



**THE LAW
FOUNDATION
OF NEWFOUNDLAND
AND LABRADOR**

**Annual Report
2006**

Law Foundation of Newfoundland and Labrador
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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 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

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

The Law Foundation, Law Society and Government of Newfoundland and Labrador extended gratitude to Hon. P. Derek Lewis, Q.C., former Chair, for his years of service as Chair.

Mr. M. Francis O'Dea, Q.C., Chair and Mrs. Barbara O'Dea, current governors and invited guests, in particular former governors from the first appointed Board, and their spouses/guests joined Hon. P. Derek Lewis, Q.C., and Mrs. Grace Lewis at a Dinner in honour of his service and retirement as Chair, from the first meeting of the Board 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, establishing the Law Foundation, to August, 2005, following the Law Foundation's 25th Anniversary.

Current First Governors in 1979 of the Law Foundation of Newfoundland and Labrador:

M. Francis O'Dea, Q.C., first Secretary, 1979;
second Vice-Chair, 1986-2005;
Chair, 2005 - present Norman J. Whalen, Q.C., 1979;
second Secretary, 1986;
third Vice-Chair, 2005 - present

Former First Governors in 1979 of the Law Foundation of Newfoundland and Labrador:

Hon. P. Derek Lewis, Q.C., Chair, 1979 - 2005
The Hon. Mr. Justice John J. O'Neill, first Vice-Chair, 1979 - 1986
The Hon. Madam Justice Mary E. Noonan, 1979 - 1986
Dr. Anne Perry, C.A., first Treasurer, 1979 - 1984

Condolences were expressed on the passing of
The Hon. Mr. Justice Frederick R. Woolridge in 2006, a former governor from 1979 - 1985.

LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

ANNUAL REPORT 2006

The Law Foundation of Newfoundland and Labrador over the twenty-six year period from 1980 to the Annual Meeting on November 22, 2006 approved funding on a year by year basis to over fifty separate recipients, with several of these receiving a number of grants for different projects, totalling \$11,567,121. for the following objects:

(a) legal education and legal research	\$	1,733,246.
(b) law reform		126,809.
(c) legal aid		5,403,027.
(d) legal referral service		49,069.
(e) law libraries		3,129,733.
(f) law scholarships		337,500.
		<hr/>
		<u>\$ 11,567,121.</u>

The Law Foundation in 2006 had revenues of \$1,281,579. (5.758% annual composite prime - acp), an increase of \$780,505. from 2005 revenues of \$501,074. (4.39% annual composite prime - acp), which were an increase of \$141,699. from 2004 revenues of \$359,375. (4.005% acp)

Revenues: 2000, \$846,208. (7.23% acp); 2001, \$679,943. (6.01% acp); 2002, \$242,859. (4.19% acp); 2003 \$406,890. (4.69% acp).

The Foundation's equity position at December 31, 2006, its fiscal year end, comprised the Reserve Account of \$699,544. with nil undistributed revenue (Reserve Account \$470,416., December 31, 2005 with nil undistributed revenue; Reserve Account \$530,780., December 31, 2004 with nil Undistributed Revenue).

Undistributed Revenue: December 31, 2005, nil; 2004, nil; 2003, nil; 2002, nil; 2001, \$132,549. (in 2001 the Board of Governors transferred \$50,000. of the year 2000 excess of revenue over expenses to the Law School Scholarships Trust Fund, increasing the Scholarships reserve to \$200,000.); 2000, \$185,351.

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.

With respect to the Reserve Account of \$699,544., it is the policy of the Foundation to maintain:

- a deposit of \$478,112 (an increase of \$234,364. from \$243,748. at December 31, 2005) for grants stabilization in the event of revenue reduction,
- \$21,432. for legal education, research and law reform (\$26,668., December 31, 2005, with \$5,236. reduction to \$21,432. listed under grants approved in 2006 Annual Report, and
- \$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 was \$787,737. for calendar year 2006 compared to \$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 2006 they marked their 23rd, 10th and 21st anniversaries, respectively.

