



**THE LAW  
FOUNDATION  
OF NEWFOUNDLAND  
AND LABRADOR**

**Annual Report  
2004 - 2005**

**25<sup>th</sup> Anniversary**



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# Law Foundation of Newfoundland and Labrador

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Hon. P. Derek Lewis, Q.C., *Chair*  
M. Francis O’Dea, Q.C., *Vice-Chair*  
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*Executive Director*

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*The Law Foundation of Newfoundland and Labrador is heritage partner for the **History of Law and the Courts**, [www.heritage.nf.ca](http://www.heritage.nf.ca) on the Newfoundland and Labrador Heritage Web Site at Memorial University. This public history project presents the province’s rich heritage in a format that combines text, graphics, audio and video. Six major areas, involving heritage partners, are featured: Natural Environment, Aboriginal Peoples, Exploration and Settlement, Government and Politics, Society, Economy and Culture, and the Arts. In addition to this cultural and academic knowledge-base being available on the Internet to university students and the general public, as a further educational resource high school students are able to access high school curriculum specific modules on the law and constitutional issues.*

The Law Foundation, established in February, 1980, provides grants to advance public understanding of the law and access to legal services.





**Current and former Governors of  
The Law Foundation of Newfoundland and Labrador**

Hon. P. Derek Lewis, Q.C., *Chair, 1979 - present*

The Hon. Mr. Justice John J. O'Neill, *first Vice-Chair, 1979 - 1986*

M. Francis O'Dea, Q.C., *first Secretary, 1979; second Vice-Chair, 1986 - present*

Norman J. Whalen, Q.C., *1979 and second Secretary, 1986 - present*

Dr. Ann Perry, C.A., *first Treasurer, 1979 - 1984*

Michael J. Conran, *second Treasurer, 1984 - 1992*

D. Paul Althouse, Q.C., *1985 and third Treasurer, 1992 - present*

Crystal L. Eagan, B.A.(Ed.), CRRS, *1986 - present*

The Hon. J. Derek Green, Chief Justice, Trial Division, *1986 - 1992*

Hector M. Hussey, *1998 - present*

Thomas R. Kendell, Q.C., *1992 - 1997*

The Hon. Madam Justice Mary E. Noonan, *1979 - 1986*

John F. Roil, Q.C., *1997 - present*

Martha A. Shinkle, B.A., B.Ed., *1994 - 1997*

The Hon. Mr. Justice Frederick R. Woolridge, *1979 - 1985*

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LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR  
**25<sup>TH</sup> ANNIVERSARY**  
FEBRUARY 1, 1980 - 2005



Pictured at 25<sup>th</sup> Anniversary Reception on February 1, 2005  
at HMS Briton Room, Murray Premises are current and former governors:

**Seated (l-r):** Dr. Ann Perry, Hon. P. Derek Lewis, Q.C., Chair, Crystal L. Eagan;  
**Standing (l-r):** M. Francis O'Dea, Q.C., Vice-Chair, The Hon. Mr. Justice John J. O'Neill,  
Norman J. Whalen, Q.C., Secretary, Hector M. Hussey, The Hon. J. Derek Green, Chief Justice,  
Supreme Court of Newfoundland and Labrador, Trial Division.

The first meeting of the Board of Governors was held on February 26, 1979, when the work began to allow for the proclamation of Part IV of the Law Society Act on February 1, 1980.

The 25<sup>th</sup> Anniversary of the Law Foundation of Newfoundland and Labrador was celebrated on February 1, 2005.

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# LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

## ANNUAL REPORT

The Law Foundation of Newfoundland and Labrador from 1980 to the Annual Meeting on February 1, 2005 approved funding totalling \$10,155,016. for the following objects:

a) legal education and legal research	\$ 1,642,384.
b) law reform	126,809.
c) legal aid	5,137,221.
d) legal referral service	49,069.
e) law libraries	2,879,533.
f) law scholarships	320,000.
	<u>\$ 10,155,016.</u>

The Law Foundation in 2004 had revenues of \$359,375., a decrease of \$47,515. from 2003 revenues of \$406,890.

The Foundation's equity position at December 31, 2004, its fiscal year end, comprised the Reserve Account of \$530,780. (Reserve Account \$644,025., December 31, 2003 with nil Undistributed Revenue).

