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SQUID PRO QUO

THE VOICE OF THE LEGAL PROFESSION

CANADIAN BAR ASSOCIATION - NEWFOUNDLAND & LABRADOR BRANCH

WINTER 2013



IN THIS ISSUE

We go way
“Beyond the Overpass”
to Tanzania with the
*CBA Young Lawyers
International Program*



Squid pro quo

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Newfoundland & Labrador Branch

Box 16, Suite 107
49-55 Elizabeth Avenue
St. John's, NL A1A 1W9
cba-nl@cba.org
www.cba.org/newfoundland

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Letter from the Editor



Dan Furey

With Spring almost upon us we are pleased to present the Winter 2013 issue of *Squid pro quo*. There are some great contributions in this issue and we hope you enjoy them.

We received tremendous feedback from the Spring 2012 issue of the magazine that featured articles from a number of our colleagues on the Burin Peninsula. We are continuing the “Beyond the Overpass” theme in this issue, but in a different way. You could say that we are going “way” beyond the overpass with an article from Kevin O'Shea. Kevin details his work with the Legal and Human Rights Centre in Tanzania as a part of the CBA Young Lawyers International Program. It was quite the experience!

We are fortunate to again have a contribution from Chief Judge Mark Pike on the subject of judicial education. This issue also includes an In Personam with the recipient of the 2012 CBA-NL Distinguished Public Service Award, Christopher Pike. There are also articles from the Canadian Bar Insurance Association and from Canadian Corporate Counsel Association President, Grant Borbridge.

Regular features include the President's Report and National News. In the Branch President's Report Isobel O'Shea highlights Branch activities over the past several months. The National News section includes a brief overview of the new CBA membership structure and a recap of some notable events from the 2012 Canadian Legal Conference.

We conclude the issue with another edition of “Legal Opinions”. The question in this issue is about Alternative Dispute Resolution and how it is being utilized by practitioners throughout the province. We are always looking for new and interesting questions for this feature and would encourage members to submit their ideas!

Comments or suggestions for article topics are always welcome. As always, I would like to thank the members of the marvelous editorial team for their hard work in putting this issue together.

CONTACT US
Canadian Bar Association -Newfoundland and Labrador Branch
49-55 Elizabeth Avenue, Box 16
St. John's, NL A1A 1W9
Tel: (709) 579-5783 Fax: (709) 726-4166
Email: cba-nl@cba.org Web: www.cba.org/newfoundland

The Last Word

The Last Word is a new feature to Squid pro quo, where in each issue we will pose a question to colleagues on issues of interest.

How important is Alternative Dispute Resolution (ADR) in your practice?
Have you made use of any ADR methods in your practice? Why or why not?

I practice exclusively in civil litigation, with particular emphasis on defence of medical malpractice and class actions. ADR is an essential part of my practice. I have especially found private mediation to be useful. I have utilized the services of private mediators to achieve settlement in all manner of files, from minor personal injury claims to complex class actions. Almost of all of those claims settled either at mediation or soon after mediation. Although we have to prepare for each case as if it is headed for trial, I believe that we owe an obligation our clients in all cases to consider the potential for resolution through ADR.

Dan Boone, Stewart McKelvey

I think ADR is an important part of any legal practice. No matter what kind of law you practice, disputes arise, and doing the best job possible for our clients means helping them resolve those disputes in as painless a manner as possible! For me, one of the best examples is the ICANN process for domain name dispute resolution. The Uniform Domain-Name Dispute-Resolution Policy (UDRP) helps me resolve domain name disputes for clients through an expedited administrative proceeding, making it both easier and more cost-effective than the standard court process.

Mandy Woodland, Cox & Palmer

At Johnson, my practice is primarily focused on acquisitions, contracts and other general commercial business advice. One of Johnson's main growth initiatives is based on a broker acquisition strategy. In the acquisition space we request that our target companies agree to an arbitration clause in the purchase agreement for the settlement of all disputes. Since joining Johnson's in-house team, we have not had to rely on these provisions to settle disputes arising from any acquisitions; however, we remain committed to the concept and the company finds comfort in having arbitration as an alternative to other traditional forms of dispute resolution.

In terms of contract review and negotiation related to the procurement of a variety of business assets, we require vendors, suppliers and partners to agree to an ADR provision tailored to fit each specific business relationship. The form of the ADR provision in any given contract depends on a wide variety of factors, including the nature of the services being sourced, the nature of the items being purchased or leased, level of spend, complexity of the relationship and jurisdiction of the vendor. As with acquisitions, we have not recently had the opportunity to make use of any of the ADR provisions but I'm sure it is just a matter of time before a dispute arises!

Michelle Davis, Johnson Inc.

