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SQUID PRO QUO

THE VOICE OF THE LEGAL PROFESSION

CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH

SPRING 2010



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Squid pro quo is a publication of CBA-NL Branch 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.

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

Letter from the Editor



Janet Grant

Spring has officially arrived and with that comes a time for new beginnings. In line with that theme, our Branch has a new Executive Director, Sherry House. Between Law Day and the Spring edition of the Magazine, Sherry has started with us at a very busy time. She has certainly risen to the challenge and I would like to congratulate her on a job well done with this edition of the Magazine. I would also like to extend my thanks to the members of the Magazine Committee, as well as the other contributors to this edition of the Magazine, for their hard work and dedication in ensuring that we are able to provide our members with interesting and informative articles.

This edition highlights several key CBA Annual events. During our Mid Winter Meeting the Award for Excellence in Journalism was awarded to David Zelcer. David has been kind enough to provide us with a synopsis of his story and I am sure that you will find it quite interesting. Law Day 2010 was celebrated on April 15, 2010, and we have a report from the Law Day Committee which outlines the numerous projects that were undertaken to promote this important annual event. As well, you will see a number of pictures from the CBIA sponsored children's Easter Egg Hunt which show the fun and excitement that was had by all!

Our In Personams reflect some of the recent changes within our judiciary. Farrah Carrim spoke with Justice Stack about his family, his career in law and his volunteer commitments. Farrah brings an interesting approach to this article as she was mentored by Justice Stack during his most recent years at Cox & Palmer. Don Anthony had the opportunity to speak with Judge Skanes' about her career in law and her volunteer commitments. Judge Skanes also provided her reflections on the impact of the CBA's Gender Equality Task Force and how the CBA can be involved on issues such as parental leave. In upcoming editions of the Magazine we hope to be able to include In Personam articles on Judge Brazil and Judge Madden.

Regular features in the Magazine include Section Updates, Case Digest and a CBIA Update. In that respect, we have several Section Updates which highlight the work that is being done on your behalf. I encourage you all to review these articles and contact your Section Chairs with any issues or concerns that you would like to see addressed by the CBA. Dan Glover's Case Digest addresses Justice LeBlanc's recent decision in *H.(H.) Estate v. Newfoundland and Labrador*. Lastly, Hughie Shea's CBIA Update discusses currency and interest rates.

I hope you enjoy this edition of the Magazine. We welcome all comments or suggestions for article topics and look forward to hearing from the members. •

President's Report

by Sheri Wicks



Wow, it has been a busy few months since my last report to the membership in the Fall edition of *Squid pro quo!* Most significantly, our Executive Director Laura Churchill left us at the end of February. Immediately upon Laura providing us with notice of her departure a Selection Committee comprising Janie Bussey (the Branch Vice-President), John Hoyles (the CBA National Chief Executive Director) and myself was assembled to start the search for a New Executive Director. Our search was successful beyond our expectations with a number of well qualified applications received. Ultimately we hired Sherry House, who many of you met for the first time at the children's Easter Egg Hunt. Sherry started with us on March 15, 2010, and hit the ground running, with formal training occurring for two days in early April at the National Office in Ottawa. Sherry is an excellent addition to the Branch and I encourage members to drop by the CBA office and say hello to her. Many thanks to Janie and John for their contributions of time and effort on the Selection Committee.

Swearing In Ceremonies

I was very pleased to be able to attend the swearing in of former Branch President Justice Robert Stack on January 11, 2010. Justice Stack's swearing in was also attended by Joan Bercovitch from the National Office.

It was with regret that I was unable to attend the swearing in of Chief Judge Mark Pike on February 12, 2010, having already committed to be in Ottawa for the National Mid-Winter Meeting and Board of Directors meeting. Susan Gover, the Branch Treasurer, attended in my stead and brought greetings on behalf of the Branch – thank you Susan.

On March 5, 2010, I brought greetings from the Branch at the Administration of Oaths ceremony for Provincial Court Judges Michael Madden and Jacqueline Brazil. On March 12, 2010, I did the same at the Administration of Oaths ceremony for one of the Branch's former Presidents, Judge Lois Skanes.

On May 3, 2010, I will travel to Corner Brook to represent the CBA at the official opening of the new courthouse in Corner Brook.

Luncheons

The Branch organized a luncheon on February 26, 2010, with Chief Justice Orsborn in conjunction with the Branch

Mid-Winter Meeting activities. A second luncheon on April 22, 2010, featured local lawyer Lloyd Strickland who spoke about his international experiences tackling genocide prosecutions during his work in Africa.

Branch Mid-Winter Meeting

The CBA-NL Mid-Winter Meeting was held in St. John's from February 25-28, 2010, and started with our Council Meeting on Thursday where, among other things, the Branch's financial statements for 2008-2009 were presented and approved by Council. On Friday there was a Professional Development session entitled Criminal Law for the non-specialist: What EVERY lawyer needs to know. This session featured local lawyers with expertise in criminal law who informed attendees on several topics essential to their practice, regardless of whether they specialized in criminal law or not. Privilege, search warrants, first appearances in Criminal Court, Mental Health Court, Family Violence Court and media relations were some of the topics discussed by the panel. Special thanks to John Hoyles who spoke to attendees on the topic of media relations. The Mid-Winter Meeting finished on Sunday with a family luncheon sponsored by CBIA followed by a family skate and slide in beautiful Bowring Park.

Nationally

At the CBA National Board of Directors ("BOD") Meeting on November of 2009, there was a presentation on the
(Continued on page 14)

Mark Your Calendars

Annual General Meeting

July 16-18, 2010

Location to be Announced

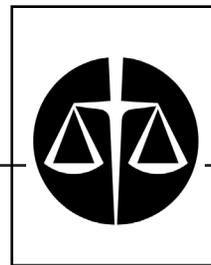
Canadian Legal Conference

August 15-17, 2010

Niagara, ON

Law Day 2010

By Robynn Arnold and Mandy Woodland



Law Day 2010 was celebrated across Canada on Thursday, April 15th, 2010, with a national focus on the theme of “Access to Justice”. The Newfoundland and Labrador Branch of the Law Day Committee chose the theme of “Celebrate Your Right to Freedom of Expression” as its guiding principle in carrying out its Law Day 2010 activities and events.

Among the major events organized by the Law Day Committee this year was the Legal Information Fair held at the Avalon Mall, St. John’s, on April 15th, 2010. During the Fair, many government and not-for-profit organizations were on hand to provide information to the general public on a variety of law-related issues. This year’s participants included: the Canadian Bar Association; the Residential Tenancies Division; the Better Business Bureau; the Public Legal Information Association of Newfoundland and Labrador (PLIAN); Crime Stoppers; Prosecutorial Services, Department of Justice; the Newfoundland and Labrador Sexual Assault Crisis & Prevention Centre; the Office of the High Sheriff; the Human Rights Commission; the Office of the Information and Privacy Commissioner (OIPC); the Association for New Canadians; the RNC Public Complaints Commission; and Crime Stoppers.

