

BENCHERS' DIGEST

September 2008

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www.lawsociety.sk.ca

Don't Shoot The Messenger

by Thomas J. Schonhoffer, O.C.



On December 1, 2008, the Law Society of Saskatchewan will proclaim its new Client Identification Rules. The new Rules require all lawyers to gather, verify and retain specific information on each client.

As the title to this article suggests, I anticipate some negative reaction from the profession. Admittedly, the Rules impose another level of bureaucracy on the profession and an additional cost to the client.

In defence, I could tell you that this is not a Saskatchewan idea, or even a Canadian idea, but is part of an international movement to suppress crime and terrorism. Lawyers all over the world are required to adopt similar practices. A better defence is that Law Societies acknowledge that lawyers, as financial intermediaries, play an important part in the fight against money laundering. Law Societies began taking an active role in the prevention of money laundering with the No Cash Rule in 2005. For an update on the No Cash Rule, please refer to John Allen's article "Rule 909 – No Cash Rule" appearing in this issue of the Digest.

The Federation of Law Societies has been instrumental in defending lawyers' interests against proposed amendments to the *Proceeds of Crime (Money Laundering) and Terrorism Financing Act* and regulations. The Federation instituted legal proceedings challenging the constitutionality of the legislation as it applied to the legal profession. The concern was that the legislation required lawyers to collect information about clients and report to a federal agency, the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC). Such a requirement breached client confidentiality and the constitutional right of solicitor/client privilege.

The only way of dealing with the privilege issue is to allow Law Societies, rather than federal legislation, to regulate the legal profession. As a result, the Federation drafted Model Client Identification Rules, which were adopted by the Law Society of Saskatchewan. The *draft* Rules and memorandum of frequently asked questions are included as a miscellaneous sheet in this issue and are also posted on our website. They should be reviewed by every lawyer. The Law Society will also provide further educational opportunities through the Canadian Centre for Professional Legal Education (CPLED) prior to the implementation date on December 1, 2008.

Highlights of the Meeting of Benchers

held June 19th and 20th, 2008

BENCHERS' DIGEST

The *Benchers' Digest* is published by the Law Society of Saskatchewan to update Saskatchewan lawyers on policy and regulatory decisions made by the Benchers after each Convocation, to inform members about Society programs and activities, and to provide news and announcements of interest to the legal profession. Members are encouraged to send in articles and photos of interest, however, publication rests with the Editor.

We hope you like the new look of the Digest. We wanted to change the layout to include a table of contents that would summarize the contents of the Digest, as well as make it easier to locate articles of interest. Captions were introduced to entice our readers and we used more photos to display members of the legal profession at important events. Suggestions for improvements are welcome and can be submitted to llynchuk@lawsociety.sk.ca.

Current and archived issues may be viewed on the Law Society website – see www.lawsociety.sk.ca, "Publications/Benchers' Digest."

Editor
Liz Lynchuk

The Benchers received an update from the No Fault Committee. The committee is preparing an educational document which will assist the public and members of the profession in making a choice between no-fault and tort coverage.

The Executive from Lawyers Concerned for Lawyers attended Convocation and described improvements to the service delivery model. Lawyers wanting to access services will initially use a confidential referral service through Meyers Norris Penny LLP. Referrals will then be made to the closest appropriate advisor. The new service will allow better access and more choice to the membership.

The Law Society retained Hewitt Associates to review and update the Investment Policy. This resulted in tighter instructions for our investment advisor, a modest increase in equities, and a decrease of the cash component. The Investment Policy continues to be regarded as conservative.

The Benchers endorsed a proposal to increase representation for young lawyers by adding an additional Benchers position. This position would be filled by a lawyer with less than 10 years experience at the bar. The proposal will be considered at the next Annual General Meeting in 2009.

The Benchers endorsed the new Estate Tariff proposed by the Court of Queen's Bench.

The sub-committee on Mandatory Professional Development reported on its consultation with the membership. The Benchers approved further consultation, which will be followed by a draft model for further consideration in October.

The Benchers passed the model rule on Client Identification. It will take effect on December 1, 2008. Members of the profession should read the cover story of this Digest and watch for further educational options.

