

BENCHERS' DIGEST

August 2010

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www.lawsociety.sk.ca

Advertising Legal Services in Saskatchewan

by: Reginald Watson, Q.C.



Advertising is the topic of the day.

The Law Society of Saskatchewan has struck an *ad hoc* Advertising Committee. The objective of the Advertising Committee is to review, and if necessary, propose amendments to the existing rules that govern the advertising of legal services in Saskatchewan.

I have been appointed Chair of the Advertising Committee and it is my pleasure to serve on this committee, together with five other Benchers. Joining me are Miguel Martinez, Greg Walen, Q.C., Robert Heinrichs and two of our four public representatives, namely, Greg Stevens and Della Stumborg.

This advertising review has been undertaken primarily as a result of 2007 recommendations contained in a

Competition Bureau report entitled "Self-Regulated Professions." The Competition Bureau has recommended that, "Generally, law societies should lift any unnecessary restrictions on advertising - that is, any restriction above and beyond the prohibitions on false, misleading and deceptive advertising - unless they can justify their existence. In particular, law societies should remove restrictions on the size, style and content of advertisements and allow non-lawyers to be compensated for referring services or clients."

In its capacity as regulator, the Law Society of Saskatchewan is now obliged to review its advertising Rules. In carrying out this mandate, the Law Society is duty bound to consider the existing Rules in light of the new *Model Code of Professional Conduct* and the recommendation of the Competition Bureau. The evolution of our advertising Rules must reflect the changes in the legal marketplace and at all times our advertising Rules must be cognisant of and serve the public interest.

Our advertising Rules will need to promote and maintain professionalism, while prohibiting irresponsible and misleading advertising. We will need to ensure that the fundamental right to freedom of expression is not unduly restricted.

We will seek your feedback on issues such as allowing for the payment of referral fees to third parties, the recognition of specialization within the profession and comparative advertising that includes price comparisons.

The Competition Bureau is of the view that elimination of current restrictions will allow for more informative and innovative forms of advertising. Consumers will benefit by having easy access to information that will allow them to make more informed choices in the selection of a lawyer.

From the lawyer's point of view, relaxed advertising rules may result in increased competition between lawyers, an expansion in the markets for legal services and a possible rise in overhead costs.

A questionnaire will be circulated to each of you this fall and we look forward to hearing from each of you in the months ahead.

Highlights of the Meeting of Benchers

held June 17th & 18th, 2010

The Benchers of the Law Society welcomed four new Public Representatives: Laura Lacoursiere, Lorne Mysko, Greg Stevens and Della Stumborg.

Dean Brent Cotter, O.C. served as a Bencher of the Law Society from 2004 – 2010 and is depicted below. We would like to thank him for his dedicated service and his much sought after expertise in ethics and legal education. We would also like to welcome Acting Dean Beth Bilson, O.C. to Convocation.



Rule Amendments

The Benchers passed the following Rule Amendments:

Discipline

The Legal Profession Amendment Act, 2010 was proclaimed on July 1, 2010. The most significant changes in the *Act* are outlined in a dedicated article in this issue on page 5.

Unclaimed Trust Funds

The Legal Profession Amendment Act, 2010 also allowed for changes to the Rules for submitting unclaimed trust funds. The old Rules were administratively time consuming for both the membership and the Law Society. For more information on this subject, please see the dedicated article in this issue on page 4.

Rule Waivers

The Benchers considered two applications. The first, was from a student-at-law with previous legal experience applying for a waiver of the Articling requirements. The Benchers waived the requirement to complete the Bar Admission Course, and they requested completion of 6 months Articles, as well as a reading requirement.

In the second application, the Benchers waived the requirement for a Certificate from the National Committee on Accreditation and admitted the applicant to Articles.

Lawyers Concerned for Lawyers (LCL)

The Executive Director, President and Vice-President of LCL appeared at June Convocation to provide an annual report and a request for program funding.

CanLII

The Canadian Legal Information Institute has grown to be a significant asset for the Law Societies of Canada, but is still run as a volunteer organization. CanLII is currently being reorganized to include professional management, a smaller board of directors chosen from a competency matrix and governance reform. The Benchers approved the reorganization and authorized execution of all the enabling documents.