Another major focus of Law Day activities was introducing and involving students in the province to the many facets of the law. Competitions were offered to different age and grade ranges including Poster and Photography Contests for elementary and junior high students, province-wide, and Mock Trials for high school students within St. John’s and vicinity.

The Poster and Photography contests encouraged students to express their take on the Law Day theme. All entries were displayed at the Legal Information Fair in St. John’s and cash prizes were awarded to the First, Second and Third Place prize winners of both contests. Further, the Poster and Photograph of the First Place prize winners will be reproduced on commemorative 2010 Law Day plaques to be displayed at the CBA offices.

Mock Trial Competitions were held for high school students on April 17th in the courtrooms of the Supreme

Court of
Newfoundland
and Labrador,
Trail Division.

During this competition, students from Queen Elizabeth Regional High School, Holy Trinity High School and Prince of Wales Collegiate took on the roles of witnesses, prosecution and defence lawyers, jurors, accused, etc. to portray the fictional case of *R v. Alex Wilson*, a case involving a Grade 11 student charged with possession of a firearm and pointing a firearm at an individual in contravention of sections 91(1) and 87(1) of the *Criminal Code*, following an incident at a house party.

In addition to the competitions offered to school students in the province, school presentations were also offered in conjunction with Law Day, allowing high schools to avail of having members from the legal community attend their classes to speak on various legal topics of interest to their students. Presentation topics included: the Charter of Rights and Freedoms; Human Rights Law; Criminal Law (Youth Justice/Young Offenders); Family Law and Law as a Career/Legal Education.

Finally, the Annual CBA Law Day Food Drive was also conducted again this year with cash and food donations being collected by participating law firms, legal organizations and the membership in the Province with all donations going to benefit the Community Food Sharing Association. The drive was held over several weeks, ending on Law Day itself with donations being handled by the office of the Canadian Bar Association, Newfoundland and Labrador Branch before being forwarded to the local Food Sharing Network.

As the planning and organization of Law Day 2010 comes to a close, the Committee reflects on another successful year and looks forward to continued success in 2011. All members of the CBA are invited and encouraged to participate in next year’s activities and may contact either of the 2010 Committee’s Co-Chairs by e-mail at robynnarnold@oipc.nl.ca or mwoodland@coxandpalmer.com for more information about upcoming events or ways to volunteer. •

The Benefits of Membership

By Janet Grant



The Canadian Bar Association (“CBA”) offers a host of benefits and services to its members. Since the Fall 2008 issue of *Squid pro quo*, we have dedicated a full article in the Magazine to highlighting the various activities and initiatives that the CBA undertakes for its members. In this edition of the Magazine, we have focused the “Benefits of Membership” article on new developments in the audit inquiry process and the work that the CBA is undertaking to ensure that the concerns and needs of the legal profession are met.

A common task for lawyers who represent businesses is to respond to audit inquiries from their clients’ auditors. Audit inquiry requests and the responses that are provided to them are primarily governed by the Joint Policy Statement on Audit Inquiries (“JPS”). The JPS was developed in 1978 through collaboration between the CBA and the Auditing Standards Committee of the Canadian Institute of Chartered Accountants. The JPS governs communications between auditors and law firms in relation to claims and possible claims and in relation to the preparation and audit of financial statements.

Pursuant to the JPS, the management of a business is responsible to assess claims and possible claims in financial statements. Accountants audit management’s assessment by seeking assurances that the assessment is reasonable. The involved lawyers provide the accountants with corroborating evidence. The JPS provides the rules for this communication process and includes standard forms of inquiry and response letters. In this way, the JPS:

1. Promotes clarity of communication between clients, lawyers and auditors;
2. Balances the need for lawyers to hold client information in strict confidence with the need for disclosure of contingent gains and losses in clients’ financial statements; and
3. Establishes the parameters of lawyers’ obligations to respond to audit inquiry letters.

As stated above, the JPS was developed in 1978 and reflects accounting and auditing standards of that time period. However, accounting standards are changing

and there is a need for the JPS to reflect those changes. Currently, there are different accounting frameworks for publicly accountable enterprises, private enterprises, not-for-profit organizations and government. Specific to publicly accountable enterprises, Canada will be adopting the International Financial Reporting Standards (“IFRS”) as of January 1, 2011. The IFRS are issued by the International Accounting Standards Board (“IASB”).

The CBA has summarized four concerns of the legal profession that need to be accounted for in responding to audit inquiries: preserving solicitor-client privilege; ensuring that lawyers are not in a “joint undertaking” with auditors; saving lawyers from interpreting several accounting standards; and balancing the value of lawyers’ assurances with lawyers’ time and cost to client.

(Continued on page 14)



SECTION UPDATE

Womens Law Forum

By Andrea Murphy



The National Executive of the Canadian Bar Association (“CBA”) Women Lawyers Forum (“WLF”) met in Montreal during the weekend of December 4-6, 2009. I attended this meeting as the 2009-2010 Newfoundland and Labrador Conference Chair. Also in attendance were the National Officers: Patricia Lane (Chair), Pascale Pageau (Vice-Chair), Judith Huddart (Secretary-Treasurer), as well as the Members-at-Large: Jennifer Goldenberg, Ellen Desmond, M. Sandra Appel, and Heather Segal. Conference Chairs/Representatives for Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, Quebec, and Saskatchewan, and CBA Staff Member, Jennifer Lalonde, were also in attendance.

The Chair’s update acknowledged the importance and quality of the WLF Newsletter, *The Common Room*, and that any ideas for articles or submissions for the newsletter would be welcome and suggested that interested members contact their regional WLF Chairs.

An association has recently been struck between the CBA’s WLF and its equivalent section at the American Bar Association (“ABA”), the Commission on Women in the Profession. The ABA’s Women in Law Leadership (“WILL”) Academy Program may be of particular interest to the CBA’s WLF members. The WLF is pursuing the possibility of having its members join the WILL Academy Program at the ABA members’ rate. Further details will be provided to the WLF as this initiative develops. The WLF is also seeking corporate sponsorships for the WILL Academy Program. Anyone interested in making a corporate donation is asked to please contact the CBA-NL Branch office for more details. For more information on the ABA and the WILL Academy Program, please visit: www.abanet.org/women/.

Also reviewed and discussed were several reports recently completed by the Law Societies of British Columbia and Upper Canada on the retention of women in the legal profession. These reports offer several specific recommendations to Canadian Law Societies in order to assist with the retention of women in the legal profession and, more particularly, in private practice. Copies of each of these reports as well as their executive summaries are available online at: www.lsuc.on.ca (Law Society of Upper Canada) and www.lawsociety.bc.ca (Law Society of British Columbia). Also available for review is the Law Society of British Columbia’s *The Business Case for*

the Retaining and Advancing of Women Lawyers in Private Practice.