When the Law Foundation was established in February, 1980, interest was paid by financial institu-

tions 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.

Brianna Hookey of Grand Falls-Windsor, a third year law student, received the award in the second semester 2005/2006.

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

Shawn Carew of St. John's received the award in the first semester 2006/2007.

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-first year of this competition, for the academic year 2006/2007 and law schools they are attending are Catherine L. Andrews of St. John's, University of Calgary, and Gregory P. Harris of St. John's, McGill University.

The Scholarships Selection Committee for the 2006/2007 Competition comprised Norman J. Whalen, Q.C., Chair, Valerie L. Marshall, Q.C., and W. Wayne Thistle, Q.C.

M. Francis O'Dea, Q.C., Chair, Law Foundation attended with the Selection Committee the Scholarships presentation in St. John's in December during the holiday period.

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 tenth annual 2005/2006 Competition, covering the three semesters Spring/Summer, Fall, 2005, Winter, 2006, are (in alphabetical order by Department; all five awards have equal standing):

Megan Collins

Faculty of Arts

Title: *Did the Canadian Legal System Sufficiently Protect the Life of Zachary Turner?*

Course: Law and Society 4000

Lecturer: Christopher English, LL.B., Ph.D., Professor

Lisa Smith

Faculty of Arts

Title: *The Law, The Metis And Equality*

Course: Law and Society 4000

Lecturer: Christopher English, LL.B., Ph.D., Professor

Katherine Giroux-Bougard

Department of Political Science

Title: *Minority Language Educational Rights*

Course: Political Science 3720

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

Sabreen Mowlaii

Department of Political Science

Title: *The Unjust War Doctrine: The US Use of Force in Iraq 2003*

Course: Political Science 3210

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

Lesley King

Department of Sociology

Title: *A Critical Look at the Reid Model of Interrogation*

Course: Sociology 3395

Lecturer: J. Scott Kenney, LL.B., Ph.D., Professor

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

The 2005/2006 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
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.

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.

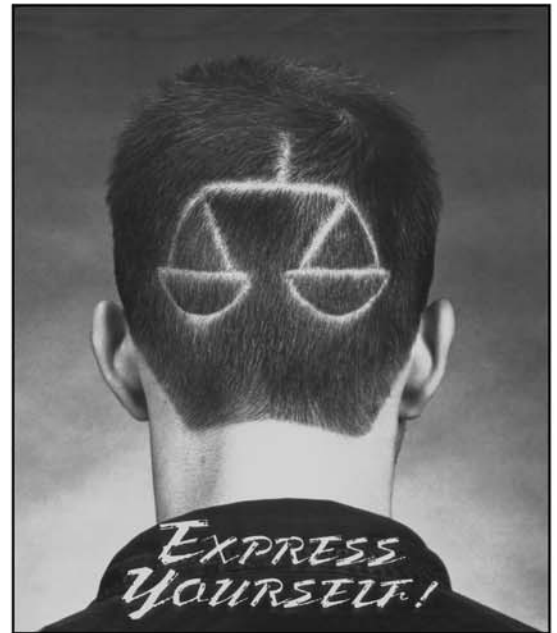
Christopher Kane commenced university studies in September, 2006, and as the winner of the bonus

prize of \$250. awarded for the best legal essay by a level III student tenable against tuition at Memorial University, he was invited, with the High School Legal Essay Selection Committee, governors of the Law Foundation and other guests, to the luncheon for the 2005/2006 Legal Research Awards recipients at R. Gushue Hall hosted by Dr. Axel Meisen, President and Vice-Chancellor, Memorial University.