Common Law Degree

The Benchers once again considered the Federation Task Force Report on the Common Law Degree and the subject of the Implementation Committee. The Benchers requested that the Federation consider inclusion of two Deans selected by the Canadian Council of Deans.

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. Articles and photos 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

Law Society Annual General Meeting

June 17, 2010 – Saskatoon

The Law Society's Annual General meeting took place on June 17th in Saskatoon. 120 members and guests were in attendance.

Senior Life Membership certificates were presented to 7 members in attendance. Their photos are captured below. Samuel Goldstein, Q.C. was unable to attend.



Gerald Averback, Senior Life Member



Left to right: Senior Life Members Marcel Simonot, Q.C. and Marcel de la Gorgendiere, Q.C. accept certificates from Eileen Libby Q.C.



Stanislaus Kyba, Senior Life Member and Eileen Libby, Q.C.



Left to right: Senior Life Members Dorothy Dempsey, Q.C., Robert Mitchell, Q.C., Willis Wellman, Q.C. accept Certificates presented by Eileen Libby, Q.C.



Associate Chief Judge Clifford Toth accepts 2009 Willy Hodgson Award on behalf of the Regina Drug Treatment Court

Terry Kimpinski, Q.C., President of the Canadian Bar Association, brought greetings from the Canadian Bar Association and Michelle Ouellette, Q.C. presented the CBA Community Service award to Randy Rooke, Q.C. of McKercher LLP.

The Regina Drug Treatment Court received the 2009 C. Willy Hodgson Award. Associate Chief Judge Clifford Toth accepted the award on behalf of the rest of the team - Lorri Carlson, Linda Clements, Judie Birns, Jennifer Calderbank, Kim Jones and Frankie Jordan. The Law Society was pleased to have Bill Hodgson and his daughter Heather Hodgson in attendance to know that Willy Hodgson's good work continues to be honoured.

Unclaimed Trust Fund Rule Change

by: Thomas Schonhoffer, Q.C.

Changes in *The Legal Profession Amendment Act, 2010* have allowed the Law Society to amend the Rules for payment of unclaimed trust funds. The purpose of the Rule change was to make it easier for lawyers to pay unclaimed trust funds to the Law Society. The principles have not changed. Lawyers are responsible to return trust monies to the client and must make all reasonable efforts to do so. However, the Rules recognize that clients have an obligation to maintain a current address with law offices and that law offices should not be required to perform lengthy and costly searches when small amounts are involved.

Small amounts under \$50 may now be remitted after two years. When lawyers file their TA-3 forms, they are also encouraged to review trust accounts and identify sums under \$50 which have remained in trust because the office cannot locate the client. The office should then list the client name, file number, last known address and amount held in trust for all such clients and simply remit one cheque with the total balance to the Law Society.

If the amount is over \$50, law offices have a heavier obligation to try to locate the client. Any trust funds in excess of \$50 remitted to the Law Society will require completion

of form TA-9 (Unclaimed Trust Funds – Payment Application). In the past, lawyers have not provided all of the information required. The form is designed to reduce the work of both law offices and the Law Society by identifying pertinent information.

A copy of the new Rule 1301 and form TA-9 are included in this mailout and should be directed to your law office manager.

Continuing Professional Development

by: Andrea Johnston, Director of Education

The Law Society is pleased to offer the following upcoming Continuing Professional Development activities:

Ethics Workshop for Corporate Commercial Lawyers

Chair: Nancy Hopkins, Q.C.
Thursday, September 23, 2010 – afternoon only (Regina)
Friday, September 24, 2010 – morning only (Saskatoon)

CPD Select Dinner – “Mentorship”

Speaker: Brent Gough, Q.C.
Monday, October 4, 2010 (Saskatoon)
Thursday, October 7, 2010 (Regina)

Webinar: Security Issues with Technology

Speaker: TBA
Friday, October 15, 2010 (12:00 – 1:00 p.m.)

Court of Appeal – E-COURTS System and Rule Changes

Speakers: Court of Appeal Justices, Registrar and Consultants
Thursday, November 4, 2010 – morning only (Regina)

Friday, November 5, 2010 – morning only (Saskatoon)

Trial Advocacy Workshop

Chair: Madam Justice D. L. Wilson
November 18-20, 2010 (Saskatoon)

One Day MBA for Lawyers

Monday, December 6, 2010 (Saskatoon)
Tuesday, December 7, 2010 (Regina)

We are still working out the details for a number of CPD activities. For updated information about the upcoming CPD activities and further information about the CPD Policy, refer to “Continuing Professional Development” on the Law Society website (www.lawsociety.sk.ca).