The recipient of the 2009 Cecilia I. Johnstone Award presented last summer in Dublin, Ireland was Judge Susan Devine of Winnipeg, Manitoba. This award, established in 2007, recognizes women who have achieved professional excellence in their field; influenced other women to pursue legal careers; supported other women in career advancement; or opened doors for women lawyers in a variety of job settings that historically were closed to them. The award is named to honour Cecilia I. Johnstone, an outstanding lawyer, judge, CBA President, woman, and friend who passed away in April 2006. For more information on this award and the process to follow in order to submit a nomination, please contact me or visit www.cba.org/CBA/Awards/women/default.aspx.

During the meeting reports were presented by each of the attending branch representatives regarding WLF events and initiatives occurring in their respective regions. Tips and suggestions were also shared amongst the attendees as to how these events and initiatives might be implemented by branch representatives in their own regions. Such events and initiatives include: trivia nights; wine and cheeses; pot luck dinners; mentorship programs; Continuing Legal Education (“CLE”) programs; performance nights by local female professionals; fashion shows; etc. It was noted that WLF now has a presence in all provinces and territories across Canada with the exception of Prince Edward Island and Nunavut.

(Continued on page 17)



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SECTION UPDATE

Public Sector Lawyers Forum

By Amanda Hewitt



In November 2009, on behalf of our Section Chair Tracey Pennell, I had the opportunity to attend the national meeting of the Public Sector Lawyers Forum. Topics discussed included the past year's Continuing Legal Education ("CLE") Program, the Canadian Legal Conference ("CLC") in Dublin, and the John Tait Award.

On May 28, 2009, the Public Sector Lawyers Forum and the federal Department of Justice held its 5th annual joint national videoconference. The topic was "Renewal of the Public Service: An Ongoing Challenge." Ms. Cecilia Muir, Assistant Secretary to the Cabinet on Public Service Renewal, provided some insight on the challenges and successes of the approach taken by the Government of Canada to ensure the renewal of its Public Service. The videoconference was broadcast to 12 locations across the country and it was well received.

The CLC was held in Dublin from August 13 to 18, 2009. One of the motions passed at that conference that will have a direct impact on the Public Sector Lawyers Forum as well as the other CBA Conferences is that the Chair of Conferences has been granted voting status as a member of the CBA Board of Directors. Previously, the Chair of Conferences had observer status only. This is a position that rotates between the Conferences and is elected by the Chairs of all the Conferences for a term of two years.

The Public Sector Lawyers Forum recognizes the contributions of its colleagues. The John Tait Award of Excellence was established in 1998 to honour, recognize and celebrate the accomplishments of public sector lawyers in Canada. The award is presented each year at the CBA Annual Conference to a public sector lawyer who has achieved the highest standards of professional conduct and competence, has made significant contributions to social justice or community affairs, and who exemplifies preeminent public service. Last year's winner was John Merritt of Ottawa, a key member of the joint Government/Inuit Steering Committee which negotiated the political accord for the creation of Nunavut.

The eligibility criteria, nomination procedure, and nomination form for the John Tait Award can be found on the CBA website: http://www.cba.org/CBA/Awards/john_tait/. The

deadline for applications is April 30, 2010, and the Award will be presented at the Canadian Legal Conference in Niagara Falls in August 2010. I would encourage you to nominate your public sector colleagues for this prestigious award. •

Queen's Council Appointments

F. Geoffrey Aylward *

Lisa A. Byrne

Michael J. Crosbie*

Calvin L. Lake

James E. Maher

Heather L.C. Mills

Robert P. Pittmen*

Terrance G. Rowe*

Graham A. Wells

*** Denotes CBA member**

Civil Litigation

By Daniel M. Glover



I attended a national Civil Litigation Section meeting in Banff in October, 2009. Highlights of the meeting included: the initiation of a national class action steering committee to work toward a national CBA position on class actions; a proposed class action search engine that is now in the works; Governments' acceptance of the Federation of Law Societies' self-regulating model on Client Identification Rules which all Canadian law societies undertook to adopt; and reports from the Sections Chairs from the other Provinces and Territories. The reports from the other Provinces and Territories demonstrated how important it is to monitor and to seize the opportunity to provide input on proposed changes to the Rules of Court. A number of Provinces' sweeping reforms have taken place that are of serious concern to litigators and their ability to achieve justice for their clients. These include mandatory judicial dispute resolution which could limit a litigant's pursuit of a remedy; time restrictions on examinations for discovery without an application to Court; a contentious pilot project on "sole experts" acting for both sides of a dispute in Quebec; minor injury caps that have generated extensive litigation and a requirement to exchange witness lists and "will say statements" summarizing the evidence of each witness.

I have been in contact with Jim Oakley, the Chairman of the NL Rules Sub-Committee on the Scale of Costs as a follow up to my report submitted to the Sub-Committee and received some updates on the Sub-Committee's progress. I scheduled a Lunch and Learn for the Civil Litigation Section on the proposed revisions to the Scale of Costs to be attended by the Chairman of the Sub-Committee but it was cancelled due to lack of interest. I am still of the view that this is a critical issue to our Section and invite members to contact me with concerns and to set up a follow up meeting of the Section to address the content of the proposed revisions to the Scale of Costs and concerns that members might have. My own discussions with members to date have flagged some concerns, particularly with respect to up-front discovery costs that will be codified, travel costs which appear

to be inflated in comparison to the rest of the allowances in the proposed scale, automatic allowance of second counsel fees and some technical points with the language used in the proposed draft. As the proposed scale follows the decision in the *Pittman*¹ case with respect to the up-front discovery costs, I have not taken the position that any revisions to this section are required. However I would encourage members to consider this point further before the proposed scale is passed.

I have arranged for a Lunch and Learn on the Sedona Principles and Electronic Discovery now scheduled for April 27th, 2010. Annette Conway, an experienced litigator, attended a national conference on the Sedona Principles and has prepared a presentation concerning the Principles and a number of cases that have employed and considered them. This issue will become increasingly important with the large volume of information now available electronically that could be the subject of preservation or production orders and it is critical to remain informed of our obligations as solicitors involved in civil litigation so that we can properly advise our clients of how to approach retention and disclosure of this information. •



¹ *Pittman V. Ultramar and Gosse V. Pittman and Ultramar*, 2008 NLTD 77

Distinguished Public Service Award

*Members and the public are invited
to nominate lawyers in the Province for the*

*2010 Canadian Bar Association's
Distinguished Public Service Award*

to recognize a lawyer's contribution to community service.

*The award will be presented during the
Newfoundland & Labrador Branch's Annual General Meeting.*

*Please contact the Branch Office
by May 30th 2010, to obtain a nomination form*

***Squid pro quo* Letters to the Editor**

Squid pro quo welcomes letters to the editor from members of the Canadian Bar Association wishing to express observations, opinions, corrections, very brief reports, or comments on previously published articles.

Please note the following:

1. Your letter must be single spaced, Times New Roman font, point size - 12 with one inch margins.
2. Letters must not exceed 250 words in length; Published letters will be edited for clarity and length without the prior approval of the author. Unpublished letters will not be returned.
3. Signatures of all authors are required (by fax will be acceptable), together with the author's full mailing address and daytime telephone number. Pen names and anonymous letters will not be published
4. Letters referring to a recent *Squid pro quo* article must be received within one month of its publication
5. *Squid pro quo* will not accept responsibility for statements made by contributors.