The Foundation maintains a separate Law School Scholarships Trust Fund. The Law School Scholarships Selection Committee annually awards entrance scholarships valued at \$5,000. each.

Pursuant to the Law Society Act, the Board must contribute two-thirds (increased by government from one-third effective January 1, 1992) of the

net revenues received in each calendar year directly to the Legal Aid Commission.

Net revenues are defined as all interest earned, less office, salaries, professional fees and other administrative expenses.

The two-thirds contribution to the Legal Aid Commission was \$173,839. for calendar year 2004 (4.005% annual composite prime), compared to \$206,639. for calendar year 2003 (4.69% annual composite prime).

The interest earned on lawyers' mixed trust accounts is calculated by financial institutions based on interest rates and terms negotiated by the Foundation with the individual financial institutions. The interest is recorded by the Foundation upon receipt of the funds.

The lawyers' mixed trust accounts are not the property of, nor administered by, the Foundation. The Foundation is, therefore, unable to determine the amount of interest earned until such time as it is received from each individual financial institution, upon the lawyers' filed instructions.

The Foundation assumes that lawyers who receive or hold funds in trust for, or on account of, clients comply strictly with section 69 of the Law Society Act and the Trust Account Rules of the Law Society. This compliance requires that lawyers credited with interest earned on funds held in lawyers' mixed trust accounts shall remit it to the Foundation.

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## CENTENNIAL LAW SCHOOL SCHOLARSHIPS

In honour of the 100th Anniversary of the Faculty of Law, University of New Brunswick in 1992, the Law Foundation of Newfoundland and Labrador provided a \$50,000. grant to the Heritage Campaign establishing a Scholarships Fund to award two scholarships, valued at \$1,750. each, for students enrolled in the Faculty of Law who are residents of the Province of Newfoundland and Labrador.

One scholarship is awarded to an upper year student based on a combination of financial need and demonstrated academic ability in the LLB program.

Dianne Rideout of Manuels, a third year law student, received the award in the second semester 2003/2004.

The other scholarship is awarded on the basis of academic excellence to a student entering first year.

Aaron Felt of St. John's received the award in the first semester 2004/2005.

The scholarships are awarded annually by the Admissions and Scholarships Committee of the Faculty of Law. The Law Foundation of Newfoundland and Labrador is advised when the awards have been made.

In 1986 the Law Foundation of Newfoundland and Labrador provided a \$50,000. grant to Dalhousie University, as part of the Campaign for Dalhousie, following the August 16, 1985 fire, for the reestablishment of the Dalhousie law library.



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## LAW SCHOOL ENTRANCE SCHOLARSHIPS



Pictured at 2004/2005 Law Foundation of Newfoundland and Labrador Law School Entrance Scholarships presentation in St. John's are:

**Standing (l-r):** Norman J. Whalen, Q.C., Chair, Selection Committee and Secretary of the Law Foundation, Frances W. Gow, Valerie L. Marshall, LL.B., member of Selection Committee, and Hon. P. Derek Lewis, Q.C., Chair, Law Foundation.

The Law Foundation of Newfoundland and Labrador in 1984 established funding for annual Law School Entrance Scholarships, in honour of the incorporation of the Law Society in 1834. The Scholarships, valued at \$5,000. each, are tenable for first year studies at any Canadian Law School.

The Scholarships are awarded to residents of the Province of Newfoundland and Labrador on the basis of academic excellence.

The successful candidates, in this competition's nineteenth year, for the academic year 2004/2005 and the law schools they are attend-

ing are Meredith D. Baker, University of Toronto, Frances W. Gow, McGill University, and Jessica J. Norman, University of Toronto.

The Scholarships Selection Committee for the 2004/2005 Competition comprised Norman J. Whalen, Q.C., Chair, Valerie L. Marshall, LL.B., and W. Wayne Thistle, Q.C.

The Board of Governors of the Law Foundation is advised when the awards have been made.

The Law School Scholarships Trust Fund is separate from and in addition to the above stated equity position of the Foundation.

