



**THE LAW  
FOUNDATION  
OF NEWFOUNDLAND  
AND LABRADOR**

**Annual Report  
2015**



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# Law Foundation of Newfoundland and Labrador

## Board of Governors

(01/01/16)

Daniel M. Boone, Q.C., Chair

F. Geoffrey Aylward, Q.C., Vice-Chair and Acting Secretary-Treasurer

Shawn C.A. Colbourne, Q.C.

Sheri H. Wicks, LL.B.

D. Gordon Woodland, Q.C.

(Two vacancies on Board of Governors, effective January 28, 2015, awaiting appointments by Minister of Justice and Public Safety, pursuant to Sections 65. (2) (a) and (b) *Law Society Act, 1999*, Part IV, Law Foundation.)

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

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Aubrey L. Bonnell, Q.C., Chair and Jeffrey P. Benson, Q.C., Past Chair finished their second four year terms as Governors on December 31, 2015.

Benchers, pursuant to Section 65.(3) of the *Law Society Act, 1999*, appointed Daniel M. Boone, Q.C., Vice-Chair, as Chair, effective January 1, 2016.

The Board appointed F. Geoffrey Aylward, Q.C., as Vice-Chair and Acting Secretary-Treasurer, effective January 1, 2016.

Benchers, pursuant to Section 65.(2)(c) of the *Law Society Act, 1999*, appointed Shawn C.A. Colbourne, Q.C. and D. Gordon Woodland, Q.C. to the Board of Governors, effective January 1, 2016.

The Law Foundation provides grants to advance public understanding of the law and access to legal services. Its objects for funding are legal education, legal research, law reform, legal aid, legal referral service, law libraries and law scholarships.

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 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 and Public Safety.

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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

Facsimile: (709) 754-4320

Website: [www.lawfoundationnl.com](http://www.lawfoundationnl.com)

Email: [lfnl@lawfoundationnl.com](mailto:lfnl@lawfoundationnl.com)

### **Website**

The Law Foundation website, [www.lawfoundationnl.com](http://www.lawfoundationnl.com), includes information about offered programs, copies of annual reports and forms, including the standard grant application form and IOLTA Form LF1, and related links.

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 knowledgebase 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.

# LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

## ANNUAL REPORT 2015

The Law Foundation of Newfoundland and Labrador approved funding totalling \$16,600,792. for the period 1980 to 2015 inclusive, on a year by year basis, 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	13.76%	\$ 2,284,483.
(b) law reform	0.76%	126,809.
(c) legal aid	58.11%	9,647,198.
(d) legal referral service	0.30%	49,069.
(e) law libraries	23.86%	3,960,733.
(f) law scholarships	3.21%	532,500.
	<u>100.00%</u>	<u>\$ 16,600,792.</u>

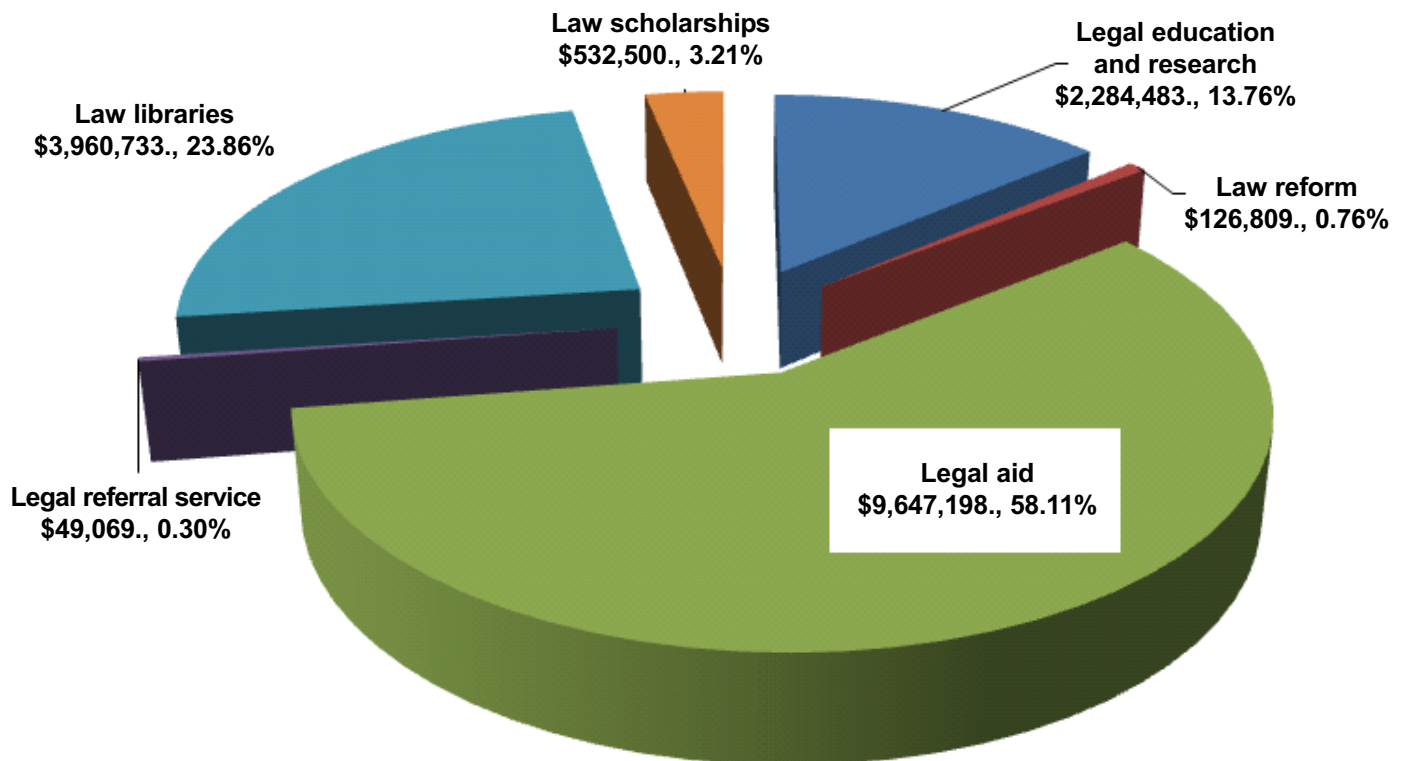
The Law Foundation in 2015 had revenues of \$519,726 (2.80% average annual composite prime – aacp), a decrease of \$184,386 from 2014 revenues of \$704,112 (3.00% aacp).

