



**THE LAW  
FOUNDATION  
OF NEWFOUNDLAND  
AND LABRADOR**

**Annual Report  
2007**



# Law Foundation of Newfoundland and Labrador

## Board of Governors

M. Francis O'Dea, Q.C., Chair  
Norman J. Whalen, Q.C., Vice-Chair  
Crystal L. Eagan, B.A.(Ed.), CRRS, Secretary  
D. Paul Althouse, Q.C., Treasurer  
Hector M. Hussey  
Glen L.C. Noel, LL.B.  
John F. Roil, Q.C.  
  
Lawrence E. Collins, B.A., C.G.A.,  
Executive Director

Law Foundation of Newfoundland and Labrador  
49-55 Elizabeth Avenue, Second Floor  
P.O. Box 5907  
St. John's, NL  
A1C 5X4

Telephone: (709) 754-4424  
Telecopier: (709) 754-4320

**Web site:** [www.atyp.com/lawfoundationnl/](http://www.atyp.com/lawfoundationnl/)  
**Email:** [lawfoundationnl@nf.aibn.com](mailto:lawfoundationnl@nf.aibn.com)

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.

---

# LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

---

## ANNUAL REPORT 2007

---

The Law Foundation of Newfoundland and Labrador approved funding totaling \$12,711,820. for the period 1980 to 2007 inclusive, on a year by year basis over the twenty-seven years, to over fifty separate recipients, with several of these receiving a number of grants for different projects, for the following objects:

(a) legal education and legal research	\$	1,741,996.
(b) law reform		126,809.
(c) legal aid		7,316,713.
(d) legal referral service		49,069.
(e) law libraries		3,129,733.
(f) law scholarships		347,500.
		<hr/>
		<u>\$ 12,711,820.</u>

The Law Foundation in 2007 had revenues of 1,776,448. (6.10% annual composite prime - acp), an increase of \$494,869. from 2006 revenues of \$1,281,579. (5.758% acp). 2005 revenues were \$501,074. (4.39% acp).

The Foundation's equity position at December 31, 2007, its fiscal year end, was \$1,079,996., comprising the Reserve Account of \$721,432. and \$358,564. undistributed revenue (Reserve Account \$699,544., December 31, 2006 with nil undistributed revenue).

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

With respect to the Reserve Account of \$721,432., it is the policy of the Foundation to maintain:

- a) a deposit of \$500,000. (an increase from \$478,112. at December 31, 2006) for grants stabilization in the event of revenue reduction;
- b) \$21,432. for legal education, research and law reform, which is the balance of funds remaining from funds returned to the Foundation upon the dissolution of the Law Reform

Commission in this province in 1992 (no change from December 31, 2006), and,

- c) \$200,000. for administration.

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.

The two-thirds contribution to the Legal Aid Commission for calendar year 2007was \$1,125,949., compared to \$787,737. for calendar year 2006 and \$265,806. for calendar year 2005.

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

The Law Foundation established and administers the Law Foundation High School Legal Essay Competition for Level I, II and III students in the province, the Law Foundation Legal Research Awards for Students of Memorial University, and the Law Foundation Law School Entrance Scholarships for residents of the province, tenable at any Canadian Law School.

In 2007 they marked their 24th 11th and 22nd anniversaries, respectively.

When the Law Foundation was established in February, 1980, interest was paid by financial institutions on the minimum monthly balance in lawyers' trust accounts. Effective in 1987, the interest became paid on the average monthly credit balance.

The interest paid on lawyers' mixed trust accounts by banks in the province is generally calculated on the monthly average prime minus an agreed upon percentage, historically 5%, then 4%, and, in recent years, 3% at a number of banks, on the average monthly credit balance.

---

Several banks alternatively have used a tiered interest structure with competitive short-term deposit rates or prime minus various percentages, depending on account balances. A number of the banks, as well, waive basic service charges. The rates may differ between the banks and within the same bank nationally.

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 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.

---

THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

## 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.

Jonathan Hoyles of Botwood, a second year law student, received the award in the second semester 2006/2007.

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

Beverly Noseworthy of Green Island Brook received the award in the first semester 2007/2008.

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.

---

THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

## LAW SCHOOL ENTRANCE SCHOLARSHIPS

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 the twenty-second year of this competition, for the academic year 2007/2008 and law schools they are attending are Natalie A. Payne, Pasadena, University of Victoria, and Matthew

A. Way, Happy Valley-Goose Bay, Osgoode Hall Law School, York University.

The Scholarships Selection Committee for the 2007/2008 Competition comprised Norman J. Whalen, Q.C., Chair, Valerie L. Marshall, Q.C., 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.