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## THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR LEGAL RESEARCH AWARDS FOR STUDENTS OF MEMORIAL UNIVERSITY



Pictured at luncheon presentation at R. Gushue Hall, Memorial University of 2003/04 Law Foundation Legal Research Awards are:

**Standing (l-r)** Hon. P. Derek Lewis, Q.C., Chair, Law Foundation, Hon. Dr. John C. Crosbie, P.C., O.C., Q.C., Chancellor, Memorial University, Dr. Axel Meisen, President and Vice-Chancellor, Memorial University, The Hon. Clyde K. Wells, Chief Justice of Newfoundland and Labrador, The Hon. M. Reginald Reid, Chief Judge, Provincial Court of Newfoundland and Labrador;

**Seated (l-r)** Christopher P. Curran, LL.B., Chair of Selection Committee and Appointee of Law Foundation; Sharon Hewitt and Gregory Harris, Awards recipients, and Morgan Cooper, M.I.R., LL.B., member of Selection Committee and Appointee of Memorial University.

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The Law Foundation of Newfoundland and Labrador annually offers up to five Legal Research Awards valued at \$500. each to undergraduate students for best research term paper on one or more legal issues, or topics treated in a legal context, in a senior level course in any discipline at the undergraduate level. The papers submitted by and with endorsement of course professor or lecturer are judged initially by the Dean, or Director, or Department Head who makes a recommendation to a Selection Committee for the Awards. The Selection Committee comprises appointees of Memorial University and the Law Foundation. The Awards are made by the Senate Committee on Undergraduate Scholarships and Financial Aid acting upon the recommendation of the Selection Committee. An additional \$500. is provided annually by the Law Foundation to Queen Elizabeth II Library for the purchase of research materials and resources. Total Awards \$3,000.

The successful candidates in the eighth annual 2003/2004 Competition, covering the three semesters Spring/Summer, Fall, 2003, Winter, 2004, are (in alphabetical order by Department; all five awards have equal standing):

Laura Brazil,  
Department of History,  
Unjust Justice: Wrongful Convictions From A Newfoundland Perspective,  
Law and Society 4000

Andrew Mallam,  
Department of History,  
Pre-Confederation Aboriginal Law,  
Law and Society 3012

Gregory Harris,  
Department of Political Science,  
A Critical Review of the Supreme Court of Canada's Treatment of Section 2(b) of the Canadian Charter of Rights and Freedoms,  
Political Science 3720

Sharon Hewitt,  
Department of Political Science,  
Evolving Justice: Issues in the Inception of the International Criminal Court,  
Political Science 3210

Katherine Murray,  
Department of Political Science,  
Why Genocide Occurs Despite the Genocide Convention,  
Political Science 3210

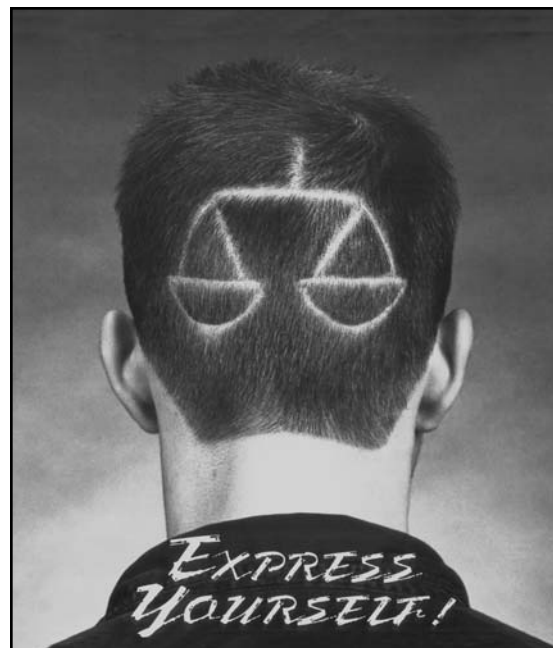
The Law Foundation of Newfoundland and Labrador Legal Research Award for the particular course appears on the student's official University transcript.

The 2003/2004 Competition Selection Committee comprised Christopher P. Curran, LL.B., Chair, appointee of Law Foundation, John A. Scott, Ph.D., Professor, Department of Philosophy, and Morgan Cooper, M.I.R., LL.B., appointees of Memorial University.

# THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

## 2003 / 2004 HIGH SCHOOL LEGAL ESSAY COMPETITION



### ANNOUNCEMENT OF WINNERS

The Law Foundation of Newfoundland and Labrador in 1984 established a High School Legal Essay Competition for legal research writing on aspects of the law, in honour of the incorporation of the Law Society in 1834.