Prime was 3.00% at January 1, 2015, and decreased to 2.85% and 2.70% at January 28 and July 22, 2015, respectively, where it remains at May 25, 2016.

The Foundation's equity position at December 31, 2015, its fiscal year end, was \$657,313 comprising the Reserve Account of \$657,313 and \$NIL in undistributed revenue.

With respect to the Reserve Account, it is the policy of the Foundation to maintain:

### Allocation of \$16.6 M in Funds from 1980-2015



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- a) \$457,313 for grants stabilization (reduced by \$37,617 in 2015 and \$5,070 in 2014 from ceiling of \$500,000); and,
  - b) \$200,000 for administration.

Pursuant to the *Law Society Act, 1999*, 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 Newfoundland and Labrador Legal Aid Commission.

The Foundation's two-thirds contribution to the Legal Aid Commission for calendar year 2015 was \$204,269 compared to \$331,526 for calendar year 2014. Historically, the highest and lowest two-thirds contributions were \$1,125,949 and \$68,960 for calendar years 2007 and 1997 respectively.

The Foundation maintains a separate Law School Scholarships Fund, with \$300,000 in capital (increased by \$50,000 in both 2009 and 2008). The Law School Scholarships Selection Committee annually awards up to three entrance scholarships valued at \$5,000 each. A transfer of \$12,000 (2014 - \$12,000) from Foundation general revenues was made during 2015 to the undistributed revenue account of the Fund towards funding the investment income shortfall on the capital.

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, 1999*, and the *Uniform Trust Account Rules* of the Law Society. This compliance requires that lawyers credited with interest earned on funds held in lawyers' mixed trust accounts (IOLTA) shall remit it to the Foundation. 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 IOLTA until such time as it is received from each individual financial institution, upon the lawyers' filed instructions. IOLTA is recorded by the Foundation upon receipt of the funds.

IOLTA is calculated by financial institutions based on interest rates and terms negotiated by the Foundation with the individual financial institutions. 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 rates may differ between financial institutions and within the same financial institution nationally. A number of financial institutions, as well, waive basic service charges. Certified cheque and draft charges are charged against the lawyer's general account.

IOLTA currently paid by financial institutions in the Province is generally calculated on monthly average prime minus an agreed upon percentage, historically 5%, then 4%, and, until recent years, 3% at a number of financial institutions, on the average monthly credit balance. In 2009, with the collapse in prime to 2.25%, the financial institutions, following negotiations with the Foundation, provided a floor rate of 0.25% or a revised prime minus x% calculation, which varies between financial institutions, with the best at prime minus 2%. These rates remain in effect. Average annual composite prime (aap) in 2015 was 2.80%, compared to 3.00% in 2014. Prime decreased from 3.00% to 2.85% and 2.70% at January 28 and July 22, 2015, respectively.

The prime rate, together with the total amount of funds held in lawyers' mixed trust accounts across the Province, determine Law Foundation revenues in 2016.

While the total amount of funds held in lawyers' mixed trust accounts across the Province has steadily risen since the Law Foundation was established in 1980 and future increases in prime should increase Law Foundation IOLTA revenue, increases in prime may also see financial institutions review their IOLTA rates.

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## Law Foundation of Newfoundland and Labrador Legal Aid Contribution

The Board of Governors of the Law Foundation recognizes the need to increase the funds available to the Foundation to benefit existing core grantees and new worthy organizations and applicants.

