

July 1, 2007

The Praecepte,

Victoria's Legal Newsletter

This newsletter is published by the VBA approximately six times a year. It provides members of the local Bar with information about VBA events, the activities of its members and issues of importance to you. As this is a developing product, any constructive advice, criticism, or assistance is greatly appreciated. Comments can be emailed to legh@sll.ca.

IMPORTANT NOTICE DEADLINE TO APPLY IS JULY 3, 2007

Founders Committee Graduation Award

If you graduated from UVic Law in November 2006 or June 2007, and will be (or are) articling in Victoria, and wish to be considered for this award please submit a one page summary to the Office of the Associate Dean Academic and Student Relations by July 3, 2007 describing the way in which you have contributed to the educational experience of your fellow students and the ways in which you have demonstrated a commitment to public service and relations with the profession during your time at UVic Law. Please advise where you will be (or are) articling in Victoria. The summary may be submitted to Deborah Needley (via email dneedley@uvic.ca) or by a written note addressed to her at the Faculty of Law, University of Victoria, PO Box 2400, STN CSC, Victoria, BC V8W 3H7.

The terms of reference for the Award are:

The Victoria Bar Association has endowed and provides annual funds in an amount not less than \$500.00 for the Founders Committee Graduation Award in Honour of Allan Cox, Hamish Gow and the Honourable Bob Hutchison who, with Murray Fraser, were members of the organizing committee for the Law School at the University of Victoria. The award is given to a graduating student who is articling in Victoria, and who has made an outstanding contribution to the educational experience of his or her fellow students, and has demonstrated a commitment to public service and relations with the profession during their time at the Faculty of Law. The award shall be made at the Donors Reception by representatives from the Victoria Bar Association and the Dean of the Faculty of Law.

INSIGHTS INTO THE LOCAL BAR

We try to keep members informed on any developments within the local Bar. If you become aware of any members changing firms, passing away, receiving awards, or any issue that may be of general interest, please tell us.

Robert Hamilton Smith and **Cecil Branson** have now (or on the cusp of) retiring from the profession.

Brooke MacLeod will be leaving the firm of Carr Buchan and starting with Rory Morahan at Morahan & Company in July.

Fuller, Pearlman, McNeil was awarded the best business of the year award by the Victoria Chamber of Commerce.

Mr. Justice Keith Bracken presided over the call ceremony on June 7 with Benchers **Kathryn Berge, Richard Stewart** and **June Preston** in attendance along with **Sue Wishart** on behalf of the CBA and **Kerry Simmons** on behalf of the VBA. The packed courtroom witnessed the call of 14 newly called lawyers and 2 transfer candidates. They were, **Nina Bindra** – Ministry of Attorney General, **Pavel Boubnov** – who plans to practice with the Yukon Department of Justice, **Stephen Hartman** – Cook Roberts, **Stephen King** – Cox Taylor, **Michelle Kinney** – Ministry of Employment and Income Assistance, **Clinton Kuzio** – Woodward & Co., **Heather Lyman** – Crease Harman, **Leah Mack** – Woodward & Co., **Corinne Proctor** – Carr Buchan, **Karina Sacca** – transfer from Ontario now a sole practitioner, **Genevieve Tamosiunas** – Ministry of Attorney General, Health and Social Services Group, **Christopher Taylor** – transfer from Ontario now a sole practitioner, **Andrew Uhlman** – Berndsten & Co., **Anne Wrona** – Cook Roberts, **Craig Young** – Velletta & Company and **Andrew Mickelson**

If you know of other moves or additions in town, please send them to James Legh (legh@sll.ca) for publication in the VBA newsletter, The Praecepte.

NOTICES

The Victoria Bar Association will again be presenting three awards at the Annual General Meeting in November. If you would like to nominate a member of the Victoria Bar for one of the awards, please send your submissions to Scott Farquhar at 201 - 19 Dallas Road, Victoria, B.C., V8V 5A6 or sfarquhar@pearlmanlindholm.com by September 30, 2007.

The awards are as follows:

Pamela Murray Award - This award is presented annually to a practicing member of the Victoria Bar who has constantly maintained high professional standards and who has contributed substantially to the wellbeing of the local Bar.