President's Report

By Isobel O'Shea, 2012-13 Branch President

I am delighted to report to you as your Branch President for the 2012-2013 year. The CBA has been a large part of my legal career and I hope that it will become a part of your career as well.

I would like to start by thanking 2011-12 Branch President, Susan Gover, for her hard work and dedication throughout her term. I am privileged to have such an outstanding group of volunteers to work with as Branch President, including our Branch Section Chairs, Committee Chairs and many volunteers. Without the contribution of our many volunteers the work of the Branch would not be possible.

I would also like to remind members that the number of opportunities to get involved with the CBA extends beyond the local level. I am especially pleased to see so many local members involved in CBA National Sections.

Congratulations to the following members serving on National Section Executives:

William Cahill, Chair, National Maritime and Admiralty Law Section;
Mandy Woodland, Chair, National Privacy Law Section;
Susan LeDrew, Vice Chair, National Real Property Section;
Daniel Glover, Secretary, National Civil Litigation Section;
Karen Hollett, Executive Committee Member, Canadian Corporate Counsel Association (CCCA);
Beth McGrath, Past Chair, National Young Lawyers Conference.

The Branch has been busy with a number of activities that have taken place so far this year. Many more activities and new initiatives are being planned for the coming months, some of which I have highlighted in this report.

Professional Development

Congratulations are extended to John O'Dea, Chair of the CBA National Construction Law Conference, which took place in St. John's on September 28-29, 2012. John served as the conference chair who, along with the organizing committee, put together a great event featuring many local speakers.

September also saw the start of our Section Professional

Development Luncheons. During "Right to Know Week," the Privacy Law Section hosted a Professional Development Luncheon with speaker Susan Hollett, Access and Privacy Analyst, Office of the Information and Privacy Commissioner. Susan spoke on the changes to the Access to Information and Protection of Privacy Act passed in June 2012.

The Branch Section of the Canadian Corporate Counsel Association (CCCA) hosted a Professional Development Session and Networking Luncheon on November 7th. The session topic was "Hot Topics in Employment Law," with speaker Anna Cook, Cox & Palmer.

The Corporate Counsel Session held a second Professional Development Luncheon on March 6th. The session topic was procurement law for in-house counsel with speaker Stephen Penney, Stewart McKelvey.

A Business Law Section Professional Development Luncheon is being planned for March 26th and will address business valuations.

We also remind members who reside outside of the St. John's area that they can participate via conference call in all of our Section Professional Development Luncheons.

Should you have an idea for a Professional Development Luncheon please contact the Branch office or the Branch Section Chair as listed at the back of this issue. As always your feedback is welcomed.

On Wednesday, December 5th the Branch hosted a luncheon with guest speaker Chief Judge Mark Pike, Provincial Court of Newfoundland and Labrador. Chief Judge Pike spoke to members about his role in, and the future direction of, the Provincial Court, along with recent changes to the court.

Our Professional Development Committee has put together a half day Professional Development session to be held in conjunction with the Branch Mid-Winter Meeting on Friday, March 15th. The session will focus on tax and estate planning issues with speakers J. David Eaton, Q.C., McInnes Cooper, Neil Smith, Public Prosecution Service of Canada, Pam Rideout, McInnes Cooper, Paul Coxworthy, Stewart

President's Report

Continued from Page 2

McKelvey and Greg London, Deloitte.

Women Lawyers Forum Mentoring Program

Fall 2012 saw the start of the Women Lawyers Forum Mentoring Program. A big thank you to Andrea Murphy-McGrath and the Women Lawyers Forum Mentoring Committee for their hard work in getting this program off the ground.

The objective of the Mentoring Program is to facilitate mentoring relationships for women in the legal profession and is a significant way for women lawyers to support other women in continuing and flourishing in the practice of law.

The Mentoring Program kicked off on October 10th with a reception for all of the matched pairs as well as other Women Lawyers Forum members. The event had a great turnout and Justice Lois Hoegg and Justice Gillian Butler, spoke on the importance of mentoring relationships in the legal profession.

Young Lawyers and Law School Students Holiday Social

On December 20th the Branch continued the tradition of hosting a Holiday Social for young lawyers and law school students from Newfoundland and Labrador who are home

for the holidays. This is the fourth year we hosted an event welcoming law school students and is always enjoyed by the students who get the chance to meet and mingle with local young lawyers.

CBA-NL/CBIA Easter Egg Hunt and Brunch

The ever popular CBA-NL/CBIA Easter Egg Hunt and Brunch will take place on Sunday, March 24th at the Geo Centre. As always, the event will be sponsored by CBIA and will consist of a brunch followed by an egg hunt with the Easter Bunny.