CPD Activity Application Form

With the implementation of the Continuing Professional Development Policy on January 1, 2010, members are required to self-report their CPD hours online through their Member Profile on the Law Society website. In order to report CPD hours for an activity, the activity must be accredited by the Law Society. An activity can be accredited in one of two ways:

- 1) The activity has been specifically approved by the Law Society as an Accredited CPD Activity; or
- 2) The activity is delivered by an Approved Provider as set out in the CPD Policy.

Until recently, applications by members or providers to have a specific activity accredited have been made by way of an informal email. **We have now developed a CPD Activity Application Form to be completed and submitted to the Law Society by email, together with the activity agenda/schedule. All CPD activity applications are to be submitted using the Application Form.** The Application Form is available on our website at <http://www.lawsociety.sk.ca/cpd/new/applicationforms.html>.

Please direct all questions about the Application Form to Linda Euteneier (CPD Administrative Assistant) at linda@lawsociety.sk.ca or (306) 569-8242.

The Legal Profession Amendment Act, 2010

by: Thomas Schonhoffer, O.C.

The Legal Profession Amendment Act, 2010 was proclaimed on July 1, 2010. The *Act* is the primary authority for the work of the Law Society of Saskatchewan. The most significant changes are as follows.

The most important change is in section 3 of the *Act*, which describes the duty of the Law Society. It informs and animates every other section of the *Act* and all of the Law Society Rules. The *Act* now states it is the duty of the Law Society to discharge its responsibilities "in the public interest." The Law Society adopted this philosophy many years ago, but it is always interesting to find that many still believe the Law Society represents the interests of lawyers.

Secondly, resignation no longer requires approval by the Benchers. There is significant mobility within the profession,

and for the most part, resignation is an administrative process. The only exception will be when resignation is tendered in the face of discipline. The Benchers will be considering Rules governing resignation in the near future.

The third major change is discipline. The former *Act* created a rather cumbersome process of referrals between Law Society staff and Benchers. The present system streamlines this process, while retaining all the safeguards. It will allow for faster resolution of complaints and is a benefit to both the membership and the public. The second significant change in discipline is that the Discipline Committee as a whole, which often consisted of up to 20 Benchers, will no longer pass sentence on convictions with a potential for suspension

or disbarment. Sentence will now be passed by the Hearing Committee. The amendment removes the ungainly process of having 20 people debate sentence. In addition, the panel that hears the evidence passes sentence.

The *Act* also allows for a streamlined process in competency issues. The Law Society has tried to put a greater emphasis on competency in an attempt to catch problems without forcing a member into discipline. This is a perceived benefit to both the members and the public. The new legislation allows streamlining for the appointment of a Law Office Practice Management Review.

Finally, the *Act* increases the size of the Law Foundation and provides for one additional appointment by the Law Society.

Ethics Interactive – Duty of Loyalty

by: Melissa Isbister, Law Student

In *Strother v. 3464920 Canada Inc.*, 2007 CanLII 24, at paragraph 34, the Supreme Court of Canada states that the solicitor-client relationship created through a retainer is, "...overlaid with certain fiduciary responsibilities, which are imposed as a matter of law." These fiduciary responsibilities may include obligations that go beyond terms that are expressly bargained for in the contractual relationship and includes the duty of loyalty. The avoidance of conflicts of interest is an element of the duty of loyalty. The test for a disqualifying conflict of interest as laid out in *MacDonald Estate v. Martin* must be applied in the context of a continuing duty of loyalty between a lawyer and a former client and will be addressed later in the discussion.

The article titled "Beyond Conflicts of Interest to the Duty of Loyalty: From *Martin v. Gray* to *R v. Neil*" by Richard F. Devlin and Victoria Rees refers to the case *Stewart v. Canadian Broadcasting Corp.* in regards to the duty of loyalty.¹ In *Stewart*, the trial judge made several important points emphasizing the positive regulative ideal of a duty of loyalty rather than the negative prohibition on conflicts of interest. He stated that lawyers are in an intense fiduciary relationship with

their clients and this relationship imposes a positive duty of loyalty that is not dependant on confidentiality, rather it is a much larger, freestanding obligation. Further, this loyalty is crucial because the legal profession is an important social institution and there needs to be faith and confidence in such an institution.