## LEGAL RESEARCH AWARDS FOR STUDENTS OF MEMORIAL UNIVERSITY

The Law Foundation of Newfoundland and Labrador annually offers 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 eleventh annual 2006/2007 Competition, covering the three semesters Spring/Summer, Fall, 2006, Winter, 2007, are (in alphabetical order by Department; all five awards have equal standing):

### **Rodney Doody**

Department of Political Science

Title: *Reconciling Humanitarian Intervention with International Law: The Need for a Legal Framework*

Course: Political Science 3210

Lecturer: Francis P. O'Brien, LL.M.

### **Gregory French**

Department of Political Science

Title: *Reverse Onus Laws and the Presumption of Innocence*

Course: Political Science 3720

Lecturer: Francis P. O'Brien, LL.M.

### **Heather-Sara Labonté**

Department of Political Science

Title: *A Constitutional Case against Two-Tier Minimum Wage in Ontario*

Course: Political Science 3720

Lecturer: Francis P. O'Brien, LL.M.

### **Timothy O'Brien**

Department of Political Science

Title: *Preventing and Punishing the Crime of Genocide: A Historical Analysis of the Failure of the Genocide Convention and Recommendations for its Repair*

Course: Political Science 3210

Lecturer: Francis P. O'Brien, LL.M.

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

The 2006/2007 Competition Selection Committee comprised Christopher P. Curran, Q.C., 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 Hon. Dr. Clyde K. Wells, Chief Justice of Newfoundland and Labrador, The Hon. J. Derek Green, Chief Justice, Supreme Court, Trial Division, The Hon. M. Reginald Reid, Chief Judge, Provincial Court, Francis P. O'Brien, LL.M., lecturer, the students, other guests and Jeffrey P. Benson, Q.C., Chair, Law Foundation and governors appointed effective January 1, 2008, attended with the Selection Committee a luncheon presentation at R. Gushue Hall on February 26, 2008, hosted by Dr. H.E.A. (Eddy) Campbell, Acting President and Vice-Chancellor, Memorial University, of the 2006/2007 Legal Research Awards.

The 2007/2008 Competition has been expanded to include graduate students in the School of Graduate Studies.

Undergraduate students will receive a minimum of two and graduate students will receive one or more of the up to five awards available annually.

---

THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

## HIGH SCHOOL LEGAL ESSAY COMPETITION

**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.

**Selection Committee:**

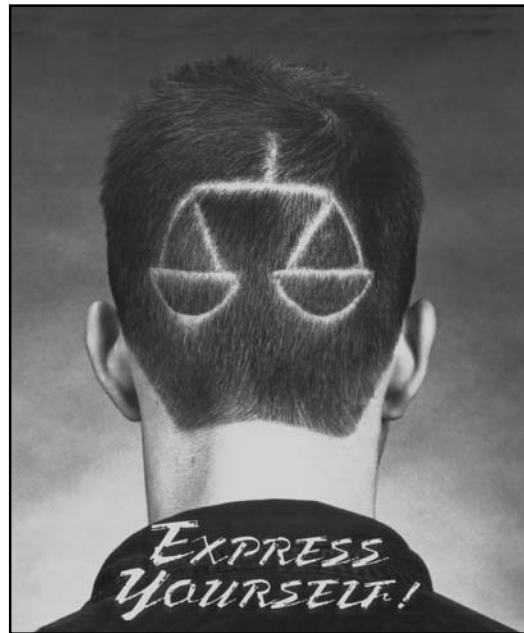
D. Gordon Woodland, B.A., B.Ed, LL.B., Chair, Crystal L. Eagan, B.A.(Ed.), CRRS, Secretary of the Law Foundation, Hon. John C. Ottenheimer, M.Ed., Q.C., and Hon. George J. Furey, M.Ed., Q.C., are the members of the Law Foundation Selection Committee.



# THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

## 2006 / 2007 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 2006 / 2007 Twenty-Fourth Annual Competition are:

**2006 / 2007 Provincial Winner:**

**Bret Kenny**

*The Effect Of Law On Terminally Ill Patients*  
Corner Brook Regional High School  
Corner Brook

**Provincial 1<sup>st</sup> Hon. Mention:**

**Tracy Penney**

*Sex Slave Trade Industry*  
Smallwood Academy  
Gambo

**Provincial 2<sup>nd</sup> Hon. Mention:**

**Christy Groves**

*Canadian Legalization Of Marijuana*  
Mountain Field Academy  
Forteau, Labrador

**Provincial 3<sup>rd</sup> Hon. Mention:**

**Sarah Woodland**

*Protecting Personal Information: The Rapid Growth Of Identity Theft*  
Corner Brook Regional High School  
Corner Brook

**Awards:** Student Provincial Winner \$500; Student Provincial 1st, 2nd and 3rd Hon. Mentions \$400., \$375 and \$350. respectively.  
Total prizes awarded to students \$1,625. Total matching cash prizes to schools, for legal materials and resources for school libraries \$1,625. Total prizes awarded: \$3,250.