Suicide and the Justice System Forum, Happy Valley-Goose Bay

One of the most notable events that the Branch has facilitated thus far this year is our first ever event in Labrador. Labrador Regional Chair Kelly Curties along with Justice Robert Stack, Supreme Court of Newfoundland and Labrador, brought together participants from the Labrador justice system for a forum titled *Suicide and the Justice System* in Happy Valley-Goose Bay.

(Continued on Page 9)



Canadian Bar Association – Newfoundland and Labrador Branch 2012-13 Executive Committee

Left to Right (sitting): Susan Gover, Past President, Isobel O'Shea, President, Cheryl Mullett, Vice President

Left to Right (standing): Michael Ladha, Professional Development Chair, Ashley Woodford, Executive Director, Beth McGrath, Treasurer, Steve Scruton, Secretary, Koren Thomson, Young Lawyers Chair, Dan Furey, Communications Chair

Missing from photo: Adam Baker, Western Regional Chair, Kelly Curties, Labrador Regional Chair, Susan LeDrew, Membership Chair, Renee L.T. Moore, Central Regional Chair

Beyond the Overpass

In this issue we go way beyond the overpass with a story from Kevin O'Shea on his time spent working in Tanzania, with the CBA's Young Lawyers International Program.

Tanzania

By Kevin O'Shea

In 2010, I had the opportunity to join the CBA's Young Lawyers International Program, which sends young Canadian lawyers to work with human rights and legal development



Kevin O'Shea and Colleagues in Tanzania

NGOs in developing countries. I had articulated with the Crown Attorney's office in St. John's, but was interested to pursue work in international human rights law. The Young Lawyers International Program was an ideal chance to do this.

My placement was with the Legal and Human Rights Centre (LHRC), a NGO based in Dar es Salaam, Tanzania and focused on legal aid and human rights advocacy. In September, 2010 I left St. John's and landed in hot and humid Dar es Salaam, a city of about 3 million people located on the Indian Ocean. I lived with 3 other Canadian interns who were placed in different legal rights NGOs in Dar.

My work at the LHRC involved supporting the work of different sections of the organization, including the Parliament Monitoring Unit, which monitored new legislation and other activities in the Tanzania Parliament, and the Human Rights Monitoring Unit, which kept track of human rights abuses

throughout Tanzania and advocated for better human rights protections in the country. One of my main tasks was assisting in writing and editing the 2010 Tanzania Human Rights Report, issued annually by the LHRC. This report is a comprehensive review of the state of human rights protection in Tanzania, documenting violations that took place in the preceding year, including the murder of villagers surrounding a mining site in northern Tanzania and suppression of opposition political activity.

One of the most exciting events I participated in was the Tanzania general election held in October 2010. I worked with the LHRC as an election monitor, and was responsible for overseeing about 20 other volunteer monitors. We acted as "rapid response" monitors, and published reports from other monitors in the field of violence, electoral fraud, intimidation, and other election abuses at polling sites. We also contacted the police and electoral authorities, where possible, to respond to violations. This was an invaluable, eye-opening experience about the electoral process in a developing country that only had its first fully democratic election in 1995.

My internship with the LHRC lasted about 7 months, and I returned to Newfoundland and Labrador in April 2011 to resume work at the Crown Attorney's office in St. John's. However, I have carried the lessons and experiences of my participation in the CBA's Young Lawyers International Program back with me to my work as a Crown Attorney. I will remember, throughout my legal career, the importance of educating the public about their legal and human rights and the need to vigorously defend these rights for all citizens, whether in Tanzania or Newfoundland. My time at the LHRC was an excellent means to gain experience living and working in a developing country and insight into the fields of international development and human rights law, and I am grateful to the CBA for affording me this opportunity.

For more information on the CBA International Development Program and the Young Lawyers International Program, visit the International Development Section of the CBA website at: www.cba.org/CBA/IDP/InterDev.



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- **CBA publications** keep you on top of today's legal trends and legal thinking.
- **PracticeLink** delivers a valuable online resource to help you stay informed of emerging changes in the practice of law.

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CBIA Update

By Hughie Shea

Disability Insurance, A Good Use of Money

There really is no way to make this more comfortable. Becoming disabled could be life altering. Becoming disabled without a solid disability plan could be life altering and financially devastating. At a Bar Admission Course I once described Disability Insurance as: "insurance that makes sure you will not have to go back to live with your mom."

I have spoken to new calls who have in excess of \$100,000 in debt and student loans. There are many reasons as to why people choose the legal profession. However, I don't think it is impolite to suggest that one of the reasons was to provide for themselves and their families. So in essence Disability Insurance protects your ability to make money and has a secondary benefit of ensuring you do not have to move back in with mom.