In *Greater Vancouver Regional District v. Melvill*, 2007 CanLII 410, at paragraph 17, the British Columbia Court of Appeal cites *Strother* as the authority for the court's statement that it, "...is well settled that a lawyer may owe a former client a continuing fiduciary duty of loyalty." The BCCA states that in the three cases cited in *Strother*, lawyers whose retainers for former clients had ended were liable for damages for breach of the fiduciary duty of loyalty and were disqualified from continuing to act for the new client. The BCCA goes on to state that, "...both the extent of the continuing fiduciary duty of loyalty, and whether it has been breached, turn on the particular facts of the case, in which one of the factors considered is the use of relevant confidential information received from the former client."

The issue of a continuing duty of loyalty to former clients is also addressed by Pro

Bono Law Alberta in the proceedings titled "Laying the Foundation: Second Annual Stakeholder's Round Table on Pro Bono Legal Services in Alberta."² The document summarizes the proceedings and presentations at the Stakeholders Roundtable discussion dated November, 2007. In the discussion, it was noted that the duty of loyalty to former clients diminishes somewhat over time. It is also stated that sometimes the former client's conflicts are very old and the circumstances have changed significantly. It is argued that in those circumstances, lawyers should ask themselves if, "...the client will be deprived of access to justice: 'which is worse: no representation or conflicted representation?'. This would also suggest that the extent of a continuing duty of loyalty to former clients can only be determined based on the particular facts of the case.

¹ Richard F. Devlin & Victoria Rees, "Beyond Conflicts of Interest to the Duty of Loyalty: From *Martin v. Gray* to *R. v. Neil*" (2005) 84 Canadian Bar Review 439.

² Pro Bono Law Alberta, "Laying the Foundation: Second Annual Stakeholders' Round Table on Pro Bono Legal Services in Alberta" (2007) at 3.

Spend Smarter: Legal Research Resources

by: Toby Willis-Camp, Director of Libraries

What's in your legal research toolkit? How much do you spend on maintaining your research resources? It's time to take a hard look at how you are spending your resources budget and determine how you could be saving.

Determine which resources you use on a daily or weekly basis. These are tools you will need to keep on hand. If you like the book version, do not waste money on the online version. If you have books that you rarely use, consider borrowing newer editions from the library.

Is the resource a looseleaf text? Take into consideration how often the law is changing in that area and forego purchasing updates until there is a substantial change in the law. The Law Society Library has implemented this policy for a majority of its looseleaf texts and has seen considerable savings, which we have used to purchase new texts and electronic resources for the members.

Keep in mind that there are a variety of secondary resources available to the desktop of all members through the Members Section. If you have subscriptions to the following textbooks, but do not use them on a regular basis, you may want to consider using the online versions in order to save costs:

Canadian Criminal Procedure (Salhany)

Drug Offences in Canada (MacFarlane, Frater & Proulx)

McWilliams' Canadian Criminal Evidence

(Hill, Tanovich & Strezos)

Sentencing (Clewley & McDermott)

Youth Criminal Justice Act Manual (Harris & Bloomenfeld)

Criminal Law Quarterly

O'Brien's - Commercial and General, Corporations, Leases, Wills and Trusts, Family Law (Ontario), Labour Relations and Employment, Court Forms (Ontario), Municipal Corporations, Computers and Information Technology

CCH Canadian Family Law Guide

CCH Estate Administration

CCH Estate Planning

CCH Electronic Discovery in Canada

Irwin Law – 100 e-books including the *Essentials of Canadian Law* series

Are you subscribing to online case law resources such as Westlaw or Quicklaw? Check your usage at least twice a year in order to understand how you are spending your money. Flat rate subscriptions are good if you are a power user and consistently conduct a large amount of research on these databases. Consider negotiating a pay-per-use price if it appears you are paying more than you are using under a flat rate subscription.