The winners in the 2003 / 2004 Twenty-First Annual Competition are:

#### 2003 / 2004 Provincial, and Western Region

##### Winner:

Matthew Alteen, Firearms Control in Canada,  
Herdman Collegiate, Corner Brook

**1st Hon. Mention:** Adam Vickers, 1996 Protest in  
Cartwright, Sandwich Bay, Herdman Collegiate, Corner  
Brook

**2nd Hon. Mention:** Charmaine Follett, The Youth  
Criminal Justice Act, Herdman Collegiate, Corner  
Brook

**Central Region Winner:** Christina Elliott,  
Decriminalization of Marijuana in Canada, Glovertown  
Academy, Glovertown

**1st Hon. Mention:** Angela Mercer, The Meech Lake  
Accord, Exploits Valley High School - Maple, Grand  
Falls-Windsor

**2nd Hon. Mention:** Heather Oram, Public Law and  
Public Interest, Glovertown Academy, Glovertown

**Eastern Region Winner:** Dana Dalton, The Canadian  
Bail System: "Time For a Change", Roncalli Central  
High School, Avondale

Ms. Dalton also receives a bonus prize of \$250  
awarded for the best legal essay by a level III student  
tenable against tuition at Memorial University.

**1st Hon. Mention:** Alison Burry, Wrongful Murder  
Convictions and the Justice System, St. Kevin's High  
School, Goulds

**2nd Hon. Mention:** Michael Cook, Gun Control Laws,  
Mount Pearl Senior High School, Mount Pearl

**Awards:** Student Provincial and Regional Winner \$500.; Student Regional Winner \$250; one "bonus prize" \$250.; Total prizes awarded to students \$1,850; Total matching cash prizes to schools, for legal materials and resources for school libraries \$1,000; First and Second Honourable Mentions, each valued at \$100. for students, where merited, were also awarded. Total prizes awarded: \$2,850.

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Web Site: [www.atyp.com/lawfoundationnl/](http://www.atyp.com/lawfoundationnl/)

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# HIGH SCHOOL LEGAL ESSAY COMPETITION

Herdman Collegiate, Corner Brook - Provincial and Western Region Winner



Pictured in Corner Brook at the High School Legal Essay Competition Award presentations are:  
**(l-r):** Vaughn Granter, M.Ed., Principal, Herdman Collegiate, D. Paul Althouse, Q.C., Treasurer, Board of Governors, Law Foundation, Matthew Alteen, Provincial, and Western Region Award Winner, Gary Parsons, B.A.(Ed.), B.A.(Sp.Ed.), Department Head, Social Studies, Herdman Collegiate, Adam Vickers and Charmaine Follett, 1<sup>st</sup> and 2<sup>nd</sup> Hon. Mentions, Western Region respectively.

D. Gordon Woodland, B.A., B.Ed, LL.B., Chair, Crystal L. Eagan, B.A.(Ed.), a Governor of the Law Foundation, Hon. John C. Ottenheimer, M.Ed., Q.C., and Hon. George J. Furey, M.Ed., Q.C., are the members of the Law Foundation Selection Committee.

Dana Dalton commenced university studies in September, 2004, and as the winner of the bonus prize of \$250. awarded for the best legal essay by

a Level III student tenable against tuition at Memorial University she also attended, with the High School Legal Essay Selection Committee, Governors of the Law Foundation and other guests, the luncheon for the 2003/2004 Legal Research Awards recipients at R. Gushue Hall hosted by Dr. Axel Meisen, President and Vice-Chancellor, Memorial University.

# THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

The Board at the Annual Meeting on February 1, 2005 and previous meetings approved the following grants, totalling \$200,267., which apply to 2005, and 2006 where indicated:

Canadian Bar Association, Newfoundland and Labrador, Law Day, April, 2005 \$ 1,817.

Canadian Bar Association, Newfoundland and Labrador:

Canadian Bar Association Canadian Legal Conference, St. John's, NL, August, 2006 10,000.

(The Canadian Legal Conference is a comprehensive continuing legal education program with seminars and debates on significant legal issues. The Law Foundation sponsored this event for the same amount when it was first held in this province in St. John's in August, 1998.)