I broker insurance and have access to all the products available in Canada from Great West Life, Canada Life, Manulife, RBC or any other available product. The CBIA coverage is superior and less expensive. This provides a stumbling block to most of our erstwhile clients because lawyers, better than any other profession, understand the concept of; "There is no such thing as a free lunch." CBIA can offer better for less because:

- As a not for profit we do not need to satisfy any shareholders or profit margin requirement;
- Any excess money in the plan reserves must be refunded to our clients;
- Your Authorized Representative will get paid better if you choose a non-CBIA product and higher commissions paid by other companies equates to higher premiums for their customers!;
- We are a very lean organization.

CBIA disability coverage insures you for your "own occupation". If you become disabled and cannot perform your own duties as a lawyer, and you are not gainfully employed in another occupation, then you will be paid a benefit.

Another very nice feature with our Disability coverage is that it integrates with our Bar Group Health Benefits plan. For small firms of 3 to 9 people, (this includes office and admin), any disability premium paid into the CBIA Bar Group plan on your behalf can be credited to your personal CBIA disability coverage so that you don't end up being overinsured.

Also, our Bar Group plan offers a benefit that is very seldom offered in a Group Plan; if you are unable to engage in the practice of law, we will continue to pay your disability benefit to age 65 (assuming you are disabled that entire time). Many other plans will only honour this definition for two years, after which you must be unable to engage in ANY occupation.

As always, thank you for allowing us to be of service to you, your family and your employees.

Contact Information:

Hughie Shea

**CBIA - Canadian Bar Insurance Association
Newfoundland and Labrador Representative**

301-95 Bonaventure Ave.

St. John's, NL A1B 2X5

Tel: (709) 726-6570 ext. 226

Fax: (709) 726-6579

E-mail: hughieshea@financialanswers.ca

CALL FOR SUBMISSIONS

We welcome members to submit articles and ideas for upcoming issues of *Squid pro quo*. Advertising opportunities are also available, please contact the Branch office for more information. The deadline for submissions for the next issue is April 30, 2013.

Canadian Bar Association

National News

New membership fee structure introduced

CBA National Council debated and passed numerous resolutions at the August 2012 meeting in Vancouver, including a resolution to change the association's membership fee structure.

The new fee structure is designed to emphasize choice, value and engagement, allowing a member to identify the benefits that they value personally when joining or renewing their membership. Whether a member is in private practice, part of a firm of any size, is an in-house counsel, or part of the judiciary, the model rewards commitment to the CBA.

Some changes to membership fees will take place in September 2012, with full implementation scheduled for September 2013. More details of what the new fee structure will mean for members are available at CBA.org.



CBA President Robert Brun, Q.C.

Robert Brun, Q.C., is new CBA National President

Robert Brun, Q.C., became the CBA's 85th National President during a ceremony at the Canadian Legal Conference in Vancouver on August 14, 2012.

Brun, a Vancouver-based civil litigator, has identified the independence of the bar, access to justice, and leadership as priorities for his year-long term. Since joining the CBA as a UBC law student in 1974, he has been an active member at

both the national and branch levels. He was appointed Queen's Counsel in 2004.

New initiatives on access, practice, & inclusion launched

A trio of initiatives collectively titled "Envisioning Justice: Access, Practice and Inclusion" were recently launched by the CBA.

The initiatives on access to justice, the future of legal practice, and diversity in law firms get to the heart of what the CBA is all about, says immediate Past President Trinda L. Ernst, Q.C. "The projects centre on a vision for justice and how that can be achieved, and will enhance our Association's offering both to members and the public."

The access to justice initiative looks at how legal needs are being met – or not met – and what the profession can do to improve access, while the second initiative examines the future of the legal practice as client demands shift and the structure of the profession changes. The third component is the recently completed Measuring Diversity in Law Firms Guide, designed to help firms determine how well their makeup reflects that of society around them.

For more information on these initiatives visit:
<http://j.mp/threeCBAinitiatives>

2013 Distinguished Public Service Award

Members of the legal profession and the public are invited to nominate lawyers in the province for the **Canadian Bar Association – Newfoundland and Labrador Branch Distinguished Public Service Award**. The award recognizes a lawyer's contribution to community service and will be presented during the Branch Awards Dinner on Friday, May 10, 2013. Please contact the CBA-NL Branch office to obtain a nomination form.

All submissions must be received by Monday, April 22, 2013.