Award Spotlight

By David Zelcer

The Excellence in Journalism Award recognizes outstanding journalism that fosters public awareness and understanding of any aspect of the Canadian justice system. It is awarded for stories in either print or broadcast media that meet the criteria based on accuracy, originality, insight and effectiveness in explaining issues to the public. The Excellence in Journalism Award is presented at the Canadian Bar Association, Newfoundland and Labrador Branch's Mid Winter Meeting. This year's winner was David Zelcer.

David Zelcer started working for the CBC in Toronto when he was 16 years old. His first job was at the bottom of the rung at the national radio newsroom. On his first day the producers were all gathered around a television smoking and watching the Watergate Hearings and a political junkie was born! David was working the night Richard Nixon resigned. He was moonlighting at CBC Television all through the 70s, where his duties included handing Lloyd Robertson his scripts for *The National*. All of this occurred before he finished high school! As a reporter he worked in Iqaluit and Yellowknife for CBC radio before returning to Toronto to work for United Press Canada and Broadcast News. He moved to Labrador for six months in 1987 and has been in the province ever since. David trained Inuit broadcasters in Nain for a year and a half before going back to work with the CBC in Goose Bay. He was a television reporter in Labrador for eight years. He has lived in Gander since 1997.

David has kindly provided the following synopsis of his story to *Squid pro quo* so that we may share it with our readers.

In 1983 two German tourists were murdered in central British Columbia. The case went unsolved for six years. In 1989, the RCMP heard rumours that a Newfoundland man had confessed to a friend that he'd killed the Germans. Based on that information, they arrested Andy Rose and charged him with two counts of first-degree murder.

Rose was convicted in 1991, but had the conviction overturned on appeal. There was a second trial, and Rose was convicted again in 1994. Then a family in California told police another man, who had since died, had told them he was the real killer. Andy Rose's second conviction was overturned on appeal.

In 1998, the RCMP decided to mount a sting operation to try

and get an official confession from Rose. It worked. Rose told undercover police officers he'd done it. But when Rose's third trial started, new DNA evidence on a pair of bloody jeans taken from the crime scene showed no sign of Rose having been there. The murder charges were finally dropped in 2001. Rose had spent the better part of 10 years in jail.

Seven years later I called Andy Rose to talk about his history with the case, but he wasn't interested in dealing with a reporter. His hope for a civil settlement with the RCMP hadn't gone anywhere. He growled "what's in it for me?" I went away disappointed.

Despite that, I still believed in the story. It was a 25-year-old murder mystery story that had never been told. I knew that Lynden McIntyre at *The Fifth Estate* had done stories about the controversial police "Mr. Big" stings before, so I pitched Andy's story to him. He liked it.

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Michael B. Murphy, Q.C.
BILINGUAL MEDIATOR

Advertisement

Michael B. Murphy, is an experienced litigator practicing since 1983 in commercial, family and personal injury litigation primarily and having been lead counsel on a number of precedent setting cases. A member of the New Brunswick and Nova Scotia Bar, he was appointed Q.C. in 2007. Possessing a Business Administration Degree (1980) Bachelor of Law (1983) and Masters of Law (ADR) (2002). He is available for MEDIATIONS, ARBITRATIONS and CONCILIATIONS in litigation throughout the Maritime Provinces.

Mr. Murphy is fluently bilingual having practiced and tried cases in both official languages throughout his career. He is the former Minister of Health, Attorney General, Justice Minister and Government House Leader for the current government in New Brunswick.



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Law Day 2010



In Personam

By Don Anthony



Sometime during my first few weeks of work at Williams, Roebbothan, McKay & Marshall, as it then was, in January of 2001, I was visiting my grandparents and undergoing rigorous examination from my grandfather about every facet of work there. While I was giving the required bios of the other lawyers at the firm so he could outline their respective genealogies for me, I caught my grandmother's attention when I mentioned Lois Skanes. She said, "My God, I suppose that's not the young one who used to work with me over to Reitmans?" After subsequent confirmation from Ms. Skanes that she was one and the same, my grandmother marveled that a "young girl" would, frankly could, become such a prominent lawyer. It is no exaggeration to say that she was tickled when I told her that on March 12 of this year, Lois Skanes was sworn in as a Judge of the Provincial Court of Newfoundland and Labrador.

Clearly not taken enough with her summer job at Reitmans to nestle into a career in retail, Judge Skanes entered Memorial University of Newfoundland and Labrador, graduating in 1980 with a Bachelor of Arts in Psychology. She furthered her education at the University of Saskatchewan and graduated with her Bachelor of Laws in 1984.

Judge Skanes was called to the Bar in April of 1985. She practiced with Mercer, Spracklin, Heywood, & McKay until September of 1987 when she began employment as a solicitor with the City of St. John's. She remained with the City Solicitor's office until November of 1993 when she joined Williams, Harris, Roebbothan & McKay where she would spend the next 17 years in practice, primarily in plaintiff-oriented personal injury and medical malpractice litigation. When I asked what gives her the most pride when she reflects on her career in private practice, Judge Skanes said that she was very happy to have had the opportunity to help people who had been severely injured through no fault of their own.

Judge Skanes has always been active within and outside of the legal community, serving as a Bencher of the Law Society of Newfoundland and Labrador during the 1991/92 term and as President of the Newfoundland and Labrador Branch of the Canadian Bar Association (CBA) in the 1992/93 term. She was a founding member of the Preparatory Rehabilitation Employment Program Inc. (PREP) and is also a past member of the Board of Directors of the Newfoundland and Labrador Branch of the Canadian Mental Health Association. Having previously sat on various national and provincial committees, Judge Skanes also served as a director of the Canadian Bar Insurance Association. Most recently before being appointed to the bench, Judge Skanes served on the board of directors of The Rooms Corporation and as Chair of the Newfoundland and Labrador Human Rights Commission. During her tenure at the Human Rights Commission she was pleased to see great strides made in administrative improvements within the organization as well as a doubling of the budget.



Judge Lois Skanes

Anyone present during Judge Skanes' speech at her swearing-in ceremony will be aware of the affection and pride she displays when discussing her work within the CBA, particularly her service as Chair for the Provincial Working Group of the CBA Gender Equality Task Force. It has been 17 years since the Task Force, headed by the late Madam Justice Bertha Wilson of the Supreme Court of Canada, submitted its report *Touchstones for Change: Equality, Diversity and Accountability* and I asked Judge Skanes to reflect on the impact of that work. She points out that it brought a number of issues to the forefront in the legal community which deserved debate and discussion.