Are you just retrieving decisions or legislation rather than making subject searches? While most case law collections are deeper in the subscription services, CanLII's legislation collection is more robust and current. Are the cases you are looking for available on CanLII or through one of the Members desktop subscriptions? All members have desktop access to the following case law resources through the Members Section:

Canadian Criminal Cases (Criminal Spectrum)

Weekly Criminal Bulletin (Criminal Spectrum)

Western Decisions - Civil and Criminal (Dart: Westerns Decisions)

CCH Family Law Guide

CCH Estate Administration Guide

Saskatchewan Cases

Saskatchewan Court of Appeal

Sentencing Digest

Taking some time to evaluate your research tools and budget can lead to considerable savings. The library has spent the last two years eliminating duplication and tracking usage closely in order to rein in a subscriptions budget that was out of control. Need advice on how to do this for your office? Give us a call. We can help.

Judicial Appointments

Neal Caldwell has been appointed a judge of the Court of Appeal, replacing Madam Justice D.C. Hunter, who elected to become a supernumerary judge effective August 14, 2009.

Mr. Justice Caldwell received a Bachelor of Arts in 1992 and a Bachelor of Laws, with distinction, in 1995 from the University of Saskatchewan.

Since 1998, Mr. Justice Caldwell practised with McDougall Gauley LLP. His areas of practice included intellectual property corporate law, business law, privacy law, regulatory compliance, corporate governance, banking and finance.

He was an instructor of the corporate/commercial segment of the Saskatchewan Bar Course and a Registered Canadian Trademark Agent. He is an active member of the Saskatchewan Police Commission, the Saskatoon Club and the Western Development Museum Planned Giving Committee.

Morris Baniak has been appointed a judge of the Provincial Court for Prince Albert.

Judge Baniak graduated from the University of Saskatchewan, was admitted to the Bar in 1984 and served as a defence lawyer for over 25 years. He also provided a significant amount of *pro bono* work for immigrants coming to our province. He speaks English, Polish, Russian and Ukrainian fluently.

Judge Baniak has varied interests, serving on the board of directors of New Community Credit Union, his church parish, as well as coaching minor hockey and soccer.

Law Degree Designation Changes at U of S

by: Katherine Blau, Communications/Alumni Relations

On June 4, 2010, University Council at the University of Saskatchewan approved the change in the first-level law degree designation to Juris Doctor (JD) from Bachelor of Laws (LLB). Additionally, all past recipients of the LLB from the U of S College of Law have been offered the opportunity to switch their LLB to a JD.

"The change in designation from an LLB to a JD is a change in degree title only," said Beth Bilson, Acting Dean at the College of Law. "Entrance and degree requirements will remain unchanged. The JD degree is

not a graduate degree; it is a first degree in law and the designation represents the professional nature of the law degree program."

A thorough consultation process was conducted prior to the change, driven at the outset by College of Law students, who voted 90% in support of the change in January 2010. An alumni survey followed, with 81% of alumni surveyed in favour. Additionally, 76% of alumni indicated they will take advantage of the opportunity to switch to the JD designation. Following

thorough consideration of the issue and these results, Faculty Council at the College recommended the change to University Council.

"I would like to thank again all who participated and sent in comments, either in favour of this change or against," added Dean Bilson.

More information, as well as the designation change application form for alumni, can be found at www.usask.ca/law.



Pro Bono Law
Saskatchewan

Benchers' Digest Report

Kara-Dawn Jordan, Executive Director
www.pblsask.ca

PRO BONO PARTNERSHIPS

Pro Bono Law Saskatchewan relies on its partnerships with the Saskatchewan Legal Community and with members of the larger community to deliver *pro bono* legal services to people in need in this Province. PBLS takes this opportunity to recognize two organizations that have recently partnered with us to improve access to justice in Saskatchewan.

Virtus Group LLP
www.virtusgroup.ca

Pro Bono Law Saskatchewan thanks Virtus Group LLP for its generous in kind contribution of audit and tax services.

Maxxam Analytics
www.thednalab.com

Pro Bono Law Saskatchewan would also like to thank Maxxam Analytics for its donation of paternity testing services. Thanks to the donation of Maxxam Analytics, members of the Law Society of Saskatchewan who are providing *pro bono* legal services through PBLS Panel Programs are eligible to apply to PBLS for a paternity testing fee waiver where the *pro bono* client reasonably requires paternity testing services but is unable to afford the cost of those services.