The Benchers discussed the closure of the Humboldt Court House and decided that the Law Society mandate, which includes both access to justice and the administration of justice, allowed consideration of this issue. The President was authorized to address concerns to the Minister of Justice.

The Benchers discussed Sentencing outside of Convocation. The *Act* and the Rules require a quorum of 10 Benchers for Sentencing. The Chair of Discipline will schedule a few Sentencings throughout the summer, which may not include all members in Convocation.



2007/08 Benchers

The Law Society's Annual General Meeting

June 19, 2008 in Saskatoon

The 69th Annual General Meeting of the Law Society of Saskatchewan was held on June 19, 2008 at TCU Place in Saskatoon. The evening was jointly sponsored by the Law Society and the Canadian Bar Association.

Richard Danyliuk, Q.C., hosted the event which was attended by 158 members of the profession. Distinguished guests included Justice Minister Donald Morgan, Q.C., Chief Justice R.D. Laing, Chief Judge C. Snell, Perry Mack, Q.C., President of the Law Society of Alberta, and Gordon Turriff, Q.C., first

Vice-President of the Law Society of British Columbia.

Aside from the usual business portion of the agenda, the meeting was a celebration of accomplishments within the profession and included the following:

Senior Life Memberships for 50 years membership in the Law Society of Saskatchewan were awarded to:

Thomas Caldwell, Q.C.
Roy Dickinson, Q.C.
Duncan MacKenzie
William Pillipow
William Purdy
Dr. Douglas Schmeiser, Q.C.
Iain Mentiplay, Q.C.
Leo Morgan

Unfortunately, not all the Senior Life Members were able to attend the AGM. Those who did attend are pictured below:



Senior Life Members in Attendance at Annual General Meeting
Left to Right: Dr. Douglas Schmeiser, Q.C., Leo Morgan, Roy Dickinson, Q.C. and Iain Mentiplay, Q.C.



Thomas Caldwell, Q.C. accepts Senior Life Membership presented by Rick Danyliuk, Q.C., President of the Law Society, at the Annual General Meeting in Saskatoon on June 19, 2008.

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AGM
AGM

Annual General Meeting 2008

The C. Willy Hodgson Award was created to commemorate lay Benchers Willy Hodgson. The criteria for the award is that the recipient must make an outstanding contribution to advancing equity and diversity in legal education, the legal profession, or the administration of justice. This year the award was presented to Community Legal Assistance Services for Saskatoon Inner City Inc. (CLASSIC). CLASSIC is a non-profit organization which provides free legal assistance to low income, historically disadvantaged, Saskatoon residents. It also provides students with clinical experience and new insights into the social reality of law.

Sue Baer introduced the Willy Hodgson award. Leslie Belloc-Pinder introduced CLASSIC. Bill Hodgson and Heather Hodgson presented the award to Sarah Buhler.

The Annual General Meeting served as the launch for Pro Bono Law Saskatchewan Inc. (PBLs). In response to the Access to Justice report published last year, the Law Society of Saskatchewan organized the incorporation of PBLs. With the support of the Law Foundation of Saskatchewan, Pamela Kovacs was hired as Executive Director and began work on March 1, 2008. PBLs will serve as both an umbrella organization for legal clinics and a provider of service. Victor Dietz, Q.C., speaking on behalf of the board of PBLs, emphasized the important role that lawyers are playing in providing access to justice.

The Canadian Bar Association presented its annual Community Service Award to the late Lynn Smith, Q.C. On hand to accept the award were Pat Smith and her family.



CLASSIC – Winner of the C.Willy Hodgson Award

Left to Right: Betty Beaton (Office Manager), Shirley Greyeyes MacDonald (Board Co-Chair), Mike Tanton (Board Member), Sarah Buhler (Executive Director), Dawn McBride (Treasurer), Bill Hodgson (Presenter), Jason Brunton (Student Manager), Heather Hodgson (Presenter), Carl Swenson (Student Advocate), Jodi Busch (Founding Student), Glen Luther (Professor of Law/Fundraising Committee), Amanda Dodge (Incoming Executive Director) and Victoria Coffin (Founding Student)



Pat Smith speaks after receiving the CBA's Community Service Award on behalf of her late husband, Lynn Smith, Q.C.