Judicial Education

By Chief Judge D. Mark Pike, Provincial Court of Newfoundland and Labrador

Do judges need more education? Not so many years ago the very idea that judges who were newly appointed, and particularly those who were already in service on the bench, might need further training or education was considered to be almost offensive. However, in recent times the necessity of continuing education has been generally and widely accepted for all professionals including lawyers, physicians, accountants and engineers. Judges are no exception. Continuing judicial education is of paramount importance if a court is to serve the needs of the people at the highest level of quality. A lifelong project of learning is essential to judicial excellence and strong judicial institutions everywhere in the world. Continuing technological, environmental and socioeconomic changes have rendered the landscape of judging ever more complex, requiring judges to maintain a steady commitment to a career-long education. In the Provincial Court of Newfoundland and Labrador, the education of newly appointed judges is seen as a four or five year process involving a mix of sitting and non-sitting time. This includes an integrated seminar for newly appointed judges as well as an intensive criminal law program.

The first priority of the court is to provide the highest quality judicial services to the public. The primary obligation of a judge is to hear cases and render decisions in a timely manner, impartially and consistent with the law and the evidence. Participation in judicial education will assist judges in better fulfilling their primary obligation, as well as other aspects of their judicial role. Continuing confidence and the achievement of excellence requires all judges to participate in ongoing professional education.

In recent years the workload of the courts has increased considerably and the work of individual judges has become far more complex. In addition, it has become quite evident that professional qualifications now required for the proper exercise of the judicial role go far beyond the basic legal knowledge and skills of legal interpretation that were once seen to be sufficient.

The evolution of the judicial role has led to its increased importance in political, social and economic spheres. It has spurred reforms in many countries that are intended to meet these new challenges through innovations in areas of the judicial system that are crucial for the quality and efficiency of its performance: recruitment, initial and continuing

education, professional evaluations and discipline of judges as well as in other areas that are functionally connected to the proper and expeditious performance of the judicial function, such as the managing and monitoring of court work by means of organizational and technological innovations.

In essence, the challenge is to consolidate an approach to judicial education which builds on doctrinal imperative and educational principle to focus on the particular learning needs and practices of judges. In addition to facilitating self-directed learning and rigorous self-critique, this approach should promote the art of judging and explore the still largely uncharted domain beyond the boundaries of technical competence. The success of this endeavor will be found in continuing enhancements to the quality of justice.

With these goals in mind the Provincial Court of Newfoundland and Labrador has established and strengthened connections with the National Judicial Institute. Based in Ottawa, the National Judicial Institute (NJI) is an independent, not-

CBA-NL SECTIONS

In order to keep our records up to date and to ensure that you receive notices and correspondence tailored to your practice and/or interest areas, please take a moment to complete the **Section Registration Form** available on the Branch website: www.cba.org/newfoundland.

Newfoundland and Labrador Sections represent 29 groups of CBA-NL Branch members, organized according to specific areas of law and are the CBA's greatest resource for:

- Expertise in specific areas of law and matters relating to the objectives of the Association;
- CBA initiatives addressing matters of concern to the legal profession;
- Professional Development services.

To learn more about the work and resources of the National CBA Sections please visit the CBA website at <http://www.cba.org/CBA/Sections/nsc/>.

Judicial Education

Continued from Page 8

for-profit institution committed to building better justice through leadership in the education of judges in Canada and internationally. Since its inception in 1988, the NJI has continued to develop and deliver stimulating programs and a variety of electronic resources that foster judicial excellence. Alone or in partnership with the courts and other organizations, the NJI is involved in the delivery of the majority of education taken by judges in Canada. It has long been recognized that judicial education:

1. Promotes and upholds respect for the rule of law and Charter values.
2. Sustains mutual understanding in an increasingly diverse world.
3. Supports judicial independence.
4. Expands the pool of knowledge and experience available to judges, fosters dialogue, and offers a diversity of perspectives that strengthens judicial reasoning and decision making.
5. Is essential to the effective administration of justice – thereby preserving public confidence in our courts.

SAVE THE DATE UPCOMING BRANCH EVENTS

Sunday, March 24, 2013

CBA-NL/CBIA Easter Egg Hunt and Brunch

Friday, May 10, 2013

Awards Dinner

*Presentation of the Distinguished Public Service Award
and the Award for
Excellence in Journalism*

Thursday, June 27, 2013

**AGM Professional Development Seminar and
Luncheon**

The NJI is known for offering dynamic and relevant programming to judges across Canada. The Institute is also recognized for its contribution to global judicial dialogue and its support for the rule of law and judicial strengthening initiatives in many parts of the world.

The Provincial Court of Newfoundland and Labrador is committed to continuing judicial education for its judges.

Presidents Report (continued)

The forum took place on February 11th at the Supreme Court in Goose Bay and examined issues of great importance to participants and stakeholders in the justice system, particularly in the Labrador region.