Volunteer Award - This award is presented annually to a member of the Victoria Bar who has contributed significant efforts in a volunteer capacity, which have benefited directly or indirectly the Greater Victoria community and which reflect positively on the legal profession.

Contribution to the Law Award - This award is presented annually to a member of the Victoria Bar who has had a significant involvement in the development of a legal issue during the year, and which involvement reflects positively on the legal profession.

Booking space in the Barristers Lounge

All members are entitled to use the Lounge and can book it for law related activities and meetings. If you wish to do so, call Kerry Simmons or Leah Seal at 386-8707 or email Kerry at ksimmons@cardlaw.com.

Pc Law – Users Group

There is interest among local law firms to establish a PC Law users group to share information about troubleshooting, training, and other matters of common interest. If you use PC Law at your firm and would like to be part of this group, please email Susan Ticknor at Cardinal Law: sticknor@cardlaw.com. Ms. Ticknor will arrange an initial meeting.

RECENT EVENTS

2007 Victoria Lawyers/Accountants golf tournament was a resounding success. This occurs whenever the lawyers win the overall competition which they did this year. The tournament was again held at Uplands Golf course and the beneficiaries of the net proceeds were the Vancouver Island Head Injury Society.

Some of the notable accomplishments in the tournament included:

- **John van Cuylenborg** with low net at 61
- **Tyler Luchies** with a low net of 63
- **Dan McDonough** winning the men's closest to the pin
- **Mary Murell** with the women's low gross
- **Carin Gallie** with women's low net and closest to the pin.
- **Grant Smith** won another closest to the pin on the 4th hole.
- **Paul Pearson** won a visit from the Humane Society by hitting a baby duck on the 13th hole. Subsequent investigation found the duck to still be alive but a little dizzy an hour later. The VI Head Injury Society will see what services they can provide.

Summer Dinner Deep Cove Chalet – This annual event was another sell out. There is not much more to say than to recommend everyone try to sign up early next year. It is a great opportunity to meet casually with colleagues in a wonderful atmosphere and great food.

FUTURE EVENTS

Dates to note on your calendar include:

- September 8, 2007 VBA Baseball tournament
- October 4, & December 13, 2007 are the dates for the Victoria Call Ceremonies

- September 20, 2007 VBA Golf tournament at Prospect Lake
- November 8, 2007 VBA AGM at Victoria Golf Club
- December 5, 2007 Christmas Lunch at the Union Club
- February 9, 2008 - 2008 Curling Bonspiel

VBA Baseball tournament

Date: Saturday, Sept. 8th, 2007 - 10:00 a.m. – 3:00 p.m.

Place: Sidney Little League fields, beside the airport

Price: \$100.00 per team

The rules will reflect the “fun” nature of the game (teams will pitch to themselves etc.). Participants are encouraged to bring their barbecues and socialize at these great facilities during lunch.

Staff and families are welcome. Several small office teams are being organized, so please contact Charlotte Salomon (csalomon@mcbop.com) or Richard Fyfe (Richard.fyfe@gov.bc.ca) if you don't have a full team, but still want to come out. Please make cheques payable to the Victoria Bar Association, and send them to Charlotte Salomon, c/o McConnan Bion O'Connor and Peterson 420 - 880 Douglas Street, Victoria BC V8W 2B7 or Richard Fyfe, c/o Legal Services Branch, Min. of Attorney General, 600-1175 Douglas Street, Victoria BC, V8W 9J7

VBA Golf Tournament

Date: Thursday, September 20th, 2007

Place: 4633 Prospect Lake Rd.

Tee Times: 1:00 – 3:00 p.m.

Price: \$60.00 golf and dinner

\$30.00 golf only

\$30.00 dinner only

Beginners are welcome! Great golf prizes will be awarded in a variety of categories.

OTHER POINTS OF ORDER

New Audio recordings at the Court House.

The Victoria Court house is moving slowly into the new age with digital recording of all proceedings. While more details will come and there may be some issues still to sort out, some basic information includes

- You must ask the court (judge) for a copy of the audio recordings for any particular hearing, however this can be requested at the time and the clerks will be able to provide a disc with the recording.
- A program called fortherecord.com is needed to listen to the recordings.