Heather Hodgson, daughter of Willy Hodgson, spoke about her mother's community spirit and how it was appropriate for CLASSIC to receive the award, as it embodied her mother's goals and aspirations.

Melanie Hodges Joins The Law Society

The Law Society of Saskatchewan is pleased to announce that Melanie Hodges Neufeld has assumed the role of Assistant Complaints Counsel. Melanie will be responsible for complaints intake while Reché McKeague is on maternity leave.

Melanie is a graduate of the College of Law at the University of Saskatchewan. After receiving her L.L.B. in 2005, Melanie pursued her L.L.M. also from the University of Saskatchewan, in the area of Restorative Justice. She is currently in the process of completing her thesis entitled "Implementation Issues Facing Restorative Justice Programs: The Implication for Expanding the Saskatchewan Justice Alternative Measures Policy Guidelines." Melanie completed her articles at Robertson Stromberg Pedersen in Regina and was called to the Bar in 2008.

Outside the practice of law, Melanie sits on the Board of Directors for Saskatchewan Express. Melanie is also an Editorial Board Member of the Canadian Bar Association *CBA BarNotes* and is Section Chair of the *CBA Saskatchewan Women's Forum South*.



The official launch of Pro Bono Law Saskatchewan (PBLs) took place at the Law Society's Annual General Meeting in Saskatoon on June 19, 2008. PBLs is a newly formed non-profit organization in Saskatchewan whose mandate is to improve access to justice within Saskatchewan by creating, facilitating, and promoting opportunities for lawyers to provide high-quality pro bono (free) legal services to persons of limited means.

PBLs was formed at the initiative and with the support of the Law Society of Saskatchewan in early 2008. The Law Society encourages all Saskatchewan lawyers to refer potential pro bono clients to PBLs programs and volunteer with PBLs so that pro bono services can be delivered in an efficient, effective and fair manner to needy individuals and organizations throughout the province. Additionally, these efforts can be collectively recorded and bolster the image of the legal profession, benefiting all lawyers.

The Pro Bono Pledge

Law firms in Saskatchewan who sign the Pledge commit to and provide support for pro bono legal services within their law firm. Several of Saskatchewan's largest law firms have signed the Pledge: **MacPherson Leslie & Tyerman LLP**, **McDougall Gauley LLP** and **McKercher LLP**.

Information about PBLs as well as a copy of the Pledge form is included with this issue of the Digest.

Pro Bono Law Saskatchewan Inc.

by Pamela Kovacs, Executive Director



Pro Bono Law
Saskatchewan

www.pblsask.ca

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Pam Kovacs
B.Com, LL.B

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Rule 909 - No Cash Rule

by John Allen, CA

Rule 909, often called the "No Cash Rule" came into force in June, 2005. In summary, this Rule, among other things:

1. Prohibits receipt of cash in an aggregate amount of \$7,500 or more on any one matter. A few exceptions are listed in 909(4).
2. Applies to both trust and general monies received.
3. Requires refunds of cash received in excess of \$7,500 to be made in cash.

Please refer to Rule 909 and Benchers' Digest article (September 2005) for details.

Due to the unusual nature of this Rule, the Law Society of Saskatchewan provided a "grace" period during which members could be made aware of Rule requirements and meet these requirements. Although not strictly defined, it was understood that if a member received cash contrary to Rule 909:

- (1) significantly in excess of \$7,499; or
- (2) in excess of \$7,499 after a previous occurrence (i.e. second offence); or

(3) after termination of the "grace" period; that member would be reported to Complaints Counsel and be subject to the discipline process.

This will serve as notification to the membership that the "grace" period is officially terminated and all instances of cash received in an aggregate amount of \$7,500 or more contrary to Rule 909 will be reported to Complaints Counsel effective immediately.

Cheque Imaging by Financial Institutions Members' Responsibility

by John Allen, CA

The Law Society of Saskatchewan has been following proposed changes to the cheque clearing system in Canada for a number of years. Numerous recommendations were made to the Canadian Payments Association (CPA) through the Federation of Law Societies which did result in some changes to the system originally proposed.