The Board advised the Government that it is imperative to reallocate the Foundation's annual legislated two-thirds net revenue contribution to the Newfoundland and Labrador Legal Aid Commission and increase the funds available to the Foundation to benefit existing core grantees, and for prior and new applicants and worthy organizations to receive their fair share of Law Foundation revenue under the other five legislated objects of the Foundation.

The following Chart, Figure 1 shows annual and total shares of Law Foundation net revenue from 1980 to 2015, inclusive, by the Newfoundland and Labrador Legal Aid Commission and Law Foundation.

In March 2014, the Provincial Government issued the following in a press release:

"To help ensure that those who require legal aid have access to justice, the Provincial Government is investing an additional \$7.1 million in the legal aid system in Newfoundland and Labrador over the next three years, with \$2.1 million being funded through Budget 2014. This investment is tied directly to recommendations from an external review that was commissioned by the Provincial Government.

**'Ensuring that residents have fair access to justice is a fundamental right in a democratic society and these additional resources will assist those who must avail of the province's legal aid system. This investment will be used by the Legal Aid Commission to improve services to those who are dealing with important legal matters and who cannot afford private legal representation.'**

- Minister of Justice and Public Safety

The external review of legal aid was completed by John F. Roil, Q.C., and contains 13 recommendations related to the operations and management of the Legal Aid Commission, all of which have been accepted by the Provincial Government. The additional resources will be used by the commission to address issues around workload, delivery of service and the use of private counsel. In addition, several of the recommendations will require legislative changes to the *Legal Aid Act*.

The report is available online at [www.justice.gov.nl.ca/just/publications/pdf/legal\\_aid\\_review\\_march2014.pdf](http://www.justice.gov.nl.ca/just/publications/pdf/legal_aid_review_march2014.pdf).

The Report entitled "External Review of Legal Aid in Newfoundland and Labrador" by John F. Roil, Q.C. under Section 5, "Recommendations on Changes to Legal Aid Services", "(e) Sources of Funding", p. 110 states, "The Law Foundation: *It is recommended that Government should allow the Law Foundation to retain \$300,000 of its net annual resources to apply to its other worthwhile and mandated objectives, after which the 2/3 contribution to the Commission from the Foundation should apply*".

The Board of Governors, at the Annual Meeting of the Law Foundation held on May 16, 2014, approved the recommendation of John F. Roil, Q.C., Reviewer as it affects the Foundation.

Government had advised the Law Foundation that the legislative changes to the *Legal Aid Act*, as well as the *Law Society Act*, should be made by the Fall, 2014.

Government has since advised that, given the current fiscal position of the Province, Government will not proceed with making the legislative changes at this time.

Government will keep at the forefront of the budgetary process the recommendation in the 2013 Report by John F. Roil, Q.C., Reviewer relating to the funding of Legal Aid, as it affects the Foundation, approved by the Provincial Government, for future inclusion in proposed legislation.

## FIGURE 1

Annual and total shares of Law Foundation net revenue from 1980 to 2015, inclusive, by Legal Aid Commission and Law Foundation