- It would be prudent to obtain a copy of each day's trial, at the end of the day (which requires the consent of the court)
- Recordings will be stored on a central database, which is accessible from each courtroom. If you have the day, court and time, you will be able to get the recording.
- Each court is intended to have a large digital printout of the time visible for all to see. This should be used by counsel to note times of interest to them. For example by noting the time that a witness starts testifying or the court making an order. This will facilitate review later.
- Questions can be directed to Sheila Knight, Court Supervisor at 952-0525
- One day a listening station may be available at the court.

UVic Law Career Development Office

UVic wants to welcome their new **Career Development Assistant**, Shawna McNabb, who started last month. In a student referendum held in March 2007, law students voted in favour of increasing student fees to fund this newly created position.

This fall's BC Employers Wine & Cheese Event will be held on **Monday, September 24, 2007** at the Fairmont Empress Hotel. Please contact Jennifer or Shawna if you have questions about the event. Invitations will be sent out shortly.

The UVic Law Career Development Office can help you with your employee search. Contact us if you are considering hiring a student (summer, articling, or research assistant) or an associate. There is no charge to advertise your employment opportunities to our students and alumni.

Jennifer Moroskat
Career Development Officer
moroskat@uvic.ca
(250) 472-4719

Shawna McNabb
Career Development Assistant
smcnabb@uvic.ca
(250) 721-8790

Canadian Blood Services

Eighteen units of blood --- that is all we have donated to Canadian Blood Services in 2007. It is pretty dismal.

Historically, we have been more generous in rolling up our sleeves. In 2005, Lawyers in Victoria donated 31 units. In 2006, we donated 47 units. There is very little chance that we will be able to match or surpass our previous donations this late in the year.

By way of background, the VBA joined a program called the "Partners for Life" program with Canadian Blood Services in 2003. Our membership name is "Lawyers in Victoria". Each year we ask you to donate blood and to encourage your staff, family, and friends to do the same. All donations can be assigned to our group.

To encourage firm donations, the Canadian Blood Services is now prepared to annually honour individual firms with a "Certificate of Recognition" noting the donation from the firm. The certificates are suitable for framing and hanging in your reception area. When you sign in on the "Lawyers in Victoria" sheet, also take the time to note your firm name.

Currently, two lawyers from **Cardinal Law** have donated 5 units, two members of **Mulligan Tam Pearson** have donated 2 units, two lawyers from **Cook Roberts** have donated 2 units, and two members of the **Attorney General** have donated 4 units.

Do you or other members of your firm have any more blood to give this year? If so, then please call 1-888-2DONATE (1-888-236-6283) to make an appointment.

Order Approval

Jacqueline Orchard, Acting Court Services Manager in Victoria, has confirmed that the Registry staff will accept Orders approved as to form by an articling student where that articling student appeared at the chambers hearing. Many thanks to Ms. Orchard and Master McCallum for assisting in securing this confirmation and to Emily Drown, associate at Cox Taylor, for raising the concerns about the previous practice.

CBA Court Services Committee Report: (Extracts only)

Purpose: Over the past few months the Committee has sought and obtained input from members of the Bar, the Bench and Civil Servants regarding the delivery of court services in our province. This input was received from emails and discussions with members of the Bar, including observations of members of the Committee. We also had discussions with Mr. Justice Macaulay, Master McCallum and Associate Judge Brian Neal, all of whom saw a need for our Committee.

Our goal is to provide a compilation of that information to present to the Executive for its consideration as to the appropriate action to be taken and to provide recommendations regarding the role of the CBA in ensuring effective and efficient service delivery.

VANCOUVER ISLAND

1. Courthouse Facilities:
 - (a) There is a shortage of meeting rooms and interview rooms in Victoria;
 - (b) Delays of up to four months occur in obtaining a family case conference in provincial court in Victoria;
 - (c) The facilities in Victoria are inadequate to accommodate Juries. They are, for example, required to use public elevators and small courtrooms;
 - (d) Members of the Nanaimo Bar have been advised that when Justice Lander and Master Barber retire Nanaimo will be served by only two full-time Judges and one Master, instead of by two full-time and two supernumerary Judges as well as one Master. This reduction will affect the entire County including, Courtenay, Campbell River and Port Alberni. This reduces the accessibility of Masters and Judges.