49-55 Elizabeth Avenue Mailing address: P.O. Box 5907, St. John's, NL A1C 5X4 Tel. (709) 754-4424 Fax. (709) 754-4320  
Web Site: [www.atyp.com/lawfoundationnl/](http://www.atyp.com/lawfoundationnl/) Email: [lawfoundationnl@nf.aibn.com](mailto:lawfoundationnl@nf.aibn.com)

# THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

The Board approved the following 2007 grants (\$189,071. in funding and \$1,125,949. for Legal Aid Commission, two-thirds calendar year 2007 net revenues contribution) totalling \$1,315,020.:

Canadian Bar Association, Newfoundland and Labrador, Law Day, April, 2007 (twenty percent reduction in 2006 eliminated; grant for amount requested)	\$ 2,771.
Law Society of Newfoundland and Labrador with distribution for acquisition of books: Law Libraries, St. John's, 2007 - \$110,000.; Gander, 2007 - \$9,000.; and West Coast, 2007 - \$20,000. (twenty percent reduction in 2006 eliminated)	139,000.
Legal Aid Commission: two-thirds calendar year 2007 net revenues contribution	1,125,949.
Public Legal Information Association, Newfoundland and Labrador Fiscal year April 1, 2007 - March 31, 2008 (twenty percent reduction in 2006 eliminated) See Note under Public Legal Information Association below	35,000.
24th Annual Law Foundation High School Legal Essay Competition, 2006/2007	3,250.
11th Annual Law Foundation Legal Research Awards Competition for Students of Memorial University, 2006/2007	2,500.
25th Annual Law Foundation High School Legal Essay Competition, 2007/2008	3,550.
12th Annual Law Foundation Legal Research Awards Competition for Students of Memorial University, 2007/2008	3,000.

Part IV of the Law Society Act, 1999, as amended effective January 1, 2000, introduced and set the term of office of governors at 4 years, with eligibility for reappointment for a second and final 4 year term, ended December 31, 2007.

The Board conveyed to the Minister of Justice and Benchers sincere thanks on behalf of all governors for the opportunity to have served on the Board of the Law Foundation.

The Board extended best wishes to the new governors and thanked all current and former governors, from the establishment of the Law Foundation and to date, for their years of service and valued contribution to the Law Foundation.

# THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

## Addendum, January 1- May 8, 2008

### Board of Governors

Jeffrey P. Benson, Q.C., Chair  
Aubrey L. Bonnell, Q.C., Vice-Chair, and Acting Secretary-Treasurer  
Kenneth L. Baggs, Q.C.  
M. Beverley L. Marks, Q.C.  
Linda M. Rose, Q.C.

Lawrence E. Collins, B.A., C.G.A., Executive Director

The Board of Governors consists of seven members. Five governors, including the Chair, are appointed by Benchers of the Law Society of Newfoundland and Labrador and two by the Minister of Justice.

The Annual Meeting of the Board of Governors of the Law Foundation was held on May 8, 2008. At this meeting Aubrey L. Bonnell was appointed Vice-Chair. He will also serve as Acting Secretary-Treasurer until two vacancies are filled by appointment by Minister of Justice.

The Board of Governors at the Annual Meeting on May 8, 2008 approved the following grants, totalling \$206,398., to date:

Canadian Bar Association, Newfoundland and Labrador, Law Day, April, 2008	\$	1,848.
Law Society of Newfoundland and Labrador with distribution for acquisition of books:		153,000.
Law Libraries, St. John's, 2008	-	\$121,000.;
Gander, 2008	-	\$10,000.; and
West Coast, 2008	-	\$22,000.
Public Legal Information Association, Newfoundland and Labrador Fiscal year April 1, 2008 - March 31, 2009		45,000.
(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.)		
26th Annual Law Foundation High School Legal Essay Competition, 2008/2009		3, 550.
13th Annual Law Foundation Legal Research Awards Competition for Students of Memorial University, 2008/2009		3,000.

Respectfully submitted,



Jeffrey P. Benson, Q.C.  
Chair, Board of Governors



**THE LAW**  
**FOUNDATION**  
**OF NEWFOUNDLAND**  
**AND LABRADOR**