Year	Annual Composite Prime (ACP); Best Rate at Prime Minus X	Law Foundation Total Annual Net Revenue	Legal Aid Commission Net Revenue Contribution	Law Foundation Share of Net Revenue
			2/3 Net Revenue*	1/3 Net Revenue*
<b>TOTAL</b>		<b>\$17,228,228.</b>	<b>\$9,647,468.</b>	<b>\$7,580,760.</b>
2015	2.80%; 0.80% at p - 2	306,403	204,269	102,134
2014	3.00%; 1.00% at p - 2	497,289.	331,526.	165,763.
2013	3.00%; 1.00% at p - 2	431,364.	287,576.	143,788.
2012	3.00%; 1.00% at p - 2	458,843.	305,895.	152,948.
2011	3.00%; 1.00% at p - 2	402,126.	268,084.	134,042.
2010	2.58%; 0.58% at p - 2	172,719.	115,146.	57,573.
2009	2.44%; 0.44% at p - 2	132,457.	88,305.	44,152.
2008	4.82%; 1.82% at p - 3	1,094,931.	729,954.	364,977.
2007	6.10%; 3.10% at p - 3	1,688,923.	1,125,949.	562,974.
2006	5.76%; 2.76% at p - 3	1,181,605.	787,737.	393,868.
2005	4.39%; 1.39% at p - 3	398,709.	265,806.	132,903.
2004	4.00%; 1.00% at p - 3	260,758.	173,839.	86,919.
2003	4.69%; 1.69% at p - 3	309,958.	206,639.	103,319.
2002	4.19%; 1.19% at p - 3	150,181.	100,121.	50,060.
2001	6.01%; 2.01% at p - 4	589,168.	392,779.	196,389.
2000	7.23%; 3.23% at p - 4	756,872.	504,582.	252,290.
1999	6.42%; 1.42% at p - 5	545,171.	363,448.	181,723.
1998	6.65%; 1.65% at p - 5	500,372.	333,582.	166,790.
1997	4.92%; 1.00% floor	103,439.	68,960.	34,479.
1996	6.18%; 1.18% at p - 5	294,018.	196,013.	98,005.
1995	8.63%; 3.63% at p - 5	598,428.	398,953.	199,475.
1994	6.76%; 1.76% at p - 5	254,054.	169,370.	84,684.
1993	5.99%; 0.99% at p - 5	190,056.	126,705.	63,351.
1992	7.44%; 2.44% at p - 5	309,881.	206,588.	103,293.
*Effective January 1, 1992 - Government by legislative amendment increased the Legal Aid contribution to two-thirds Law Foundation net revenue.				
1992-2015 Legal Aid Commission 2/3 Subtotal:			\$7,751,826.	
In addition to the <b>\$250,000. depletion</b> of the Law Foundation's share of net revenue in 1991 by the one time grant requested by Government, since the increase of the Legal Aid Commission contribution by Government to 2/3 in 1992 the Law Foundation's <b>loss of 1/3 share of net revenues from 1992 to 2015, inclusive, amounts to \$3,875,912.50, which would have been available for the other objects of the Foundation.</b>				
Legal Aid, one time grant in 1991:			\$250,000.	(250,000.)
			1/3 Net Revenue*	2/3 Net Revenue*
1991	9.75%; 4.75% at p - 5	\$770,366.	\$256,790.	\$513,576.
1990	14.07%; 9.07% at p - 5	1,155,774.	385,258.	770,516.
1989	13.27%; 8.27% at p - 5	1,014,600.	338,200.	676,400.
1988	10.29%; 5.29% at p - 5	559,601.	186,535.	373,066.
1987	9.54%; 4.54% at p - 5	351,593.	117,199.	234,394.
Interest paid by financial institutions became based on average monthly balance in lawyers' trust accounts effective in 1987.				
1986	10.56%; 5.56% at p - 5	272,234.	90,746.	181,488.
1985	10.60%; 5.60% at p - 5	262,856.	87,620.	175,236.
1984	12.13%; 7.13% at p - 5	299,489.	99,831.	199,658.
1983	11.14%; 6.14% at p - 5	250,389.	83,463.	166,926.
*Effective January 1, 1983 Government by legislative amendment added Legal Aid as an object to receive one-third Law Foundation net revenue.				
1982		344,223.	-	344,223.
1981		246,276.	-	246,276.
1980		73,102.	-	73,102.
Interest paid by financial institutions on the minimum monthly balance in lawyers' trust accounts. When Part IV, Law Foundation of the <i>Law Society Act</i> was proclaimed on February 1, 1980, Legal Aid Commission was not one the then five legislated objects for funding from Foundation revenue.				



## LAW SCHOOL SCHOLARSHIPS

### ***Reginald H. Brown, Q.C., Memorial Scholarship***

The Law Foundation of Newfoundland and Labrador in 2009 contributed \$20,000. to the Memorial Scholarship Fund.

The *Reginald H. Brown, Q.C., Memorial Scholarship* was established at Memorial University of Newfoundland in memory of Reginald H. Brown, K.St.J., Q.C., through lead donations by his widow, Pamela J. Brown, and his colleagues at his law firm, Cox & Palmer. Mr. Brown was managing partner of this Atlantic Canadian law firm, established only two weeks before his death in early 2007. He served as President of the Law Society in 1995. Donations came from members of the legal community and others, to recognize his many contributions to the legal profession, his family and the community generally. The Scholarship is awarded at Spring Convocation to a student graduating from any area of study and accepted at a law school. Selection is made on the basis of academic excellence and demonstrated leadership qualities. The Scholarship is awarded annually by the Senate Committee on Undergraduate Scholarships, Bursaries and Awards.

The 2015/2016 *Reginald H. Brown, Q.C. Memorial Scholarship* in the amount of \$4,266 was awarded to Catherine Hutchens of St. John's.

### ***The Hon. John C. Crosbie Weldon Tradition Scholarship in Law, Schulich School of Law, Dalhousie University***

In 2009 the Board of Governors of the Law Foundation of Newfoundland and Labrador contributed \$50,000. to the Newfoundland and Labrador Scholarship in Law Fund.

The *Newfoundland and Labrador Scholarship in Law* was established on the occasion of the 125<sup>th</sup> Anniversary of Dalhousie Law School in 2008 in recognition of its strong relationship with this Province. This one-time contribution to this scholarship endowment fund, created by donations from Dalhousie Law alumni and others, will provide one or more renewable scholarships, which in time will be in the amount of \$10,000.00 or greater as further donations are made, to students from Newfoundland and Labrador who have demonstrated academic excellence. In early 2012, the Scholarship was renamed *The Hon. John C. Crosbie Weldon Tradition Scholarship in Law* and a demonstration of 'selfless public service' was added to the criteria.

The *Hon. John C. Crosbie Weldon Tradition Scholarship in Law* in the amount of \$9,500 in 2015/2016 was awarded to Juliette Ryan.