The Suicide and the Justice System Forum was moderated by Justice Robert Stack and featured the following presenters:

Allison Hagerty, Parole Officer, Labrador Parole Sub-Office, Correctional Services Canada;

The Honourable John L. Joy, Provincial Court of Newfoundland and Labrador;

Nathaniel Pollock, PhD Candidate, Division of Community Health and Humanities, Labrador Institute, Memorial University; and

Kelly Curties, Department of Justice, Civil Division

This session was offered at no cost and was open to CBA members, non-members and other local interest groups. The forum has attracted over 35 registrants, including private and public sector lawyers, employees of Victims Services, Legal Aid, Department of Justice, Corrections Canada, the RCMP and Aboriginal groups. A number of people also participated in the forum via conference call.

I was able to travel to Goose Bay to participate in the Forum, which will certainly be a highlight of my year. A special thanks to Justice Stack and Kelly Curties for their wonderful hospitality during my visit.

In closing, if there is any way in which the Branch may be able to assist you as a member, please do not hesitate to contact us.



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Si vous regardez notre historique, vous constaterez que nous avons toujours fourni des couvertures inégalées, et ce, tout en respectant la communauté notariale. Nous ne désirons qu'aider les notaires en leur offrant des outils de travail aussi faciles à utiliser qu'efficaces.

Chez Stewart, nous savons que c'est notre relation avec nos clients qui fait notre succès. Voilà pourquoi le service est la fondation même de notre entreprise et l'intégrité, la pierre angulaire de chacun de nos dossiers.

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Canadian Corporate Counsel Association (CCCA) President's Message

By Grant Borbridge

I am very pleased to send greetings to the Newfoundland and Labrador section of the Canadian Corporate Counsel Association (CCCA). As the Chair of CCCA for our 25th Anniversary year, in my view, our Sections are the backbone of our organization. Right from our inception in 1988 as the corporate counsel section of the CBA, our goal has always been to be a national association, underpinned and enhanced by strong local sections delivering high-quality programming and networking opportunities that reflect local needs.

The Newfoundland and Labrador section exemplifies the hard work and dedication volunteers bring to our association. By offering local professional development initiatives, providing ongoing networking opportunities for members, and putting forth ideas on advocacy that affect our profession, your section's work is enriching members locally and assisting in the development of our profession.

The CCCA National office shares the same goals and continues to work with each of our local sections to create a stronger network of volunteers, members and staff. With the support of our regional sections, we continue to enhance our already extensive expertise in meeting the needs of the Canadian in-house counsel community, locally and nationally, and to expand our reach globally.

The contribution on the national level by local section representatives, such as current Newfoundland and Labrador Section Chair, Karen Hollett, and by your previous representatives, strengthens the association as a whole. Together, we truly are the National Forum And Voice For In-House Counsel In Canada.

Visit www.ccca-accje.org to learn more about the CCCA, including member benefits, member resources and upcoming inperson and online Professional Development programs. You can also follow the CCCA on Twitter @CCCA_News.



Celebrate with the Canadian Corporate Counsel Association (CCCA) as we mark 25 years of excellence!

Join colleagues and legal thought leaders from across Canada and around the globe at the CCCA's 2013 National Spring Conference.

Save the Date!
April 14 – 16, 2013, Toronto, Hilton Toronto Hotel

The pinnacle of CCCA's 25th Anniversary celebrations, the 2013 National Spring Conference promises to be a dynamic and exciting event full of networking opportunities, accredited professional development, engaging keynote speakers, and our first ever Technology Showcase.

On Sunday, April 14, celebrate in style at our gala event. Simultaneously highlighting the CCCA's successes of the past 25 years and kicking off the next quarter century, you won't want to miss this party.

We can't wait to see you there!

**2013 CCCA National
Spring Conference**



In Personam

By Dan Furey

2012 Distinguished Public Service Award Winner Christopher D.G. Pike

The 2012 Award for Distinguished Public Service was presented to Christopher D.G. Pike at the Canadian Bar Association – Newfoundland and Labrador Branch Annual General Meeting on June 15, 2012. This award is given to a CBA-NL member who has exhibited exemplary community service. Mr. Pike's tremendous commitment to volunteerism makes him an ideal recipient of the award.

Mr. Pike was born and raised in the east end of St. John's. He graduated from Prince of Wales Collegiate in 1975. Prior to his legal career, he spent nine years working in the insurance industry with Johnson Insurance and the Office of the Superintendent of Insurance. He obtained his law degree from the University of New Brunswick (UNB) in 1988. Mr. Pike articulated at the firm Chalker Green & Rowe and began practice at Puddester, Orsborn in 1989. He has continued practicing law at the firm under its current name, Benson Buffett, ever since.

