interesting activities this year. When I ran for election as Chair of this Section, I expressed my view that it is important for those of us practicing in these areas to have opportunities to: (a) meet each other; and (b) learn from one another.

To that end, plans for this Section include:

- An initial business meeting of section members; and
- One or more sessions with a guest speaker, whether undertaken in the form of a Lunch & Learn Session or in combination with a more social setting or context.

I am most interested in hearing from any section member who is inclined to offer suggestions. Please do not hesitate to give me a call or send me an email at your convenience.

**FAMILY LAW SECTION**

**Suzanne Orsborn**  
Section Chair  
Tel: (709) 570-7248  
Fax: (709) 579-2647  
Email: sorsborn@bensonmyles.com

My plans for the Section this year to include:

- To host at least two Lunch and Learn Sessions, with the first likely to occur this December. This session will cover the issue of the enforcement of family law related issues, and members of the law enforcement community will be invited to speak;
- To work with members of the National Section to become informed of initiatives and experiences from other family law sections across the country and provide this information to our members;
- Inform and update the National Family Law Section on what is happening in our Province; and
- To act as a liaison between the newly-formed Bar/Bench Committee of the Unified Family Court and the members of this Section.

I look forward to working with all members of the Section and welcome your ideas and thoughts for the upcoming year.

**CBA MEMBERSHIP BENEFIT**

Members can place classified ads in *Squid pro quo* for items of interest to the profession.

The cost per ad is \$25.00 including HST, with a maximum word count of 25 words.

Ads must be received by the Branch Office, via email, no later than October 31 for the fall edition, February 28 for the spring edition, and June 30 for the summer edition, and payment must be received contemporaneously with receipt of the ad.

To book your classified advertisement in *Squid pro quo*, please contact the Branch Office at 579-5783 or email: cba-nl@nl.rogers.com.



## GENERAL PRACTICE, SOLO & SMALL FIRM SECTION



**Geoff Alyward**

Co-Chair

Tel: (709) 722-7000

Fax: (709) 726-1225

Email: gaylward@acwlaw.ca



**Bob Buckingham**

Co-Chair

Tel: (709) 739-6688

Fax: (709) 739-6686

Email: che@buckinghamlaw.ca

Geoff Alyward and Bob Buckingham took over as Co-Chairs of the Section after former Chair, Gillian Butler Q.C. was elevated to the Bench.

Priorities for the Section this year include:

- To hold a number of Lunch and Learn Sessions focusing on firm management. The tentative selection of items to be discussed are:
  - a) time management and billable hours;
  - b) software available for small firm office efficiencies; and
  - c) continuing legal options with focus on competency and stress management matters.

We are open to other suggestions for Lunch and Learn Sessions. We realize the areas of interest with respect to this particular Section are very wide ranging.

## GOVERNMENT & PUBLIC SECTOR SECTION



**G. Todd Stanley**

Section Chair

Tel: (709) 729-2597

Fax: (709) 729-2129

Email: toddstanley@gov.nl.ca

My plans for the Section this year include:

- To raise the profile of the Canadian Bar Association (CBA) membership with public sector lawyers;
- To discuss with the Government of Newfoundland and Labrador options for increasing the support for CBA membership for public sector lawyers who are not receiving funding towards the cost of membership fees;
- To hold at least one general meeting; and
- To hold at least one Lunch and Learn Session focusing upon the implications of the personal privacy provisions of the *Access to Information and Protection of Privacy Act*, which are expected to be proclaimed in the near future.

## HEALTH LAW SECTION



**Richard Rogers**

Section Chair

Tel: (709) 738-8533

Fax: (709) 738-8534

Email: rrogers@nfld.net

My plans for the Section this year include:

- Hold a meeting of the Health Law Section to discuss, among other things, Class Action lawsuits as well as bio-medical issues arising in Canada surrounding flu outbreak; and
- Arrange a meeting with the Minister of Health to discuss the issues of recent concerns in patient care and professional responsibility.

I look forward to working with all members of the Section and welcome your ideas and thoughts for the upcoming year.

## INSURANCE LAW SECTION



**Jamie Martin**

Section Chair

Tel: (709) 570-8128

Fax: (709) 753-5221

Email: jmartin@wrmlaw.com

My plans for the Section this year include:

- To inform members of current legislative initiatives in the insurance field;
- To conduct Lunch and Learn Sessions with other Sections; and
- To report back to members on Section developments on the National level.