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THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

## CENTENNIAL LAW SCHOOL SCHOLARSHIPS

In honour of the 100<sup>th</sup> 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 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 JD program Faculty of Law.

Courtney Barbour of Portugal Cove received the Law Foundation Centennial Scholarship of \$1,250.00 in the second semester 2014/2015.

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

Melanie Flynn of Gander received the Law Foundation Centennial Entrance Scholarship of \$1,250.00 in the first semester 2015/2016.

The scholarships are awarded annually by the Scholarships Committee, 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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THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

## 2015/2016 LAW SCHOOL ENTRANCE SCHOLARSHIPS



Pictured at presentation in St. John's of the Law School Scholarships are (*l-r, standing*): Daniel M. Boone, q.c., Chair, Law Foundation, Linda M. Rose, q.c., Chair, Law School Scholarships Selection Committee, and Dr. Barbara G. Barrowman, LL.B., member, Law School Scholarships Selection Committee; (*l-r, seated*): Sam A. Clark and Catherine J. Hutchens.

The Law Foundation of Newfoundland and Labrador established funding for annual Law School Entrance Scholarships in 1984, in honour of the incorporation of the Law Society in 1834. The Scholarships, valued at \$5,000. each, are awarded to residents of the Province of Newfoundland and Labrador on the basis of academic excellence and are tenable for first year studies at any Canadian Law School. The Scholarships Fund is separate from and in addition to the above stated equity position of the Foundation.

The Board of Governors is advised by the Law School Scholarships Selection Committee when the awards have been made. The recipients of the Law Foundation 2015/2016 Law School Entrance Scholarships and their law schools are: Sam A. Clark, St. John's, Schulich School of Law, Dalhousie University, Laura F. Dyke, Gander, Osgoode Hall Law School, York University, and Catherine J. Hutchens,

St. John's, University of New Brunswick, Faculty of Law.

In May 2009, Governors increased the Scholarships Fund capital from \$250,000. to \$300,000. The Board reinstated the awarding of up to three, increased from two, \$5,000. entrance scholarships, provided from investment income. Pursuant to standing Board approval, there is an annual transfer from Law Foundation general revenues towards funding any investment income shortfall on the Scholarships Fund capital, should one occur. A transfer of \$12,000. was made in 2015.

The 2015/2016 Competition Selection Committee comprised Linda M. Rose, Q.C., Committee Chair, Dr. Barbara G. Barrowman, LL.B., Crystal L. Eagan, B.A.(Ed.), CRRS., D. Gordon Woodland, B.A., B.Ed, Q.C., and Hon. John C. Ottenheimer, M.Ed., Q.C.

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THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

# LEGAL RESEARCH AWARDS FOR STUDENTS OF MEMORIAL UNIVERSITY

## 2014/2015 Awards



Pictured at luncheon presentation at R. Gushue Hall, Memorial University of 2014 / 2015 Nineteenth Annual Legal Research Awards are, (standing l-r): Morgan C. Cooper, Member, Legal Research Awards Selection Committee, F. Geoffrey Aylward, q.c., Vice-Chair, Law Foundation, and Member, Legal Research Awards Selection Committee, Daniel M. Boone, q.c., Chair, Law Foundation, Hon. Andrew Parsons, Minister of Justice and Public Safety, Dr. Susan Dyer Knight, Chancellor, Memorial University, Dr. Gary Kachanoski, President and Vice-Chancellor, Memorial University, The Hon. J. Derek Green, Chief Justice of Newfoundland and Labrador, The Hon. Pamela J. Goulding, Chief Judge, Provincial Court of Newfoundland and Labrador, and William J. Janes, Chief of Police, Royal Newfoundland Constabulary; (seated l-r): Zak Keeping, William Casey, Limingcui Emma Huang, Alex Marshall, and Christoph Pike, Awards recipients. Justin S.C. Mellor, M.A., LL.M., Chair, is the other member of the Legal Research Awards Selection Committee.

The Law Foundation of Newfoundland and Labrador annually offers up to seven Legal Research Awards valued at \$750. each to students at Memorial University. The Awards are for outstanding research papers on one or more legal issues, or topics treated in a legal context, in a 2000 level course or beyond in any discipline at the undergraduate level and in any graduate course for students at the graduate level. A first year course is not eligible, with the sole exception of *LWSO 1000: Law, Democracy and Social Justice*. Preference will be given for one of the seven awards to an undergraduate student in their first year of studies,

who is currently enrolled in, or has completed, the first year introductory course *LWSO 1000* at the time their paper in this course is submitted for consideration.

The papers, submitted by and with endorsement of course professor or lecturer, are judged initially by the Dean, Director, or Department Head who makes a recommendation to the Selection Committee for the Awards. The Selection Committee comprises appointees of Memorial University and the Law Foundation. In the case of undergraduates the Awards are made by the Senate Committee on Undergraduate



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Scholarships, Bursaries and Awards. In the case of graduates the Awards are made by the Dean, School of Graduate Studies. In both cases they act upon the recommendation of the Selection Committee. An additional \$750. is provided annually by the Law Foundation to Queen Elizabeth II Library for the purchase of research materials and resources. Awards total \$6,000. annually.