PRO BONO SPOTLIGHT

www.pblsask.ca/spotlight.shtml



Jill Drennan, Featured Lawyer

Jill is a lawyer with Kanuka Thuringer LLP in Regina. Jill has a background in literature and politics. She graduated from the College of Law in 2005 and was admitted to the Saskatchewan Bar in 2007. In addition to an extremely busy practice, she is currently a regular volunteer at the Regina Free Legal Clinic advising individuals with respect to

family law and immigration matters. She also volunteers to take on full representation matters through the PBLS General Panel program and the specialized Child and Youth Panel program.

Those who have the pleasure of meeting Jill are immediately struck by her compassion, intellect and dedication to justice. She is watchful of access to justice issues and always does more than her fair share to assist individuals in need. She is truly a credit to the profession.

Thank you Jill for your remarkable contributions!



Saskatchewan Provincial Court Judicial Council

The Saskatchewan Provincial Court Judicial Council, acting under *The Provincial Court Act, 1998*, makes recommendations to the Minister of Justice on appointments to the Provincial Court.

Counsel who have been members in good standing of a Canadian Bar, for at least 10 years or who have other legal or judicial experience that is satisfactory to the Council, are invited to apply. The application form and information about the application process can be found under the Provincial Court tab on the www.sasklawcourts.ca website.

The Council's next meeting to review applications will be in November 2010. Candidates wishing to be considered should submit their application form and letters of reference before 1 October 2010 to:

Ms. Marlene Rodie, Executive Officer,
Provincial Court Judicial Council
2425 Victoria Avenue
Regina, SK, S4P 4W6

The current members of Council are Chief Justice Klebuc, Chief Justice Laing, Chief Judge Snell, Judge Morin, Judge Singer, Eileen Libby, Q.C., Sandra Foster and Dwight Nelson.

If you have any questions, contact Marlene Rodie, at (306) 787-5409 or mrodie@sasklawcourts.ca.

Nominations Open for the C. Willy Hodgson Award

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 2010 award which will be presented in 2011. Nomination forms and more information can be located on the website at www.lawsociety.sk.ca. The deadline for nominations is **November 26, 2010**.

Law Grads Receive Scholarships

The 2010 E.M. Culliton Scholarship has been awarded to Scott MacDonald of Saskatoon and Maria Lynn Freeland of Prince Albert, each receiving a scholarship in the amount of \$9,000 and \$3,000 respectively.

Scott MacDonald graduated from the College of Law, University of Saskatchewan, with distinction in 2001. Mr. MacDonald will be attending the LLM International Law program at the University of Edinburgh in the fall. He will write his dissertation in the area of international criminal law, more specifically, on the law of piracy. Sea piracy has been regarded as the first example of international criminal law, however, incidents of piracy in the Gulf of Aden have led many to conclude that the present international anti-piracy regime has failed. Mr. MacDonald will examine whether present international anti-piracy laws and instruments have failed, or whether the international community needs to adopt different enforcement mechanisms and address the underlying factors that lead to piracy.

Maria Lynn Freeland graduated from the College of Law, University of Saskatchewan, in 1986. She will be attending the University of Saskatchewan in the fall. Her thesis proposal is to examine the criminal trial procedure involving child victims of sexual assault in northern Saskatchewan. Many of the criminal cases in northern Saskatchewan involving child victims of sexual assault do not proceed to trial and many of the cases that do proceed to trial result in an acquittal. There are special challenges for sexual assault cases with child witnesses in the north, such as language barriers, cultural differences, as well as a lack of consistent victim services resources. Ms. Freeland would like to explore whether the problems fall within the trial process or in the preparation process and lack of adequate support systems. She would also like to determine if there is a better model for sexual assault cases involving child victims.

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.

Queen's Counsel Nominations

The designation of Queen's Counsel is made by the Minister of Justice through a selection process that includes consultation with the Law Society of Saskatchewan, the Canadian Bar Association and the Courts.

The selection of the Law Society's nominees for the designation of Queen's Counsel will be based upon the following criteria:

As prerequisite qualifications:

1. Demonstrated superior legal ability;
2. Proof of good character and integrity;
3. No person shall be appointed who has not been entitled during ten years to practise in the superior courts of the United Kingdom of Great Britain and Ireland or of any province of Canada or of the Northwest Territories or for a portion of such period in one and for the remaining portion of such period in another or others of the said courts;

As further qualifications, the following criteria, each of equal weight:

4. Contributions as a legal professional to the community;
5. Contributions to the community generally; and
6. Contributions to the legal profession.