Mr. Pike is a respected and valued CBA member who has served the Branch in a number of capacities. In addition to serving as Branch President in 2008-2009, he has also served as Branch chair for a number of sections including Insurance Law, Elder Law, and Law Practice Management and Technology. He also served as the national chair of the CBA Insurance Law section and is a past chair of the CBA National Sections Council.

A past instructor at the Law Society of Newfoundland and Labrador's Bar Admission Course, Mr. Pike has also given numerous presentations at continuing legal education seminars. Additionally, he has also instructed courses for the Insurance Institute of Newfoundland and Labrador. He has been listed

in Best Lawyers since 2009 and was recently chosen as Lawyer of the Year – Insurance for 2013.

In addition to his CBA activities, Mr. Pike has been a strong supporter of Scouts Canada. He has been involved in Scouting for a great deal of his life. He spent 10 years with Scouts Canada during his youth. He wanted his son to have similar opportunities and became a Scout leader when he registered his son. He is currently the Council Commissioner, the senior volunteer for Scouts Canada in the province. He has received numerous commendations for his volunteer activities with Scouts Canada including Scouts Canada's Medal of Merit, the Commemorative Centennial Medal, and in 2011, he was

awarded the Bar to the Medal of Merit, which is the highest award made at the Council level.

I asked Mr. Pike why he has chosen to become and stay involved with so many diverse community organizations over the years, particularly the CBA and Scouts Canada. He originally became involved with the CBA during his first semester at UNB and became active in the provincial branch not long after his call. Although he was initially interested in the opportunities to make connections and gain continuing legal education experience, he says that he has enjoyed the chance to give back to the profession which has provided him with so many opportunities. With respect to Scouts Canada, he says that he continues to stay involved with Scouting because of the spiritual, social justice and personal principles that it brings to the lives of its members.

Mr. Pike lives in St. John's with his wife, Anita, and their two children, Matthew and Caroline. The CBA is fortunate to have benefited from Mr. Pike's invaluable contributions to the branch. We wish him many more years of good health and continued service.



*Chris Pike being presented with the 2012
Distinguished Public Service Award by Sheri
Wicks at the DPSA Awards Dinner,
Aqua Restaurant, June 2012.*

Canadian Bar Association — Professional Development

CBA SKILLED LAWYER SERIES III: Bridging the Gap between Theory and Practice

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Please note that all sessions, including previously aired live sessions, are available for purchase as recordings.

LITIGATION STREAM

Managing Complex Commercial Litigation
November 6, 2012

E-Discovery Essentials
November 27, 2012

Mediation Advocacy
January 15, 2013

Preparing for Arbitration
February 12, 2013

Making your Case before an Administrative Tribunal
March 5, 2013

Assessing Your Case for Appeal
April 16, 2013

Written Advocacy: Drafting the Winning Factum
May 7, 2013

Risk Management for Litigators
June 4, 2013

CORPORATE STREAM

Effective Use of Technology in Corporate Transactions
November 13, 2012

Tips for Negotiating and Drafting Purchase and Sale Agreements
December 6, 2012

Tricks and Traps of Financial Statements: A Lawyer's Guide
January 31, 2013

Labour & Employment Due Diligence
February 28, 2013

Environmental Issues in Corporate Transactions
April 4, 2013

Share Capital Design
April 30, 2013

Cross-Border Deals
May 23, 2013

Risk Management for Business Lawyers
June 18, 2013

IN PERSON PROFESSIONAL DEVELOPMENT

2013 National Aboriginal Law Conference
April 11-12, 2013 Victoria, BC

National Elder Law Conference: Legal, Societal and
Policy issues Affecting the Older Adult
April 15-16, 2013 Toronto, ON

CBA Envisioning Equal Justice Summit: Building Justice for Everyone
April 25-27, 2013 Vancouver, BC

2013 National Immigration Law Conference
May 9-11, 2013 Montréal, Q.C.

2013 National Charity Law Symposium
May 10, 2013 Toronto, ON

2013 National Health Law Summit: Critical Issues in Health Law
May 23-24, 2013 Halifax, NS

IP Day 2013
May 23, 2013 Ottawa, ON

2013 Tax Law for Lawyers Conference
May 26-31, 2013 Niagara-on-the-Lake, ON

2013 Competition Law Spring Forum

May 28, 2013 Toronto, ON

2013 International Law Conference
June 7, 2013 Ottawa, ON

2013 Military Law Conference
June 7, 2013 Ottawa, ON

2013 National Criminal Justice Conference
Jun. 15, 2013 Vancouver, BC

2013 Annual National Environmental, Energy and
Resources Law Summit
Jun. 20-21, 2013 Yellowknife, NT

Ninth Annual Pan-Canadian Insolvency and Restructuring
Law Conference
September 19-20, 2013 Calgary, AB

4th Annual Access to Information and Privacy Law Symposium
September 27-28, 2013 Ottawa, ON

**For more information, program details or to
register, please visit www.cba.org/pd, email:
pd@cba.org, or call the CBA National Office at
1-800-267-8860.**

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CBA Member Savings

The CBA's Preferred Supplier Program creates value by providing members relevant products and services at preferential terms and pricing. For more information on how you can avail of CBA Preferred Supplier products and services, visit www.cba.org.