## INTELLECTUAL PROPERTY SECTION



**Chris Hickey**

Section Chair

Tel: (709) 570-5564

Fax: (709) 722-0483

Email: chickey@coxandpalmer.com

My plans for the Section this year include:

- A joint session with the RCMP Commercial Crime Branch on counterfeiting issues;
- A Lunch and Learn Session on policing copyrights online;



- A round table event on Intellectual Property litigation reform to follow up on developments since the last Lunch and Learn Session; and
- A Lunch and Learn Session on taking security in intellectual property.

## LABOUR LAW SECTION



**Michelle Willette**

Section Chair

Tel: (709) 738-7800

Fax: (709) 738-7999

Email: mwillette@coxandpalmer.com

My plans for the Section this year include:

- To hold at least one Lunch and Learn Session and a CLE Seminar to address issues of importance to section members; and
- To keep section members informed of developments nationally.

I welcome any input from section members.

## LAW PRACTICE MANAGEMENT & TECHNOLOGY SECTION

*Currently Vacant*

## MARITIME / ADMIRALTY LAW SECTION



**Kim Walsh**

Section Chair

Tel: (709) 570-8834

Fax: (709) 722-4565

Email: kwalsh@smss.com

My plans for the Section this year include:

- To hold at least one Lunch and Learn Session with a guest speaker on a topic of interest to section members;
- To increase interest in Maritime and Admiralty Law among younger members of the bar; and
- To create an email list for the distribution of Maritime Law updates and discussions.

I look forward to meeting and working with section members and welcome suggestions on how we might develop and improve this practice area for the benefit of all members.



## PRIVACY LAW SECTION



**Anna Cook**

Section Chair

Tel: (709) 570-5565

Fax: (709) 738-7999

Email: acook@coxandpalmer.com

My plans for the Section this year include:

- Keep section members up to date on national section matters and any developments in this area of the law;
- Organize and host at least three Lunch and Learn Sessions, with at least one being a joint session with another Section on a topic of mutual interest;
- Represent the Province at the National Section Meeting; and
- Send regular emails to members of the group.

## REAL PROPERTY LAW



**Susan LeDrew**

Section Chair

Tel: (709) 754-4845

Fax: (709) 754-5662

Email: smledrew@wed-law.nf.net

Goals: *(Submission not received prior to publication deadline)*

## WILLS & ESTATES SECTION



**Tammy Pike Farrell**

Section Chair

Tel: (709) 570-8251

Fax: (709) 722-1758

Email: tammy.l.pikefarrell@ca.ey.com

My plans for the Section this year include:

- To arrange a Lunch and Learn Session to provide an update on current key issues in the Wills and Estates area;
- To raise awareness of tax planning issues which are of concern to those practicing in Wills and Estates Law; and
- To report back to members on section developments on the National level.

I encourage all members to offer up their suggestions for other possible Lunch and Learns Sessions and look forward to a productive and informative year.



# Case Digest

by Daniel M. Glover



## Occupiers' Liability: Look Out for the Ditch

*Williams v. Thomas Development Corp.*<sup>1</sup> is the latest decision from the Newfoundland and Labrador Court of Appeal concerning occupiers' liability. It confirms the approach from *Gallant*<sup>2</sup>, applying the general law of negligence to occupiers without special consideration for the classification of claimants as invitees, licensees or trespassers. It also provides an example of a correctness standard of review being applied to a negligence analysis and a warning to counsel claiming punitive damages.

At trial, Thomas Development Corporation, owner and operator of Pippy Park Golf Course, and Modern Paving Limited, were found liable for an injury Dr. Williams suffered when she drove into a ditch as she left the parking area after a game of golf. She was diagnosed with a thoracic spine fracture two years after the accident. The defendants were found liable in negligence for having an open, unmarked, unlit ditch in close proximity to the parking lot.

A negligence analysis is a question of mixed fact and law generally subject to a palpable and overriding error standard of review on appeal. However, if there is a clear, extricable error in principle in the characterization or application of the legal tests in the analysis, this will attract a correctness standard. In this case, the Court found the trial decision reversible on both standards for errors of law and fact.

### Thank you

The *Squid pro quo* Committee would like to extend a special thank you to

Mr. Geoffrey Alyward

for his regular feature, Case Digest in *Squid pro quo* for the past 12 years.

Geoff's years of distinguished service to the legal profession are well appreciated by the Canadian Bar Association, Newfoundland & Labrador Branch.

The *Squid pro quo* Committee wishes Geoff the best of luck with all of his future endeavors.

The first error of law, according to the Court of Appeal, was in not considering whether Modern Paving owed Dr. Williams a duty of care.<sup>3</sup>

The Court applied *Childs v. Desourmeaux*,<sup>4</sup> and concluded that Modern Paving did not owe a duty of care to Dr. Williams since they were limited in their control over the parking lot and the evidence was ambiguous as to whether their work created a danger. Without control over the premises in question or responsibility for creating a danger, the special link or proximity necessary to impose a duty of care was considered to be absent.