Law Society of Newfoundland and Labrador with distribution for acquisition of books:

Law Library, St. John's, 2005 110,000.

Law Library, Gander, 2005 9,000.

Law Library, West Coast, 2005 20,000.

Newfoundland and Labrador Speech and Debate Union (SDU) 3,000.

(Note: The grant is for SDU's programmes from September, 2005 to June, 2006 with 50% of the funds to be specifically applied to speech and debate activities for high school students, involving the Newfoundland and Labrador Federated League of Debaters (NFLD), and 50% for Youth Parliament activities, which closely follow the rules and forms of the House of Assembly, involving the Newfoundland and Labrador Youth Parliament (NLYP).)

Project Daisy, the Committee of the Law Society responsible for gathering and preserving the history of the law, legal profession, Law Society, and Courts in Newfoundland and Labrador, for:

1. Publication of "Down North on the Labrador Circuit: The Court of Civil Jurisdiction, 1826 to 1833", an essay by Nina J. Goudie to commemorate the opening of the Supreme Court courthouse in Happy Valley-Goose Bay 5,000.

2. Restoration of First Edition of R.A. Tucker Select Cases from Records of the Supreme Court of Newfoundland and Labrador 700.

Public Legal Information Association, Newfoundland and Labrador

Fiscal year April 1, 2005 - March 31, 2006 35,000.

(Note: this core funding, recorded under the object of legal education and legal research, also maintains the infrastructure for the Association's operation of the Lawyer Referral Service.)

22<sup>nd</sup> Annual High School Legal Essay Competition, 2004/2005 2,750.

9<sup>th</sup> Annual Legal Research Awards Competition for Students of Memorial University, 2004/2005 3,000.

The following grants, totalling \$368,503., apply to 2004:

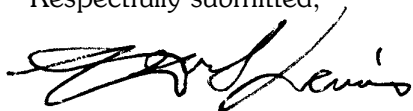
Canadian Bar Association, Newfoundland and Labrador, Law Day, April, 2004 1,814.

Law Society of Newfoundland and Labrador with distribution for acquisition of books:	
Law Library, St. John's, 2004	\$ 110,000.
Law Library, Gander, 2004	9,000.
Law Library, West Coast, 2004	20,000.
Legal Aid Commission: (two-thirds net revenues contribution)	173,839.
Newfoundland and Labrador Speech and Debate Union (SDU)	3,000.
The grant is for SDU's programmes from September, 2004 to June, 2005.	
See Note respecting 50% for NFLD and 50% for Youth Parliament, NLYP, under SDU above.	
Public Legal Information Association, Newfoundland and Labrador	
Fiscal year April 1, 2004 - March 31, 2005	45,000.
See Note under Public Legal Information Association above.	
21 <sup>st</sup> Annual High School Legal Essay Competition, 2003/2004	2,850.
8th Annual Legal Research Awards Competition	
for Students of Memorial University, 2003/2004	3,000.

The following grants, totalling \$401,156., apply to 2003:

Canadian Bar Association, Newfoundland and Labrador, Law Day, April, 2003	\$ 1,167.
Law Society of Newfoundland and Labrador with distribution for acquisition of books:	
Law Library, St. John's, 2003	110,000.
Law Library, Gander, 2003	9,000.
Law Library, West Coast, 2003	20,000.
Legal Aid Commission: (two-thirds net revenues contribution)	206,639.
Newfoundland and Labrador Speech and Debate Union (SDU)	3,000.
The grant is for SDU's programmes from September, 2003 to June, 2004.	
See Note respecting 50% for NFLD and 50% for Youth Parliament, NLYP, under SDU above.	
Public Legal Information Association, Newfoundland and Labrador	
Fiscal year April 1, 2003 - March 31, 2004	45,000.
See Note under Public Legal Information Association above	
20 <sup>th</sup> Annual High School Legal Essay Competition, 2002/2003	3,350.
7 <sup>th</sup> Annual Legal Research Awards Competition	
for Students of Memorial University, 2002/2003	3,000.

Respectfully submitted,



Hon. P. Derek Lewis, Q.C.  
Chair, Board of Governors



**THE LAW**  
**FOUNDATION**  
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**AND LABRADOR**