(Continued on page 18)

In Personam

By Farrah Carrim



It was a cool and crisp November evening. At 8:32 p.m. on Thursday, November 26, 2009, I heard the first ring. I reached into my pocket and saw the name “Robert P. Stack” flashing. My heart was pounding and my mind raced. He could have sent an e-mail, but no, it was an actual call. I thought to myself, nothing good can come from a call from a partner at this time of evening. Then, with the second ring complete, my mind quickly shifted to do a mental checklist of action items I had recently completed. Ring three. My brain was now in overdrive. It could be anything, I thought to myself. Did I miss a case? Did I mess up the brief? I could not take it any longer. With my hand shaking and my voice quivering, I answered the phone as confidently as possible, “Ah, hi Robert”. Then it came, “Farrah, I need you to meet me at the office A.S.A.P.” As all junior lawyers would, with my right arm half-way in my jacket and my car keys in hand, I responded, “Absolutely! On my way!” With that, I heard a quiet chuckle on the other end. “No, no, I’m just joking”, he says. Funny, I thought to myself. Then, in a very serious tone, I hear, “Looks like I won’t be able to work on any more files with you. I have been appointed to the Supreme Court”. I paused. I then quietly whispered, “So, does this mean I’m not fired?”

Justice Stack has mentored many junior lawyers during the course of his over 25 year private practice career. As his last mentee, I am both excited and anxious to have the opportunity to interview the Honourable Robert P. Stack of the Supreme Court of Newfoundland and Labrador, Trial Division.

Justice Stack was born in St. John’s, but moved to Nova Scotia with his family when he was one year old. After having grown up in Nova Scotia, the Stack family returned to St. John’s in 1974 and Justice Stack began Grade 11 at

Brother Rice High School. Missing his friends, Justice Stack returned to Nova Scotia in 1975 to complete his Grade 11. There being no Grade 12 in the Newfoundland and Labrador education system at the time, Justice Stack was eligible to attend Memorial University after completing Grade 11 in Nova Scotia without having received a high school diploma.

In September 1975, Justice Stack started at Memorial University. Not knowing what he wanted to study, Justice Stack selected similar course subjects to those he had studied in high school. Interestingly, when asked what made him ultimately major in Political Science, Justice Stack responded “Because the business building was across the Parkway.”



Justice Stack with Justice Goodridge and Assistant Deputy Registrar Paula Parsons and Justice Stack's Assistant (and sometimes court clerk) Donna Elliott.

Unsure of where his studies were leading, Justice Stack decided in his third year to take a semester off and travel to Europe. Upon his return to university the following semester, Justice Stack was now behind his friends, many of whom had decided to apply to Osgoode Hall Law School. Justice Stack, still not knowing what he wanted to do with his life, decided that he too would apply to Osgoode.

Being the first of the Stack family to achieve a university degree, Justice Stack completed his Bachelor of Arts in Political Science in 1980 and earned the Gold Medal for academic excellence.

In 1980, Justice Stack started his first year at Osgoode. He remembers, at the time, enjoying his criminal law course the most. Justice Stack graduated from Osgoode in 1983 and completed his articles with O’Neill, O’Reilly & Noseworthy in 1984.

(Continued on page 18)

President's Report (Continued from page 3)

Quebec Charter School Program. The program in Quebec has become part of the school curriculum, and teaches students about the Charter. The programming is presented to students by lawyers and judges and has been quite successful. The Branch intends to set up a standing committee to begin laying the groundwork to start this program in Newfoundland and Labrador. If any member is interested in participating in this committee please contact the Branch and let us know.

During the February 2010 BOD Meeting there was an update on the CBA's continued efforts to pursue a litigation strategy to forward the cause for increased funding for legal aid. It is expected that test cases will be finalized over the summer, and court documents filed in the Fall in connection with this initiative.

The CLC for 2010 is in Niagara Falls and planning is well underway with a number of exceptional events planned in and around the Niagara Falls and the Niagara-on-the-lake region including: a concert with Jim Cuddy and Greg Keelor of Blue Rodeo; speeches from Rick Hiller, Canada's former Chief of Defence Staff; Richard Susskind, legal futurist and author; Richard Pound, Q.C., International Olympic Committee Member; and Dr. Linda Duxbury, workplace health expert. Also planned are a fantastic Professional Development program and a closing gala at the Hillebrand Estate Winery. A link to the CLC web site can be found on www.cba.org.

During the National Mid-Winter Council Meeting, members were provided with reports on the following:

- The CBA has constituted a Class Action Task Force to deal with the complex and frequent issues that are arising with respect to varying jurisdictions certifying the same class action, as well as looking at the constitutional issues arising when a court in one jurisdiction purports to deal with the legal rights of Canadians in other jurisdictions.
- The CBA has constituted a joint CBA/CICA committee to review and update the 1978 Policy Statement on Audit Inquiries. While the committee expected to be able to provide a final report by now, it ran into difficulty with some of the information that the CICA was requesting in audit letters. The result is that 2010 and 2011 will be confusing years for the provision of audit letters as accountants switch from GAAP to IFRS. The committee hopes to provide lawyers with interim advice on how to deal with audit letters in the near future. An article providing greater detail on this initiative is included in this edition of the Magazine.

- The CBA Task Force on Conflicts is back to work and hopes to provide lawyers with precedents for retainer letters in the coming months.

Time certainly flies, I can hardly believe I am already over halfway through my term as President of the Branch. As always if you have any questions about the Branch, or have anything you would like to discuss please feel free to contact me either by phone or e-mail. •

The Benefits of Membership (Continued from Page 5)

The three proposed changes to the JPS are as follows:

1. Revise audit enquiries and response letters for different accounting standards;
2. Timing of response letter to change such that the audit report is dated when auditor has sufficient audit information; and ,
3. Address the practical difficulties for law firms by clarifying language and addressing the reality that clients seldom self-assess claims.

Up to January 2010, the revisions to the JPS were proceeding smoothly. There was an agreement in principle to formulate a generic inquiry and response letter. The goal was to consult with the profession in the spring and ultimately seek CBA Council approval of the new JPS in August. However, in early January 2010, the Auditing and Assurance Standards Board ("AASB") questioned the generic audit inquiry and response letter and the IASB proposed changes to the IFRS for claims and possible claims. As such, revisions to the JPS were temporarily put on hold.

As a result of the above, the CBA's plan for addressing the situation includes:

1. Developing a response to IFRS on proposed changes for claims and possible claims;
2. Developing interim guidance on how to respond to audit enquiries until the new JPS is completed;
3. Continuing to work with the AASB on JPS changes; and
4. Preparing professional development sessions and "best practices" to issue with revised JPS.

The Newfoundland and Labrador Branch of the CBA will continue to keep members apprised of developments in this area. As well, we invite any member who has any questions or concerns in relation to this matter to contact the office. •



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Case Digest

By Daniel M. Glover



Does the Government owe a Duty of Care to Mount Cashel Victims?

The Plaintiffs in *H.(H.) Estate v. Newfoundland & Labrador* were children residents at the Mount Cashel Orphanage at various times between the 1940's and early 1960's. The Defendant was the Government of Newfoundland and Labrador. By agreement the parties asked the Court to rule on whether the Government owed a duty of care to the Plaintiffs and, if so, the nature and extent of the duty.