It should be noted that the CPA has advised that "the commercial practices of financial institutions (FI's) are proprietary and competitive and thus the specific services that FI's make available to their clients and the related pricing are outside the scope of CPA's mandate." This has led to a lack of consistency in services provided and the cost of those services between FI's. For example, your cost to view a cheque image online could be free with certain FI's or \$1.50 per cheque with CIBC. The Law Society is currently working on a detailed comparison of services/charges by FI's which will be posted on our website once completed.

In the meantime, certain FI's are proceeding with implementation and the following is an outline of requirements which members must ensure are in place when their financial

institution terminates the return of original cashed cheques and replaces those original cheques with cheque images. These requirements pertain to both trust and general cheques.

1. A paper copy of the digital image of the cheque must be printed (either by the bank and provided to the firm or printed by the firm from a CD provided by the bank) and retained by the firm with corresponding bank statement(s).
2. The paper copy of the digital image retained (#1 above) must include the front and corresponding back of each cheque.
3. The paper copy of the digital image of the cheque (front and back) must be easily legible with a maximum of 8 images (4 cheques - front and back) per 8½ x 11 page. Image quality must be checked upon receipt of printed images from the bank or when printing from CD and replacement images obtained immediately, if necessary.

Most FI's have indicated that paper copies of digital images will accompany the monthly bank statements. However, some institutions

will only be attaching the digital image of the front of the cheque, unless a specific request is made, and we understand that some FI's will accommodate Law Society requirements by sending out a CD-ROM with digital images of the front and back of the cheque at no additional charge. We also understand that the digital images of the front and back of the cheque will be available online or at the branch, with the cost of this service varying significantly by institution.

If your law firm does receive a CD-ROM of the digital images in lieu of the attachments to the bank statements, you must print the images monthly.

If your FI cannot provide the required information, or if you have any questions, please contact John Allen @ 569-8242 or 533-9737.

Libraries Update

by Susan Baer, Director of Libraries

Staff Changes in the Regina Library

We are pleased to welcome Ken Fox, our new reference librarian in Regina, who is from Saskatchewan, recently returning from working at a law firm library in Winnipeg. Marilyn Chambers and Virginia Davis are also recent additions to the library staff, filling vacancies from staff moving to other opportunities. Maxine Seeley, who has helped many of you in the past, continues to be a steady force at the Regina library. Kelly Chiu, our excellent web administrator, provides the technical expertise to the databases prepared by the rest of the library staff, and creates professional, clean displays for your research. We are fortunate to have superb staff in Saskatoon managing the library services, as well as creating research databases that are unique to Canadian legal bibliography. Peta Bates, Pat Kelly and Laurie Wing provide the legal community in Saskatoon and other parts of the province with reference and research assistance.

Ken Fox, the new reference librarian, has prepared the article on searching tips on the Law Society library's latest desktop service to all members, the *Canadian Family Law Guide*. The *Canadian Family Law Guide* is prepared by CCH, and many of you will be familiar with the black binders with onion-skin paper that lined many of the shelves in our library system.

Those print subscriptions have been cancelled and replaced with the online version. You will find the link to the *Canadian Family Law Guide* in the members' section. The reference staff in Regina and Saskatoon will be available to help anyone with searching questions on this service or any others in the members' section.