CBA PREFERRED SUPPLIERS

Business Services and Office Supplies/Equipment

- EA Canada (Health Management and Assistance Program)
- Supreme Basics The New Dye & Durham (Office Supplies & Legal Products)
- PGI (Audio and Web Conferencing Services)
- Purolator (Courier Services)
- A.R.S. (Disability Management Services)

Financial and Insurance Products

- Canadian Bar Insurance Association (CBIA) - Life & Health Insurance
- Canadian Bar Insurance Association (CBIA) - Home & Auto Insurance
- CBA Financial Services (CBAF)
- CBA MasterCard (MBNA)
- ERAssureTM (Errors & Omissions Insurance for Executor Clients)

Technology and Online Services

- TUC® Managed IT Solutions (Managed IT Services)

- Stewart Assyst Real Estate Powered by TELUS® (Electronic Mortgage Processing)
- Rogers Wireless (Wireless Communications)

Transportation, Accommodations and Rentals

- Avis and Budget (Car Rental)
- Starwood Hotels and Resorts (Accommodations)
- Park'N Fly (Airport Parking)

Provincial Airlines Limited Exclusive CBA-Newfoundland and Labrador Branch Member Savings

The CBA-NL Branch continues to partner with Provincial Airlines Limited as the official Exclusive Provincial Preferred Supplier for air travel within Newfoundland and Labrador.

The Branch is confident that this membership benefit will be of value to you and your practice. As part of our partnership, Provincial Airlines Limited will be offering CBA-NL members preferential discount rates. The Branch has developed this Exclusive Provincial Preferred Supplier agreement with tailored savings to enhance members professional and personal bottom lines.

To find out how to obtain CBA-NL member discounts with Provincial Airlines, please contact the Branch office at (709)579-5783 or email cba-nl@cba.org.

CBA National Online Professional Development

For more information, or to register for any of the programs listed below, please visit <http://www.cba.org/pd>, contact CBA National office at pd@cba.org, or call: 613-237-2925; 1-800-267-8860.

April 16: Assessing Your Case for Appeal
April 18: Beyond the Birds and the Bees: Fertility Law 101
April 23: Federal Water Statutes
April 30: Share Capital Design
May 2: Raising Capital in Quebec: From Major Players to Language Requirements
May 7: Written Advocacy: Drafting the Winning Factum
May 10: 2013 National Charity Law Symposium (Webcast)
May 23: Cross-Border Deals
June 4: Risk Management for Litigators
June 6: Clements v. Clements: "But For" vs. "Material Contribution" – The Latest Word in Tort Law Causation
June 18: Risk Management for Business Lawyers

National online programs begin at 1:30pm Newfoundland time. Sessions are also available as recordings.

CBA Branch Online Professional Development

CBA-NL members can register for online PD programs conducted by other CBA Branches.

Please contact the Host Branch for more information.

Nova Scotia Branch

Immigration Law - Impact of Criminal Charges

April 12, 2013 12:00 PM – 1:30 PM (Atlantic Time)

Phone: (902) 422-1905

Canadian Bar Association

Newfoundland and Labrador Branch

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Elections Committee

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Labrador Offshore Petroleum Board, Chair

People and Places

Congratulations to **Gregory Connors**, McInnes Cooper and **Denis Fleming**, Cox & Palmer, for being named on the list of 2012 Lexpert® Rising Stars: Leading Lawyers Under 40.

On November 2, 2012, **Geoffrey Penney**, Ottenheimer Baker was appointed President of the Canadian Condominium Institute.

On January 31, 2013 **Denis Mahoney**, McInnes Cooper, was appointed Chair, St. John 's Board of Trade for 2013.

Congratulations to **Annette Conway**, Curtis Dawe, for making the shortlist for the 2012 Cuffer Prize with her short story entry, "Unloving You" published in The Telegram on December 31, 2012.

Have you moved, retired or have a notable achievement to share with the membership?

Let us know, by email at cba-nl@cba.org to be featured in the next edition of *Squid pro quo*.

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
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