The successful candidates in the nineteenth annual 2014/2015 Competition, covering the three semesters Spring/Summer and Fall, 2014, and Winter, 2015, are (in alphabetical order by Department):

### **School of Graduate Studies**

#### **Zak Keeping**

Department of Psychology

Title: *Don't SUE Me: Strategic Use of Evidence in Police Interviews*

Course: Psychology 6400: Social Psychology

Lecturer: Dr. Ken Fowler

#### **Undergraduate Papers**

#### **William Casey**

Department of Law and Society

Title: *Appeal of P. U. 9 (2014) to the Supreme Court of Newfoundland and Labrador Regarding the Disposition of a Surplus in Newfoundland and Labrador Hydro's Rate Stabilization Plan Account*

Course: Law and Society 2000

Lecturer: Dr. Albert Jones

#### **Limingcui Emma Huang**

Department of Political Science

Title: *Assessing the Senkaku/Diaoyu Territorial Dispute under International Law Framework*

Course: Political Science 3210: International Law

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

#### **Limingcui Emma Huang**

Department of Political Science

Title: *Interpreting the POGG Principle: A Decentralist JCPC, A Centralist SCC?*

Course: Political Science 3820: Constitutional Law in Canada

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

#### **Alex Marshall**

Department of Political Science

Title: *An Analysis of R. v. Hart and the Legal Framework Surrounding "Mr. Big Operations"*

Course: Political Science 3620: Law and Society

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

#### **Christoph Pike**

Department of Political Science

Title: *Drone Strikes under International Law*

Course: Political Science 3210: International Law

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

#### **Andrea Williams**

Department of Political Science

Title: *An Analysis of Canada's Stance on Anti-Corruption*

Course: Political Science 3620: Law and Society

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 annual volumes and 1997/2001 Consolidated Volume have been sent to the Reference Section of Canadian University Faculties of Law, the National Library of Canada, Ottawa, Law Libraries of Supreme and Provincial Courts, Department of Justice, Memorial University, Grenfell Campus, Queen Elizabeth II Library, the Centre for Newfoundland and Labrador Studies and Departmental Libraries, the Law Society of Newfoundland and Labrador and public libraries in the province.

The 2014/2015 Legal Research Awards Committee comprised Justin S.C. Mellor, LL.M., Chair, appointee of Memorial University, F. Geoffrey Aylward, Q.C., appointee of Law Foundation, and Morgan C. Cooper, appointee of Memorial University.

# THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

In 2015, the Foundation approved the following grants, which apply to 2016:

20th Annual Law Foundation Legal Research Awards Competition for Students  
of Memorial University, 2015/2016 \$ 6,000.

The Foundation approved the following 2015 grants, totaling \$332,769:

Law Society of Newfoundland and Labrador Law Libraries  
January 1 – December 31, 2015, with distribution for maintenance of holdings,  
including electronic licenses: \$ 45,000.

St. John's,	\$36,710.
Gander,	\$1,776.
and West Coast,	\$6,514.

The Board, in addition to book acquisitions, supports electronic licenses, which provide wider public access to legal information.

The grant of \$45,000 for libraries in 2015 is \$31,000. less than the grant of \$76,000 in 2014, which represents a 40.79% equal reduction from each library's 2014 grant.

The Law Society and all other core grant recipients were again advised that, with interest on lawyers' mixed trust accounts unlikely to increase significantly in the short term, funding by the Foundation will continue to be challenging in 2016.

*See NOTE re. Article X (below): Law Society, Law Libraries  
January 1 – December 31, 2016*

Law Society of Newfoundland and Labrador  
SS Daisy Legal History Committee (Project Daisy Committee) Project:

Publication of Papers from the "Discourse and Discovery: Sir Richard Whitbourne  
Quadricentennial Symposium 1615-2015 & Beyond, Celebrating 400 Years  
of Law, Courts and the Legal System in Newfoundland and Labrador  
– Reflecting on Our Past – Focusing on the Future", held in Trinity, NL, June 3-6, 2015 \$5,000.

Publication Project:  
"The Establishment of the District Courts in St. John's and Harbour Grace in 1869  
and 1871" and "Judge D. W. Prowse's Manual for Magistrates in Newfoundland",  
with completion November, 2016 \$5,000.

Publication Project:  
"A Ferryland Merchant-Magistrate: The Journal and Cases of Robert Carter,  
Esq. J.P., Vol. 3", with completion November, 2017 \$5,000.

# THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

Supreme Court of Newfoundland and Labrador and National Judicial Institute:

Discourse and Discovery: Sir Richard Whitbourne Quadricentennial Symposium  
1615-2015 & Beyond, Celebrating 400 Years of Law, Courts and the Legal System  
in Newfoundland and Labrador – Reflecting on Our Past – Focusing on the Future”,  
held in Trinity, NL, June 3-6, 2015

\$5,000.