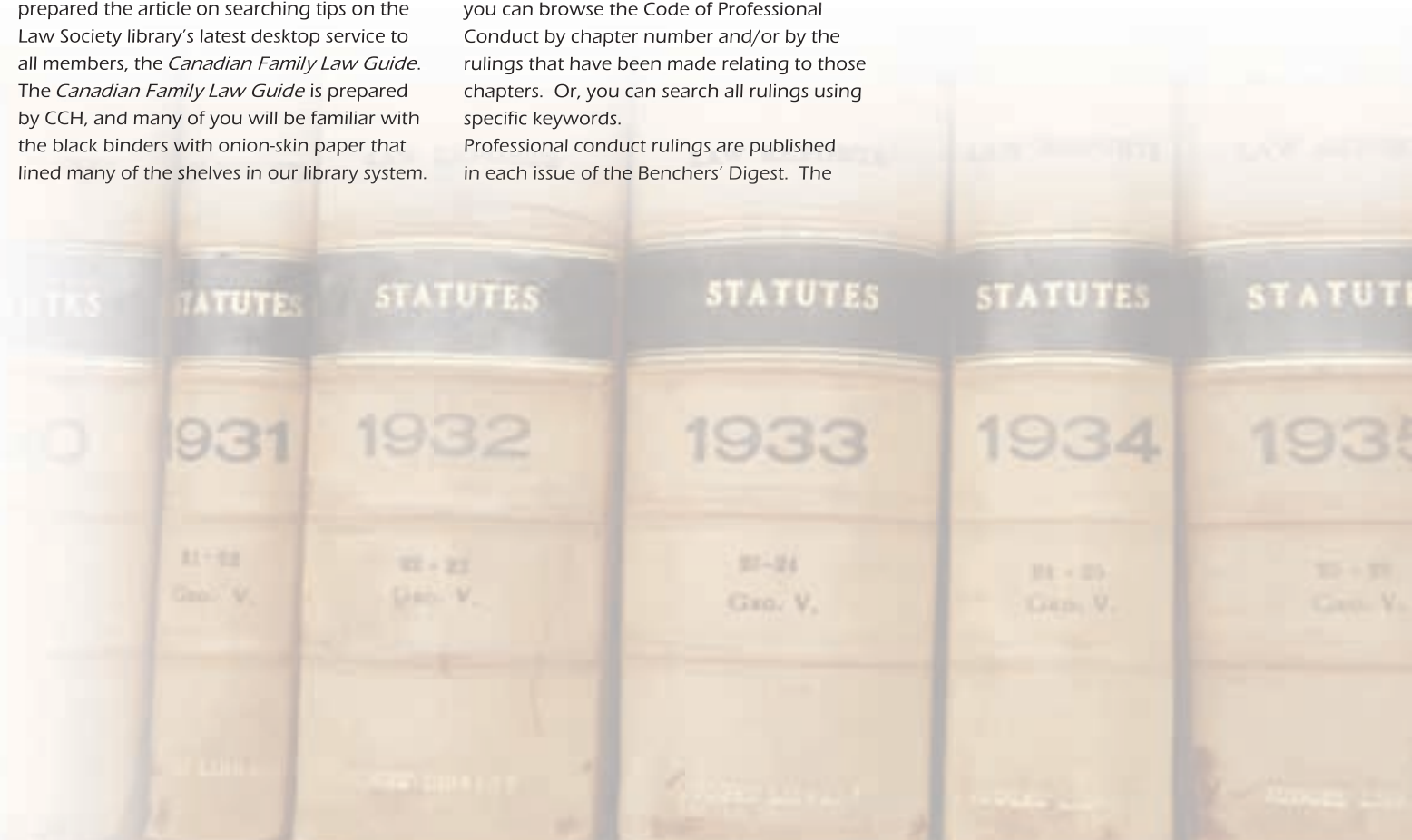
Peta's column, Legal Web Cites, will continue to appear in future issues of the Benchers' Digest. Peta provides reviews and searching tips on websites from around the world that our members find useful in their law practice.

Professional Conduct Rulings Database

The Members' Handbook, which contains the Law Society Rules and the Code of Professional Conduct, also contained a section on the rulings from the Ethics Committee on questions posed by members requesting guidance from the Benchers on possible ethical dilemmas in the course of practice. The library has created a searchable database of these rulings called the Professional Conduct Rulings database. From the publications page on the website, you can browse the Code of Professional Conduct by chapter number and/or by the rulings that have been made relating to those chapters. Or, you can search all rulings using specific keywords. Professional conduct rulings are published in each issue of the Benchers' Digest. The

Benchers' Digest citations are included with each ruling. As rulings are published in the Benchers' Digest, they will be added to the database. The database supersedes the printed version in the handbook and an online version of the handbook is being "compiled" for ease of use for our members.