In his decision Justice LeBlanc outlined the facts surrounding the placement of each of the Plaintiffs at Mount Cashel and found that they were placed primarily by parents or other family guardians, usually with the involvement of a parish priest. Government officials only had minor involvement in that they were involved with financial contributions to the care of the children and transportation assistance. The Plaintiffs were not placed at Mount Cashel as wards or children in the custody of the Director of Child Welfare pursuant to the 1931, 1944 and 1952 Welfare of Children legislation. The placement of the Plaintiffs at Mount Cashel was "private" in nature.

The Plaintiffs argued that Government had a general *parens patriae* jurisdiction or duty towards children and therefore had the legal responsibility to ensure that the Plaintiffs were reasonably taken care of at Mount Cashel. They argued that as a result, there was a relationship of sufficient proximity to give rise to a duty of care. Justice LeBlanc rejected this argument and confined the *parens patriae* jurisdiction to an ability to make laws concerning persons under disability, including children, which the government can exercise as it sees fit.

He rejected an interesting argument that, notwithstanding that the action was based on events taking place prior to the coming into force of the Charter, the Plaintiffs were discriminated against on the basis of age and religion by

the 1931, 1944 and 1952 legislation itself. They were treated differently from other children not placed in orphanages and had they been placed in foster homes, their placement would have been supervised and subject to inspection. Since the effects of that discrimination are still impacting the Plaintiffs, the Charter should be invoked to support the Plaintiffs position that the Government owed a duty of care. Justice LeBlanc rejected this argument, applying a case from Ontario which rejected a similar argument that attempted to apply the Charter to victims of the Chinese Head Tax.

Justice LeBlanc also rejected any liability arising out of a breach of fiduciary duty, a non-delegable duty or vicarious liability. The decision leaves open the question of whether a duty of care is owed to wards placed at Mount Cashel, being "neglected" and "delinquent" children under the legislation from the timeframe. •

2010 NLTD 47. David C. Day, Q.C. acted for the Plaintiffs, Rolf Pritchard for Her Majesty the Queen.

Ibid., at para. 63.

Ibid., at paras. 73, 74.

Ibid., at para. 24.



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Women Lawyers Forum (Continued from page 6)

Upcoming WLF CLE programs were also discussed, including the Women's Court occurring during the CLC in Niagara Falls, Ontario in August 2010; the in-person CLE taking place over two days in the Fall of 2010 in Toronto; and the ABA/CBA Summer Program taking place in Toronto during the Summer of 2011.

The Newfoundland and Labrador Section of the WLF will be having its first meeting within the coming weeks, followed by an official launch of WLF sometime in the Spring/Summer of 2010. For further information on the WLF or any of its up-coming events, please contact me in my capacity as the Newfoundland and Labrador Conference Chair, by telephone at (709) 754-1800, or by e-mail at amurphy@frenchnoseworthy.com or visit the WLF website found under Sections on the CBA website: www.cba.org •

Award Spotlight (Continued from page 10)

That was enough to go back to Rose and tell him The Fifth Estate was interested. He relented and decided to participate in the story after all. Rose gave me access to all the documents he had from his three trials and two appeals. They were sitting in boxes in a lawyer's office in St. John's, Newfoundland.

I made the four-hour drive from Gander to sort through the papers. What a mess! When I walked into the office, I was greeted by a large conference table piled high with stacks of badly-organized files. But five hours later I walked out with a goldmine. There were videotapes of the RCMP sting done on Rose, audio tapes of a telephone call the police had the woman who fingered Rose make to try to get him to confess and the police photos of the murder scene. There was a picture of the California man who had confessed to the murders and videotape of the man's wife telling the police about the confession. The boxes even held police sketches of two men who had cashed traveller's cheques that belonged to the two dead German tourists and DNA analysis reports with test results that exonerated Rose. It was hard to believe we had it all. I made two more trips to the lawyer's office and spent weeks going through the material. Each time I found something new that helped tell the story.

Even with the documented evidence, though, there was still a huge challenge in finding people to talk about 25-year-old murders. All the court documents spelled one victim's name wrong, which turned out to be a big waste of time. Then there was the language issue with the victims' relatives. I don't speak German, so I made many cold calls using Google translator to try to chase down German family and friends. Finally there was Madonna Kelly.

She had told a police informant that Andy Rose had confessed to her that he killed the Germans, and her statement was the main evidence against Rose at the first two trials. Kelly was difficult to find but I eventually tracked her to Fort McMurray, Alberta. Unfortunately, after all the time and effort spent locating her, we couldn't negotiate an interview. Her demand for money did make for a great line in the story, however.

Today, Andy Rose is living in Alberta. He's still hoping for a settlement with the Province of British Columbia. •

Calls to Bar

<i>Roll Number</i>	<i>Name</i>
1461	Brodie Gallant
1462	Brett Ludlow
1463	Jonathan Fowler*
1464	Suzanne Hollett*
1465	Jessica Dellow*
1466	Shawn Patey
1467	Christian J. Hurley
1468	Jillian M. Kean*
1469	Andrew G.M. Woodland
1470	Daniel F. Furey*
1471	Mary E. Newton
1472	Ashley R. Parsons
1473	Padraig J. Mohan*
1474	Melissa L.H. Hill*
1475	Kimberly D. Pochini*
1476	Tauna M. Staniland*
1477	Michael S. Ladha*
1478	John C. Crosbie
1479	Adam S. Gosse
1480	Heather L. Buffett*
1481	Ruth E. Trask*
1482	Lori S. Williams
1483	Andre J. Clair*
1484	John L. Hurley*
1485	Adam J. Crocker
1486	Matthew G. Rowe

* Denotes CBA Member

Judge Lois Skanes (Continued from Page 14)

The report has led to policies, programs and actions to advance non-discrimination and equity within law societies, law schools, the judiciary, departments of justice, legal associations and law firms.

Judge Skanes notes, however, that issues have not been completely resolved. She observes that in our profession we still face systemic discrimination but, with only aberrant exceptions, overt discrimination is gone. In discussing specifics, Judge Skanes points to the issue of parental leave policies, and as importantly, their notable absence in some firms. Judge Skanes believes that there is an opportunity for the CBA to take the initiative to bring this issue once again to the forefront and invite discussion and debate leading to the creation of a draft policy on parental leave which could provide the framework for law firms to implement considered and consistent policies of their own.

Attendants at her swearing-in ceremony will also recall Judge Skanes' discussion of the advancement of women in the judiciary, particularly that in our Provincial Court. I must admit personal surprise upon learning that the first female Provincial Court Judge was not appointed until 1989. Judge Skanes pointed out in her address that she was now the ninth and during our conversation we did a little more detailed analysis of the appointment statistics. When looking back over the period from July 1989 to present there have been nine women appointed to the Provincial Court Bench while over the same period there were fourteen men appointed. When the period is shortened to January 2005 to present there have been four each of men and women appointed to the Provincial Court Bench. Upon discovery of this fact Judge Skanes noted "I'm charmed! I think it's great!"

Judge Skanes cautions however that we must remain cognizant of the continued underrepresentation of women in certain arenas. It is important, in her estimation, that we not look at a figure like the same number of men and women being appointed to our Provincial Court bench in the last five years and become complacent, thinking that there is no longer an issue. She is adamant though that we must never appoint someone who is not qualified in an effort to balance the numbers. However, she opines, when two applicants are equally qualified, more consideration should be given to the applicant

from the underrepresented group. Balance is the goal.