The month of June, 2015 marked notable anniversaries of two very significant events. June 15, 2015 (Julian Calendar) marked the 800th anniversary of the signing of the *Magna Carta* at Runnymede in 1215, and June 4 marked the 400th anniversary of the holding of the first Court of Vice-Admiralty in North America at Trinity, Newfoundland by Sir Richard Whitbourne in 1615.

These two events are interconnected. The Charter granted by James I and under which John Guy established the first colony of Newfoundland in 1610 provided that the colonists were to “enjoy all liberties, franchises and immunities...to all intents and purposes as if they had been residing and born within this our Realm of England.” The liberties and immunities which were guaranteed by *Magna Carta* were therefore imported into the colony and explain the basis upon which our legal system has operated ever since. The holding of a Court of Vice-Admiralty just five years after the founding of Guy’s colony recognizes this important transatlantic legal connection. The name *Discourse and Discovery* is taken from the title of Whitbourne’s book published in 1620, which describes the event.

The Symposium in 2015 for lawyers, judges, historians, other academics and the public celebrated Newfoundland and Labrador’s legal heritage and addressed areas of legal research, education, law reform, access to and future directions of justice in the 21st century.

Memorial University Annual Lecture Series on Law and the Community:

The Chief Justice Francis Forbes Annual Law Lecture

\$500.

The Law Foundation accepted Memorial University’s invitation to partner with the University and the Law Society for an Annual Lecture Series on Law and the Community.

The first lecture, entitled “*Re-Imagining Justice: Finding Local Solutions to the Access Crisis*”, held at Memorial University on January 25, 2016, was delivered by Hon. J. Derek Green, Chief Justice of Newfoundland and Labrador.

Legal Aid Commission:

two-thirds calendar year 2015 net revenues contribution

\$ 204,269.

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Public Legal Information Association, Newfoundland and Labrador  
Fiscal year April 1, 2015 – March 31, 2016

\$ 50,000.

This core funding, recorded under the object of legal education and legal research, also in part maintains the infrastructure for the Association's operation of the Lawyer Referral Service.

The Service was established and administered by the Law Society from 1986 to 1994 with annual funding in this period totalling \$46,569. from the Law Foundation. In 1995 responsibility for the Service passed from the Law Society to the Association.

Atlantic Ballet Theatre of Canada, in association with PLIAN

\$5,000.

Atlantic Ballet Theatre of Canada 'Celebrate Courage',  
Youth Program in association with PLIAN and presentation of *Ghosts of Violence* on  
October 1, 2015 at the Arts and Culture Centre in St. John's, NL

'Celebrate Courage' is a unique and award-winning *national youth educational initiative*, created in New Brunswick and presented across the country, to build awareness and action to address the epidemic levels of teen/young adult dating violence. It represents a new model to educate students on victims' issues, healthy relationships, victim/legal services, and the criminal justice system. Each presentation includes the award-winning multi-media ballet *Ghosts of Violence*, along with on-site education in partnership with front-line service providers including: victim services, public legal education, groups working with youth at risk, women's groups, and others working in the justice system.

Website: [www.atlanticballet.ca](http://www.atlanticballet.ca)

In addition to grants approved, the Board of Governors made \$20,000 available in 2015 for prior grantees and new applicants. Two grants for Business and Arts NL (BANL), \$2,000 and Memorial University Annual Lecture Series on Law and the Community: The Chief Justice Francis Forbes Annual Law Lecture, \$500 were approved at December 31, 2015.

Business and Arts NL (BANL)

\$2,000.

Program: Business Volunteers for the Arts  
May 1, 2015 - April 30, 2016

Business and Arts NL's educational offerings provide access to skills that can help artists build lives that are balanced, productive and sustainable. Aimed to individual artists, arts groups, and arts organizations, these workshops are produced by BANL, and presented by members of the private sector.

The Workshop titled "Intellectual Property Law" was held on February 29, 2016 in St. John's with a live-stream broadcast in Corner Brook. The Workshop examined the basics of copyright, trademark, social media and entertainment law.



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The Workshop titled “Estate Planning for Artists” was held on March 21, 2016 in St. John’s with a live-stream broadcast in Corner Brook. The Workshop addressed learning to manage personal affairs while considering advantages of different business structures. The Workshop considered the advantages and disadvantages of different business structures, from self-employed individuals to incorporated entities. It also looked at elements of estate planning, including Wills, Powers of Attorney, Guardianship Appointments and how Intellectual Property is treated in estates.

19th Annual Law Foundation Legal Research Awards for  
Students of Memorial University, 2014/2015

\$6,000

**NOTE: ‘Article X** - Reports by the Board’ of the by-laws of the Law Foundation provide that the "Board... shall present an annual report to the (Law) Society at the annual meeting of the Society [June 10, 2016]."