Specific online help is available and the reference staff can be contacted for help with using the database.



Search Tips Canadian Family Law Guide

by Ken Fox, Reference Librarian

On behalf of all our members, the Law Society of Saskatchewan Libraries has negotiated an online subscription to the Canadian Family Law Guide. The Guide is now available to all Saskatchewan Law Society Members through our Members' Page.

Perhaps the best way to begin orientation to the Guide is to examine the Table of Contents on the left panel of the CCH online display. Clicking on the + signs will expand the options, while clicking on titles will open documents in the right panel.

Our CCH Family Law subscription consists of two main products: the *News Tracker*, which features daily updates to legislation and case law with archival material organized by date, and the *Canadian Family Law Guide*, a comprehensive source of commentary, legislation, case law, and income tax documents. The Guide also includes the bi-monthly *Canadian Family Law Matters* newsletter. All sources in this service are national in scope.

Those of you who have used the *Canadian Family Law Guide* in print will note that the online version has a similar organizational structure. The *What's New* section summarizes all additions to the service organized by type of information (legislation, commentary, case law) and jurisdiction. The *Commentary* section is organized by topic, using paragraph numbers that correspond to the print edition. Cases are organized by date, and legislation is alphabetical by jurisdiction.



While browsing the Table of Contents will help familiarize you with the overall organization and scope of the Guide, the more effective way of finding relevant material is through the search function.

There are three main ways of searching the *Canadian Family Law Guide*. You can search the entire contents of the Guide (Topical Search) by selecting "Family Law" from the "Search Your Subscriptions" drop-down menu in the right panel, or by selecting "Search—CCH Legal Topic Search—Family Law" in the blue menu bar at the top of the frame.



To search case law only, select "Legal Case Law" in the "Search Your Subscriptions" menu, or "Search—Case Law—CCH Legal Case Law" in the blue menu bar.



Finally, to search specific parts of the Guide, check the relevant parts using the check-boxes in the Table of Contents, and use the "Contents Search" in either menu.

For inexperienced researchers, it is recommended that you work mostly in the "Assisted Boolean Search" template (see below). This template allows you to create powerful searches with different relationships between terms without needing to use Boolean search terms (AND, OR, NOT). It is important to remember that Boolean terms will not work in this template.



When starting to use the *Canadian Family Law Guide*, take some time to familiarize yourself with the different options in the "View" menu (or the group of five "View Icons" on the tool bar – see image in next column). The "Last Search Form" option will show you your most recent search. "Document" will take you to the

last document viewed. "Search Results" will display your most recent results. The remaining options allow you to customize your screen to view either more or less of the above features simultaneously.

Once you have begun to examine individual documents in the Guide, there are three ways to navigate within your results. Using "View Next Document" and "View Previous Document" will take you to the next document in the Table of Contents (note that if you have done a search, this will take you outside your results – use "View—Search Results" to return). "View Next Hit" and "View Previous Hit" will navigate to the next instance of your search term without taking you out of the present document. "View Next Hit Document" displays the next document in your search results. Each of these commands corresponds to one of the "Navigation Icons" on the tool bar (see below).



To download documents in the Guide, our options are slightly restricted because of our multiple user license. However, the basic functions of saving and printing documents are fully enabled. To save a document, select "Document—Save Current Research Document" or check titles in the Table of Contents and select "Document—Save Selected Documents." It may take a minute or two to create and download the RTF file, depending on its size. When prompted to either open or save the file, it is best to select "Save," then open the document from your hard drive. The current document can also be saved by clicking on the "Diskette" icon on the toolbar. To print either the current or selected documents, use the corresponding "Print" commands in the "Document" menu, or use the "Printer" icon to print the current document.

For research support or training on any aspect of the *Canadian Family Law Guide*, please feel free to contact the Law Society Libraries at 1-877-989-4999 or 569-8020 (Regina) or 933-5141 (Saskatoon) or reference@lawsociety.sk.ca.

Mandatory Professional Development Second Consultation

by Ron Kruzeniski, Q.C.