When asked her feelings on CBA involvement, Judge Skanes said she felt that young lawyers in particular should be encouraged to become involved. Among the benefits she cites is the great opportunity that presents itself for lawyers to meet in a non-adversarial environment and get to know one another. She remembers fondly getting the opportunity through the CBA to meet the justices of the Supreme Court of Canada, a chance she is sure she would not have otherwise had in a social setting.

I would personally like to thank Judge Skanes for taking the time from her hectic schedule to sit down with me and entertain what must at times have sounded like silly questions. On behalf of the CBA, her former colleagues at the Bar and my Grandma, I extend warmest congratulations and best wishes to Judge Skanes. •

Justice Robert Stack (Continued from page 13)

Upon being called to the Bar, Justice Stack maintained a general practice that included criminal and family law, but the majority of his practice tended to focus on corporate and commercial matters. In July 1988, Justice Stack became a partner at O'Reilly, Noseworthy.

Justice Stack is particularly recognized for his expertise in corporate restructuring, bankruptcy and insolvency law. While Justice Stack's early years of practice included bankruptcy and insolvency law, it was not until 1992 that Justice Stack truly began to specialize. Drawn to high stakes project work, Justice Stack viewed the 1992 *Bankruptcy and Insolvency Act* amendments as an opportunity to specialize in an area which was, in his view, filled with drama, excitement and challenge. Justice Stack studied the 1992 amendments and gained a reputation around the office as an expert in this area. With this reputation, Justice Stack gained significant experience in a number of high profile matters.

His interest in project work lead Justice Stack to be on the negotiation teams for the formation of Cox Hanson O'Reilly Matheson in 1998 and Cox & Palmer in 2007. Justice Stack's involvement with the Canadian Bar Association ("CBA") spans more than 20 years. He fondly remembers attending an event in 1993/1994

where then CBA president, the late Honourable Cecilia I. Johnstone, was a speaker. Justice Stack vividly recalls how he was inspired by her words and sense of enthusiasm about the Bar. It was at this point, Justice Stack says, that he knew he wanted to share in this enthusiasm and play an active role in the CBA .

After serving two terms on the CBA National Executive, in 1999, Justice Stack received the CBA Douglas Miller Award for outstanding dedication and team spirit in his ongoing involvement with the CBA. In 2002, Justice Stack was awarded the Queen Elizabeth II Golden Jubilee Medal, created in 2002 to commemorate the 50th anniversary of the ascension of Her Majesty Queen Elizabeth II to the throne. The Medal was awarded to Canadians who had made outstanding and exemplary contributions to their communities or to Canada as a whole. Justice Stack proudly advises that his father, the late Edward Stack, was awarded the Queen Elizabeth II Silver Jubilee Medal in 1977 in recognition of his worthy and devoted service to the Royal Canadian Navy.

After serving as a member of the Triennial Review Committee, which restructured the CBA and redeveloped the relationship between the national CBA and local branches, from 2003 to 2006, Justice Stack served as Vice-Chair of the CBA Futures Committee. The CBA Futures Committee was established to study the challenges facing lawyers and the legal profession. The committee made recommendations about the kind of organization the CBA should be and what it would need to offer lawyers and the legal profession in order to be relevant and vibrant into the future.

During law school Justice Stack married Margo Connors. Justice Stack says there are no words to capture Margo's importance. To say that Justice Stack adores and admires Margo would be an understatement. Whether kayaking at their cabin in Cape Broyle or taking a quick side trip to the office on Sunday, while taking their dog, Chance, for a walk, Justice Stack and Margo are always side by side. Needless to say that when it came to sorting out details of his move to Happy Valley-Goose Bay, Justice Stack's answer to any question was invariably, "I have to check with my wife first".

In addition to his involvement with the CBA, among other volunteer activities, Justice Stack spent many years on the boards of St. Michael's Printshop and the His-

toric Sites Association. He was also a director of Canship Ugland Limited and several related companies.

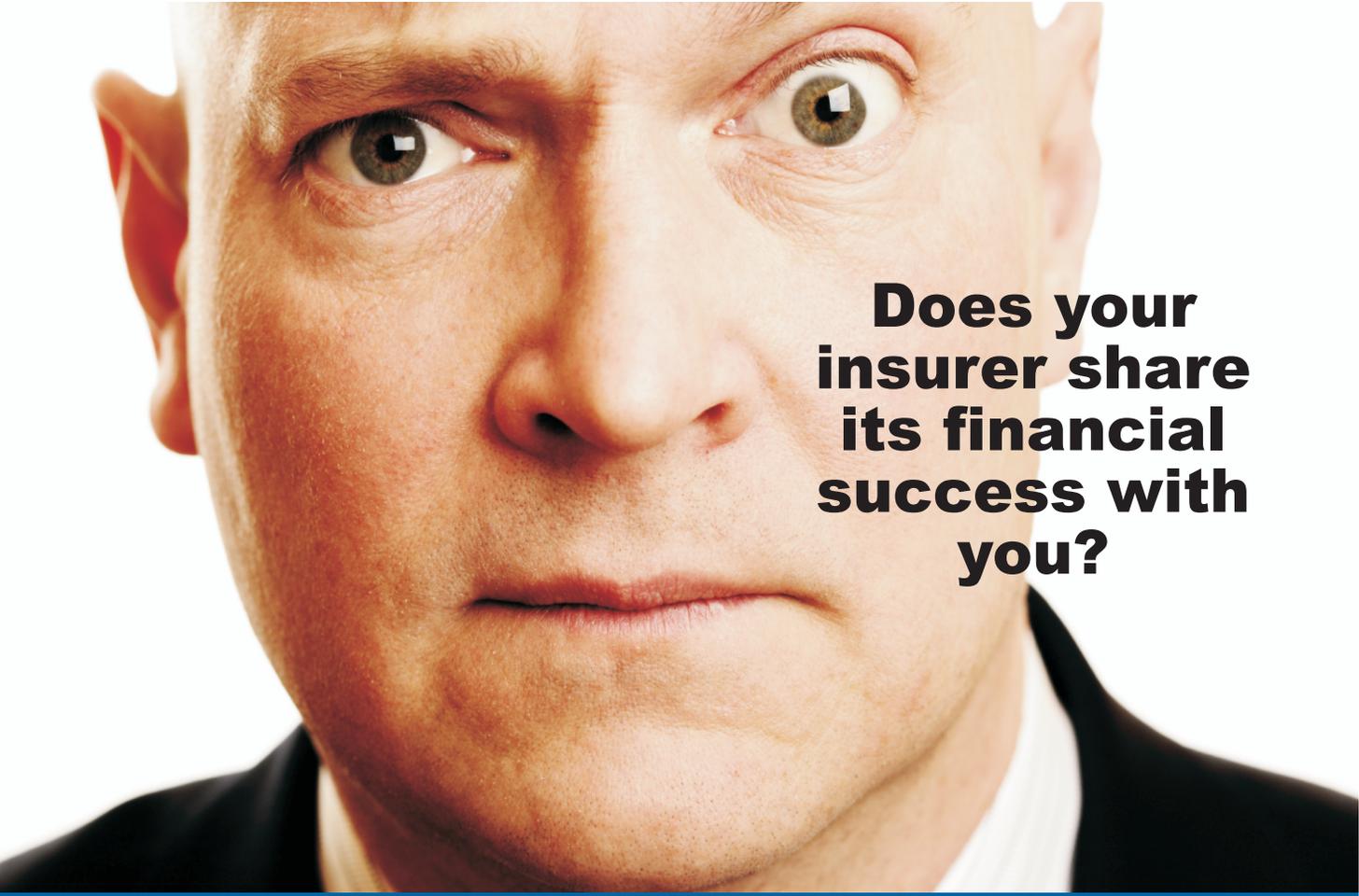
As Justice Stack reflects on his demanding practice and significant involvement with the CBA and other organizations, he says that lawyers today face the same challenges in trying to achieve balance between work and family. A busy practice and significant travel with the CBA came with a price, he explains; that price was time away from Margo and sons, Sean, David and Conor.