The second error of law, according to the Court of Appeal, was in failing to consider Thomas Development's liability from the perspective of a reasonable person.<sup>5</sup> The correct test is "to take reasonable care to avoid foreseeable risk of harm from any unusual danger." The Appellate Court found that the trial judge focused on whether the defendant's actions contributed to the accident without considering if their actions were reasonable in the circumstances.

The third error of law according to the Appellate Court was in not considering Dr. Williams' responsibility to drive with due care and attention particularly given her familiarity with the area and admitted awareness of the ditch. This was said to be a failure to apply the correct test regarding foreseeability.<sup>6</sup>

Errors of fact identified included the findings that Modern Paving created a risk or danger due to the depth of the ditch and that an extension of pavement lured Dr. Williams into the ditch, which was said to be speculative and without foundation.<sup>7</sup>

The Court concluded that the trial judge failed to apply the correct analytical approach in assessing the defendants' liability for negligence and allowed the defendants' appeals. ■

<sup>1</sup> 2007 CarswellNfld 271 (C.A.).

<sup>2</sup> 2001 CarswellNfld 122 (C.A.).

<sup>3</sup> Paras. 28,48,51. Thomas Development admitted they owed a duty of care to users of the golf course.

<sup>4</sup> [2006] 1 S.C.R. 643. This case concerned the liability of a social host whose guest drove while impaired.

<sup>5</sup> Paras. 54, 57.

<sup>6</sup> Paras. 80, 86, 88.

<sup>7</sup> Paras. 41, 77 respectively.

# People and Places

by Keri-Lynn Power

**Joseph Anthony**, is now with the *Department of Justice, Civil Division* in the Corporate and Commercial Unit.

**Brian Bennett**, formerly with *Duffy and Associates*, has taken non-practicing status.

**Tanya Carter** has taken non-practicing status.

**Michelle Coady**, formerly with *O'Dea Earle*, is now with the *Newfoundland and Labrador Legal Aid Commission*.

**Herb Edwards**, formerly with the litigation unit of the *Department of Justice, Civil Division*, is now with the *Department of Environment*.

**Nancy Furlong\***, formerly with *Cox & Palmer*, is now with the *Department of Justice*.

**Kerry Hatfield\*** has taken non-practicing status.

**Jason House**, formerly with *Paul Burgess Law Office*, is now with the *Crown Attorney's Office*.

**Susan Marsh\***, formerly with *Benson Myles*, is now with *Cassels Brock & Blackwell LLP* in Toronto, ON.

**Cynthia Janes**, is now with the *Department of Justice, Civil Division*.

**Jereome Kennedy, Q.C.\***, formerly with *Simmonds, Breen, Sullivan* is now the *Minister of Justice and Attorney General*, Government of Newfoundland and Labrador.

**Nancy McKillop**, formerly with *Gittens and Associates*, has taken non-practicing status.

**Jennifer Mercer\***, formerly with *Miller Hearn*, is now with the *Crown Attorney's Office* in Wabush.

**Lesley Mercer\***, formerly with *Stewart McKelvey*, is now with *Stikeman Elliott LLP* in Toronto, ON.

**Tom Mills**, formerly with the *Crown Attorney's Office*, is now with the *Department of Justice, Civil Division*.

**Robyn Montague** has taken non-practicing status.

**Philip Osborne\***, formerly with *Benson Myles*, is now with the *Department of Justice, Civil Division*.

**Shawn Patten**, formerly with *Stack & Associates*, is now with the *Crown Attorney's Office*.

**Chris Quigley\***, formerly with *Cox & Palmer*, is now with the *Department of Justice, Civil Division*.

**Ed Ring\***, formerly with *Provincial Aerospace*, is now with *Wells and Company*.

**Barry Stagg** has taken non-practicing status.

**Tracey Lynn Trahey\*** has taken non-practicing status.

**Ruth Wakeham\***, formerly with the *Crown Attorney's Office*, is now with the *Department of Justice, Civil Division*.

**Raymond Whalen**, formerly with *Smith Coffey Whalen*, is now with *White Ottenheimer & Baker*.

**Scott Worsfold** has taken non-practicing status.

\*Denotes CBA Member

## Call to Bar

Two lawyers were Called to Bar in St. John's on October 5, 2007. They are (*in the order of call*):

Roll Number  
1374

Name  
Leah A Mazerolle\*

Roll Number  
1375

Name  
Robert M Sutherland

\*Denotes CBA member



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