Greg Walen, Q.C. and Ron Kruzeniski, Q.C. wrote articles on Mandatory Professional Development in the June issue of the Benchers' Digest. These articles can be found at <http://www.lawsociety.sk.ca/newlook/Publications/publications.htm>.

Fifty-two responses were reviewed by the Task Force and the Admissions & Education Committee before recommending to the Benchers that Saskatchewan develop a program of Mandatory Professional Development similar to that developed in British Columbia.

At Convocation on June 20, 2008, the Benchers approved a proposed program of Mandatory Professional Development with directions to further consult the membership on the proposed program.

On August 1, 2008, a notice was posted on the Law Society's website requesting

further input from members on the proposed program of Mandatory Professional Development. The article outlining the program and issues can be found at <http://www.lawsociety.sk.ca/newsdoc/programmpdv4.pdf>.

At the time of writing, 18 responses have been reviewed by the Admissions & Education Committee. In due course, they will be summarized and provided to the Benchers. A few themes have emerged from those responses with a request to consider:

- Lawyers with specialized practices who require seminars and workshops in Canada or North America.
- Corporate and government counsel who require specialized seminars and conferences related to their field of practice.
- A variety of service providers which must be added to the approved list.
- The ethics and responsibility component

which must be broad enough to cover issues related to those both in private, corporate or public practice.

- A three year term for compliance with annual reporting.

The Benchers have approved a program of Mandatory Professional Development and have asked for more input before the proposed program is finalized. Many details will have to be worked out as we proceed. Some questions are raised in the August 1, 2008 article.

We look forward to receiving your thoughts and comments on the proposed program, your views with respect to the questions in the article and any other issues you think will need to be taken into consideration with respect to the program. Please email Ron Kruzeniski at ron.kruzeniski@gov.sk.ca by September 25, 2008.

Law Grads Receive Scholarships

The 2008 E.M. Culliton Scholarship has been awarded to Nathan Forester of Kamloops and Jonathan Cross of Saskatoon, each receiving a \$7,500 scholarship.

Mr. Forester graduated from the College of Law, University of Saskatchewan, in June 2007. Upon his return to Saskatoon later this summer, he will pursue graduate studies in criminal law. The relationship that exists between Section 8 and Section 9 of the *Charter of Rights* and common law police powers will be the focus of his studies at the College.

Mr. Cross graduated from the University of British Columbia in May 2005. He proposes to write his thesis on the use in Canada of "Big Boss" or "Mr. Big" sting operations. More specifically, he will examine the evidentiary issues that arise in a criminal justice system that accepts the use of sting operations and admits confession and admission evidence collected by law enforcement agencies that utilize them.

The E.M. Culliton Scholarship was established in 1981 in honour of the former Chief Justice of Saskatchewan. It is awarded to graduates

of the College of Law at the University of Saskatchewan for the pursuit of graduate studies in criminal law.

Recipients are selected on the basis of exceptional academic record, research potential and exceptional service to the practice of law in Saskatchewan.

Rulings - June, 2008

Chapter V, Impartiality and Conflict of Interest Between Clients, Client Consent to Lawyer Acting for Corporation and Shareholders, June 2008

Cite as: 2008 SKLSPC 4

Facts:

The lawyer was a shareholder in a corporation, Corporation A. The lawyer was also the corporate solicitor for Corporation A. A Letter of Intent to purchase shares by a third party was presented to the shareholders. The Letter of Intent was accepted by the shareholders subject to their right of first refusal. One shareholder, the Purchaser, exercised his right of first refusal to purchase the shares of those shareholders willing to sell on the same terms as the third party. The lawyer chose not to sell his shares to the Purchaser.

Once the selling shareholders had identified themselves and the number of shares they were willing to sell and the Purchaser's Letter of Intent was accepted by the shareholders, the lawyer was instructed at a meeting of the shareholders, although no motion was made, to prepare the Share Transfer Agreements and complete the transfers for all parties. No objections were raised at the time of the lawyer's instruction. Apparently it had

been the practice of Corporation A since its incorporation to have the corporate solicitor, always also a shareholder, work on behalf of all parties whenever shares were transferred. Most of the shareholders in the corporation had been shareholders since its incorporation.