With a soft smile, Justice Stack recalls the many years that he and Margo bundled up Sean, David and Conor to watch the downtown Christmas Parade. The ritual always started with a front row view on Water Street and ended in the spinning chairs of the warm offices of then O'Reilly, Noseworthy. Justice Stack beams with pride as he tells me about Sean, David and Conor and how each is unique but all share common values.

Now that Justice Stack has embarked on a new era in his law career, he is excited to take on this challenge and see what the future has in store. At his swearing-in ceremony in St. John's, Justice Stack advised that he had never even sat on a Skidoo. He now proudly informs me that he has already had his first ride on a Skidoo and is looking forward to a second!

Although Justice Stack is still in training (as he informs me that he has not quite figured out when to bow in court), it is clear that he will continue to make a significant impact in his new role as the Honourable Robert P. Stack of the Supreme Court of Newfoundland and Labrador, Trial Division. As his mentee, I would just like to say that I am thankful for the unwritten rule that I cannot appear before Justice Stack for at least 5 years and would like to take this opportunity to suggest that this be increased to 10! On behalf of the *Squid Pro Quo* Committee I would like to thank Justice Stack for speaking with me and sharing his story. •





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Canadian Bar Insurance Association Update

By Hughie Shea



Risk for 2010: Currency and Interest Rates

What a difference a year makes. In March 2009, the Canadian Dollar hit a 52 week low of 77 cents US. In April 2010 the Canadian Dollar hit parity. Of course the issue now is what it will do going forward.

When I discuss investments I really stick to two asset classes; equity and fixed income. Equity can be any security representing an ownership interest in the issuing business. This includes common, preferred, or other capital stock. The key here is ownership. You own a part of that business whether it is a bank, oil and gas concern, or a retailer like Canadian Tire (“more than just tires”). As an owner, if you make a profit then you get rewarded either by a payment such as a dividend or by an increased value in your ownership share. The overriding issue when you are an owner of a business is profit. Without profit you get no reward, no dividend payment, and no increase in value of your ownership share.

In my opinion, the main risk in the Equity Markets to both businesses and individuals is currency risk. Currency risk happens when one currency changes in price. After a 29% change in the US Dollar to the Canadian Dollar from March 2009 to April 2010, I think that qualifies nicely as a change in currency price. The risk really takes effect for companies that operate across national borders. It affects us as shareholders of those businesses either through direct ownership or through ownership through mutual funds or segregated funds.

The Catch 22

- Currency risk can be reduced by owning domestic (Canadian) assets.
- Canadian assets will be at a greater risk as the value of our dollar increases. A high Canadian Dollar reduces our competitive ability in the global market.

The obvious solution is to own shares in smaller Canadian companies that have reduced exposure to the international market place however, smaller companies will ultimately follow what happens to larger companies. Alternatively, another solution would be to invest in international equity that is properly hedged. Hedging in essence is insurance against changes in currency.

The second type of assets that I would like to touch on is fixed income. Fixed income refers to any type of investment

that yields a regular (or fixed) return. For the purpose of this article I will restrict fixed income to GICs, bonds, secured and unsecured debentures, and preferred shares issued by businesses. All of these have different levels of security, risk and sensitivity to changes in interest rates.

Interest rates for banks are set and controlled by the Bank of Canada. The banks however, set what rates they charge to consumers. The Bank of Canada has set the overnight rate at 0.25% as of March 2, 2010, and has “eight fixed dates per year in which it announces whether or not it will change the key policy rate.” (source: Bank of Canada) Really, as a consumer, who would not love paying 0.25% for debt? The reasoning for such a low interest rate is to spur economic activity, get businesses to borrow and stimulate the economy. The reality is that now with interest rates at generational lows, the economy improving and businesses stimulated, now would be a very good opportunity for the Bank of Canada to raise interest rates. Increasing interest rates will change the price investors will want to pay for fixed income and will affect the returns that investors will require from fixed income. The message is don't become complacent with your investments. Stay in touch with your investment professional and become aware of the risks in the current investment environment. Investment strategy should be dynamic, certainly the investment environment is.

Welcome to Sherry House. I am certainly looking forward to working with you in the future. Also, thanks to all the families who came out for the Easter Egg Hunt and Brunch. It was a wonderful event and very nice to see you all again.

As lawyers you are often asked for your advice on issues concerning family and friends. A relatively new savings program available is a RDSP, Registered Disability Savings Plan, intended to help Canadians with disabilities and their families save for the future. I will complete a review of the program and send a summary to the CBA membership in the near future. Those who need immediate information can check the Human Resources and Skills Development Canada website, or call me at 709-726-6570 ext 226.

Thank you for the support of CBIA and CBA Financial. Enjoy a prosperous 2010. If you need any additional information on this or any other financial planning issue please contact me. •

People and Places

Tauna Staniland has joined *Stewart McKelvey*.

Augustus Lilly, Q.C. has retired from *Stewart McKelvey*.

Kim Pochini, formerly with the *Capital District Health Authority* in Nova Scotia has joined the *Human Rights Commission*.

Stacey O'Dea, formally with *McInnes Cooper*, has joined *Exxon Mobil*.

Krista Dawn Harding has taken non-practicing status.

Katrina Warren has taken non-practicing status.

Diane Lasky has taken non-practicing status.

David Moores, formerly with *Wells and Company* is now with *Morris Law*.

New CBA Members

Heather Buffett - Martin Whalen Hennebury & Stamp

Andre Clair - Martin Whalen Hennebury & Stamp

Jeffrey MacDonald - Roebothan McKay & Marshall

Jennifer Gorman - Benson Myles

Melissa Hill - McInnes Cooper





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If you have any questions about this preferred supplier agreement, please contact Sherry House, Executive Director at the CBA-NL Branch office at (709) 579-5783 or e-mail cba-nl@cba.org.



Easter Egg Hunt and Brunch