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LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

**2005 / 2006 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 2005 / 2006 Twenty-Third Annual Competition are:

**2005 / 2006 Provincial Winner and
Western Region Winner:**

Thomas Howard, In Cod We Trust: The Law and the Human Right to a Healthy Ecosystem,
Baie Verte High School, Baie Verte

1st Hon. Mention:

Richard Lamb, Same Sex Marriage,
Herdman Collegiate, Corner Brook

2nd Hon. Mention:

Alex Brake, Euthanasia: The Right To Choose,
Herdman Collegiate, Corner Brook

Central Region Winner:

Amanda Patey, Euthanasia,
Random Island Academy, Clarenville

1st Hon. Mention:

Roy Watton, Same Sex Marriages,
Random Island Academy, Clarenville

2nd Hon. Mention:

Janine Smith, Smoking Ban in Newfoundland and Labrador,
Random Island Academy, Clarenville

Eastern Region Winner:

Christopher Kane, Computer Crime,
Mount Pearl Senior High, Mount Pearl

Mr. Kane 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:

Stephen Power, Bullying: Justice for Minors,
St. Bonaventure's College, St. John's

2nd Hon. Mention:

Alethea Power, The Canadian Seal Hunt: Will It Be Banned?,
St. Kevin's High School, Goulds

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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THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

The Board in 2006 approved the following deferred grants, totalling \$183,321., which apply to 2007:

Canadian Bar Association, Newfoundland and Labrador, Law Day, April, 2007 \$ 2,771.
(twenty percent reduction eliminated; grant for amount requested)

Law Society of Newfoundland and Labrador with distribution for acquisition of books: 139,000.
Law Libraries, St. John's, 2007 \$110,000.;
Gander, 2007 \$9,000.; and
West Coast, 2007 \$20,000.
(twenty percent reduction eliminated)

Public Legal Information Association, Newfoundland and Labrador
Fiscal year April 1, 2007 - March 31, 2008 35,000.
(twenty percent reduction eliminated)
See Note under Public Legal Information Association below

24th Annual Law Foundation High School Legal Essay Competition, 2006/2007 3,550.

11th Annual Law Foundation Legal Research Awards Competition
for Students of Memorial University, 2006/2007 3,000.

The Board approved the following grants (\$164,740. in funding and \$787,737. for
Legal Aid Commission, two-thirds net revenues contribution) totalling \$952,477.,
which apply to 2006:

Canadian Bar Association, Newfoundland and Labrador, Law Day, April, 2006 1,454.
(twenty percent reduction from 2005 grant)

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

The funds were provided from the legal education, research and law reform component
of the Reserve Account. (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: 111,200.
Law Libraries, St. John's, 2006 \$88,000.;
Gander, 2006 \$7,200.; and
West Coast, 2006 \$16,000.
(twenty percent reduction from 2005 grant)

Legal Aid Commission: two-thirds net revenues contribution	787,737.
Newfoundland and Labrador Speech and Debate Union (SDU) (Note: The grant is for SDU's programmes from September, 2006 to June, 2007 with 50% of the funds to be specifically applied to speech and debate activities for high school students, 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).)	3,000.
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 (funds provided from the legal education, research and law reform component of the Reserve Account) for: As part of the full scope of an overall project, develop the concept of a box set of the booklets associated with legal history the Project Daisy Committee has produced over the last decade, and research and publish booklet titled "Poetic Justice: Literary Lawyers and Artistic Advocates" celebrating the contribution lawyers, judges and others in the legal system have made to the literary and artistic development of the Province.	5,236.
Public Legal Information Association, Newfoundland and Labrador Fiscal year April 1, 2006 - March 31, 2007 (twenty percent reduction from 2005 grant) (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.)	28,000.
23rd Annual Law Foundation High School Legal Essay Competition, 2005/2006	2,850.
10th Annual Law Foundation Legal Research Awards Competition for Students of Memorial University, 2005/2006	3,000.

Respectfully submitted,



M. Francis O'Dea, Q.C.
Chair, Board of Governors



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