The lawyer prepared all the Share Transfer Agreements, and the shares were transferred. The Purchaser chose to have the shares transferred to a corporation he had incorporated for that purpose (not by the lawyer), Corporation B. Subsequent to the share transfer, the lawyer purchased shares in Corporation B. Some of the selling shareholders then complained that the lawyer had acted in a conflict of interest when completing the share transfers.

Ruling:

The Ethics Committee found that, although technically the lawyer should have obtained specific consent of all the parties, in these particular circumstances consent was implied. The particular circumstances included that:

the transaction was non-contentious and transparent, the parties were all reasonably sophisticated with respect to the transaction, no party suffered any prejudice by the lawyer so acting, the lawyer was instructed at a shareholders meeting with no objections raised, and there existed a long-standing practice of having the corporate solicitor complete such transactions for all parties. It was obvious to all involved that the lawyer would be acting for all parties on this transaction. This was decided by the Ethics Committee assuming that the lawyer's subsequent purchase of shares in Corporation B was a decision subsequent to the transaction. If, however, the lawyer knew before the transaction that he was going to purchase shares in Corporation B, he should have disclosed this further interest to all parties prior to agreeing to act, and then acted accordingly.

RULES
AND
REGULATIONS
OF THE
Law Society
OF THE
NORTH-WEST TERRITORIES.
INCORPORATED 1898.

Queen's Counsel

Queen's Counsel appointments are made by the Cabinet in consultation with the judiciary, the Law Society and the Canadian Bar Association.

Members are invited to submit to the Law Society the names of lawyers who warrant consideration by the joint committee. Candidates will exemplify the following characteristics:

- demonstrated superior legal ability
- good character and integrity
- contributions to the legal profession, legal education and the community

The deadline for nominations is November 3rd, 2008.

(Nomination forms can be obtained from the Law Society website: at www.lawsociety.sk.ca)

Nominations Open for the C. Willy Hodgson Award

The Law Society was pleased to award the 2007 C. Willy Hodgson Award to Community Legal Assistance Services for Saskatchewan Inner City Inc. (CLASSIC) at the Law Society's Annual General Meeting in June of this year.

The C. Willy Hodgson Award is intended to recognize individuals or organizations who exemplify integrity, leadership and character, and have made or are making outstanding contributions to advancing equity and diversity in legal education, the legal profession and/or the administration of justice in Saskatchewan or in Canada.

Nominations are now open for the 2008 award which will be presented in 2009. Nomination forms and more information can be located on the website at www.lawsociety.sk.ca. The deadline for nominations is **November 28, 2008**.

In Memory

David Gonzo of Prince Albert passed away on August 1, 2008 after a courageous battle with cancer. He is survived by his wife, Jamie Untereiner, and two sons, Gabriel and Jacob.

David completed his law degree at the University of Saskatchewan in 1991. In 1993, he joined the Legal Aid Commission in Prince Albert and spent the remainder of his legal career defending clients who needed representation the most. David will be remembered for his passion for the law, his integrity and his compassion.

Jacob (Jake) Tootoosis of Saskatoon passed away on August 9, 2008 at 42 years of age. He is survived by his wife, Debra, and his children, Brent Fiddler; Joey, Nathan and Jacob Jr. Tootoosis.

Jake was fluent in Cree and worked for the Office of the Treaty Commissioner and was the Executive Director of the FSIN's Treaty Governance Office. He also worked with the Lac La Ronge band to help former students of the Timber Bay school obtain recognition as residential school survivors. As a student at the University of Saskatchewan, he competed in long-distance running. Jake also loved to play hockey.

EQUITY OMBUDSPERSON

The Office of the Equity Ombudsperson is committed to eliminating both discrimination and harassment in the legal profession.

If you are support staff, an articling student or a lawyer within a law firm, you can contact the Equity Ombudsperson, Judy Anderson, for advice, information and assistance. All information is confidential.

This office is not a lawyer referral service and cannot provide legal advice. **Call toll free: 1-866-444-4885.**

This office is funded by The Law Society of Saskatchewan.

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BENCHERS' DIGEST

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