The Annual Meeting of the Board of Governors of the Law Foundation was held on June 6, 2016. The Board approved a total grant of \$33,200 to the Law Society for law libraries for January 1 – December 31, 2016, with distribution for maintenance of holdings, including electronic licenses: St. John’s, \$25,000; Gander, \$1,700; and West Coast, \$6,500.

Other applicants are being advised of the results of their grant applications.

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## Law Libraries

The Law Society's Library in St. John's provides an excellent collection of legal texts, journals and electronic resources for the use of its members and delivers high quality reference services to members of the legal community (judges, lawyers and law students), public and libraries throughout the Province.

In 2015, the Foundation provided a total grant of \$45,000. to Law Society for law libraries, St. John's, Gander and West Coast.

Since the proclamation of 'Part IV - Law Foundation' of the *Law Society Act* on February 1, 1980, to December 31, 2015, the Law Foundation has provided \$3,017,304. in funding to the Law Society for Law Library, St. John's for electronic licences, website and enhancement, and book acquisitions.

In 1992, when the Law Library vacated the Court House in St. John's, the Board of Governors provided the Law Society with \$100,000. in the Reserve Account for the establishment of the Law Library at its then location in Atlantic Place. The Law Library, Law Society is now located at 196-198 Water Street, St. John's.

The West Coast Law Library serves as the focal point of legal research and information for the practicing Bar and Judiciary on the West Coast of the Province. This facility has been jointly funded by the Law Society of Newfoundland and Labrador (via a grant from the Foundation) and the Provincial Department of Justice and Public Safety since its inception in 1983. Since then to December 31, 2015, the Foundation has provided \$552,453. in funding for book acquisitions.

Since the establishment of the jointly funded Gander Law Library in 1994 to December 31, 2015, the Foundation has provided \$150,976. in funding for book acquisitions.

Law Society website: [www.lawsociety.nf.ca](http://www.lawsociety.nf.ca)

## PLIAN

The Public Legal Information Association of Newfoundland and Labrador (PLIAN) is a non-profit organization which relies on volunteers, core funding from the Law Foundation and the Federal Department of Justice, and in-kind support from the Provincial Government.

PLIAN is the Newfoundland and Labrador component of Public Legal Education Association of Canada (PLEAC). The Provincial Department of Justice has designated PLIAN as the current, sole designated public legal education and information (PLEI) service provider for Newfoundland and Labrador.

PLIAN receives project funding from the both Federal and Provincial Governments.

The Foundation's annual contribution has allowed PLIAN to continue to provide core operations to the people of Newfoundland and Labrador, host its website, provide its Lawyer Referral Service, Legal Information Telephone Line, Community Information Sessions, school presentations and publications, as well as assist an umbrella group of service providers from which the public directly benefits.

PLIAN provides public legal education and information services with the intent of increasing access to justice. PLIAN offers legal information sessions via webinar, enhancing its ability to reach remote parts of the island and Labrador.

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Since PLIAN's establishment in the Province in 1984, to December 31, 2015, the Association has received annual core funding totaling \$1,119,000. from the Law Foundation.

Website: [www.publiclegalinfo.com](http://www.publiclegalinfo.com)

## **Newfoundland and Labrador Legal Aid Commission**

Legal Aid operates under the *Legal Aid Act*, and provides a range of legal services to low income individuals in the areas of family and criminal law. Legal Aid counsel represent eligible residents of the Province of Newfoundland and Labrador charged with offences under the *Criminal Code*, other federal statutes and provincial statutes, and to persons with family disputes or other civil matters. Duty Counsel services are provided to non-residents, and legal counsel may be appointed for non-residents either through the legal aid plan of the province in which they reside or this Province's legal aid program.

Legal Aid is funded by the Federal and Provincial Governments and by the Law Foundation of Newfoundland and Labrador.

Since Government, effective January 1, 1983, added Legal Aid as an object to receive Law Foundation funding by legislative amendment of the *Law Society Act*, the Law Foundation, to December 31, 2015, has provided \$9,647,198. in funding to the Newfoundland and Labrador Legal Aid Commission.

Website: [www.legalaid.nl.ca](http://www.legalaid.nl.ca)

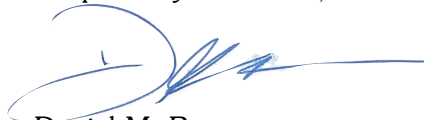
## **ACLF**

The Foundation attended the National Annual Meeting of the Association of Canadian Law Foundations (ACLF) held September 24-26, 2015 in Winnipeg, Manitoba.

At the National Annual Meeting, issues addressed included Law Foundation IOLTA revenues and rate negotiations with financial institutions across Canada, Access to Justice Fund, cy pres awards, grantee relations, and developments in legal education and legal research, law reform, legal referral services, law libraries, and legal aid.

Links to Law Foundations in provinces and territories across Canada are on Law Foundation's website: [www.lawfoundationnl.com](http://www.lawfoundationnl.com)

Respectfully submitted,



Daniel M. Boone, Q.C.  
Chair, Board of Governors



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