The Law Society will also, in its recommendations, take into account considerations of gender, diversity and geography.

The deadline for nominations is November 2nd, 2010.

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

Queen's Counsel Selection Committee

The Law Society of Saskatchewan is inviting applications for appointment to the Queen's Counsel Selection Committee.

Applications to the Law Society are reviewed by the Queen's Counsel selection Committee which consists of the following:

- Past President of the Law Society
- A current Benchers of the Law Society
- A public representative appointed to the Law Society
- A member of the Law Society

Anyone interested in participating on this committee should forward an expression of interest to Thomas Schonhoffer, Q.C. by **August 27, 2010**. Please submit your information to his assistant Liz at llynchuk@lawsociety.sk.ca.

In Memory

Donald MacPherson, former Chief Justice of the Court of Queen's Bench, passed away on June 16, 2010. He is survived by his wife Elizabeth (Betty), four children and 10 grandchildren.

Donald MacPherson graduated high school in 1943 and joined the army shortly thereafter, following in the footsteps of his father and two older brothers. He completed an army engineering course at the University of Saskatchewan, however, the overseas demand was for infantry, so he volunteered to go overseas as an infantry private. After more training in England, he was sent to Holland to be part of a Canadian Regiment involved in combat. He later fought in Germany where he was captured as a prisoner of war. After his discharge from the army, he returned to the University of Saskatchewan and enrolled in the College of Law.

In 1951, he joined a law firm established by his father, MacPherson, Leslie and Tyerman. He eventually became senior partner and chairman of the firm's management committee. Donald MacPherson specialized in labour law and was especially proud in helping to create and establish an independent union at the Rocanville mine.

Donald MacPherson served as a Bencher of the Law Society from 1970 – 1976 and was its President in 1975. He was appointed Chief Justice of the Court of Queen's Bench in 1989. He was also a founding director of the Wascana Centre Authority, president of the Regina Kinsmen Club, director of the Regina YMCA, chairman of the Regina Hospitals Planning Council, chairman of the Regina Board of Police Commissioners and a member of the RCMP public complaints commission.

Donald Dermody passed away on April 16, 2010 and leaves behind his wife Jean, a daughter and two grandchildren.

He was born in Kennedy, Saskatchewan, and attended Notre Dame College in Wilcox, where he completed a Bachelor of Arts. He also completed a Bachelor of Education and a Law Degree and practiced law for over thirty years in Regina and Shaunavon. He was active in his community with the Knights of Columbus and the Elks for years and was proud to organize the first Special Olympics in Shaunavon.

William MacIsaac, Q.C. passed away on May 27, 2010. He leaves behind his wife Pat, two daughters and a son.

William MacIsaac completed his Bachelor of Commerce at St. Dunstan's University (now the University of Prince Edward Island) and graduated from the Dalhousie Law School in 1957. He joined the Nova Scotia Bar Association in 1958 and then moved to Saskatchewan and established a private practice. In 1980, he left private practice and began working as a criminal defence lawyer for the Sask. Legal Aid Commission. He received a Queen's Counsel designation in 1997. In 1998, he returned to private practice with Andrews Benko Rondeau Hawkins Pyle Evanchuk and MacIsaac.

As a young man, William MacIsaac was a well known local athlete, involved in baseball, curling and hockey, and he remained active well into his 70's.

Peter Thuringer, Q.C., passed away on May 17, 2010. He leaves behind his wife Gerry and six children.

Peter Thuringer practiced law for over 40 years and retired in 2005. He specialized in the areas of insolvency, banking and commercial finance, corporate and commercial law, and lotteries and gaming.

EQUITY OMBUDSPERSON

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

If you are a support staff, articling student or lawyer within a law firm, you can contact the Equity Ombudsperson, Kathryn Ford, Q.C., 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.

LAWYERS CONCERNED FOR LAWYERS

Provides to Saskatchewan lawyers and their family members:

- CONFIDENTIAL assistance in effectively dealing with problems;
- the services of an INDEPENDENT professional consultant;
- services provided without charge

For confidential information and assistance call 1-800-780-5256.