2. Service Delivery:

Complaints have been received about:

- (a) Delays in processing desk order divorces;
- (b) Inconsistent registry practices in the region;
- (c) Inconsistent practices, and inadequate training of staff, in individual registries;
- (d) Limited use of video conferencing;
- (e) Inability to file documents after 4:00 p.m.;
- (f) Lack of consultation about new procedures such as e-filing.

3. Discussion:

The Nanaimo Bar feels they should have been consulted on the issue of the availability of Judges and Masters for their county. They have not been provided with any statistical information that would support the reduction.

Furthermore, they believe that in having a sitting Master, the issue of consistency in delivery is increased. For example, it is often beneficial to have the same Master hear matters that come before him or her from time to time. While not being seized, but still engaged enough to make a difference.

Many lawyers in the County are very busy and it may be that more cases are settling rather than there being a decrease in volume of files. Ironically it is the very presence of accessibility to the judiciary that leads to settlement. If there is a decrease in accessibility to chambers there is a real possibility that files may become more protracted, as the threat of a quick decision will disappear.

WWW.VICBAR.COM

As you are likely aware, the VBA website is a wonderful source of information. It features details of upcoming events, event photo's, previous editions of the Praecepte, and an online forum. The forum is available to VBA members only - a good way to exchange information and ideas of interest to the local Bar (including complaints regarding the activities of the executive).

BARRISTER'S LOCKERS

The VBA controls the lockers. Kismet Bhandar and Menaka Giri will be reviewing them. If you have any issues regarding the lockers, please tell them at mgiri@waddellraconi.com and ktbhandar@carlaw.ca. Menaka is currently contacting the "lady" barristers with assigned lockers to ascertain the status of those lockers.

Barrister or Solicitor Sought

Pearlman Lindholm is seeking a barrister or solicitor to join its team. The ideal candidate will have an established practice and a minimum of five years' experience.

Reply in confidence to:

Gordon W. Benn
Shoal Point at Fisherman's Wharf
201 - 19 Dallas Road
Victoria, British Columbia
V8V 5A6
gbenn@pearlmanlindholm.com

- A paid advertisement -

Sotheby's International Realty Canada has set up a new office in Victoria, which may be of interest to all the Real Estate lawyers in Victoria they are at [102 - 919 Fort Street](https://www.sirca.com)
[380.3933](https://www.sirca.com)

2007 VBA EXECUTIVE

<i>President</i>	Kerry Simmons
<i>Past President</i>	James A. S. Legh
<i>Vice President</i>	Scott Farquhar
<i>Treasurer</i>	Michael Cooper
<i>Secretary</i>	Noel Lenaghan
<i>Social Co-ordinators</i>	Richard Fyfe & Charlotte A. Salomon
<i>Meeting Co-ordinator</i>	Roxanne Helme

Directors: Nisha Bathe, Gary Kinar, Kismet T. Bhandar, Kay Melbye, Carmen Rogers, Sue Wishart, Joan M. Young, Robert J.M. Janes, Menaka Giri, Renée A. Miller, Ruari McLennan, and Brooke A. MacLeod

<i>Bencher Representatives</i>	Kathryn Berge Richard Stewart
<i>CBA Representative</i>	Kay Melbye
<i>UVic Liaison</i>	Andrew Petter

EXECUTIVE MEETINGS

Our meetings are scheduled for the third Tuesday of each month, in the Barrister's lounge at the Court House, (unless moved in conjunction with another event such as the spring dinner). If you wish to bring a matter to the attention of the Board or to participate in a meeting, please do not hesitate to contact Kerry Simmons in advance.

CONCLUSION

There is a great use for the new digital clocks used for recording proceedings in the courthouse. Everyone will now know when counsel has reached the end of their time estimate. Lawyers now have no excuse for not being aware of how much time they are taking or have left. It is all well and good to apologize when taking longer than estimated, however the irritating factor is for other lawyers who have given longer time estimates and therefore had to wait because you said you would take less time. It is obviously unfair and irresponsible to estimate a short time, when others are waiting, and go over that time. If the clocks do not help, perhaps we should track the more frequent offenders and publish among our small group who they are. At least in this way the rest will be able to react accordingly.

Have a great summer and if you have not yet put together a team for the VBA baseball tournament do so now, it provides a great opportunity for some firm team building and meeting others in the profession.

James A. S. Legh