

BOWLEY KERR NADEAU

PROFESSIONAL CORPORATION
BARRISTERS, SOLICITORS, PATENT AND TRADEMARK AGENTS

NEWSLETTER

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An insurance tip— If your home burned, where would you get a good inventory of its contents? From memory? Good luck! Over the years, we have seen many a case where the insured has had to rely on photographic evidence to show the description (or even existence) of items lost. Often, this requires the claimant turning to friends and relatives to scour through old photographs which show the lost items, often as incidental background. We recommend a more organized approach. Take a good camera and work every room, including closets and storage areas. Shoot inside drawers, toolboxes, china cabinets, get plenty of close-ups of items. Too much is better than too little, and keep copies of these pictures off-site. A couple of hours on a Saturday morning can produce a lot of peace of mind.

Burden of proof— Generally, the party bringing the case before the court bears the burden of proving its case. In most civil cases, the plaintiff need only show that on a *balance of probabilities* his case is more plausible than that of the defendant. However, in cases which allege moral turpitude, such as fraud, the courts may require something approaching the criminal standard, namely *proof beyond a reasonable doubt*.

History teaches us that men behave wisely once they have exhausted all the alternatives. **Frank McKenna**

LinkedIn— Someone has described LinkedIn as “MySpace for grownups”. If networking is important to you or your business, you should investigate this useful tool. Both Norman Bowley and Robert Nadeau are members, and would love to be part of your network, and, if you feel us deserving, be on your “recommended” list.

A lawyer’s dog ran into the butcher shop and devoured several roasts. The butcher cleverly went to see the lawyer and asked, “If a dog comes into my shop and steals meat, is the owner liable?” “Of course” answered the lawyer. “Well,” responded the butcher smugly, “that was my shop, your dog, and that’s fifty dollars.”

The good lawyer had little choice but to pay. And next day he sent the butcher his bill for the advice.

How would you like a job where, every time you make a mistake, a big red light goes on and 18,000 people boo?
Jacques Plante, goalie

The Grandma scam— Overleaf, we talk about some on-line scams, but this one is low-tech and nasty. This is how it works.

An elderly person gets a phone call. A young voice, choking with tears, begins “It’s me, Grandma, and I’m in such big trouble. You can’t tell Mom...” The ‘grandchild’ sobs out a tragic tale. She needs money, plane fare home and a bit for food, not much. She’s so embarrassed and so frightened.

What’s a grandma to do? Sworn to secrecy but so happy to help, she mails out the air fare and just a little extra.

Don’t think it works? Some American authorities say it’s one of today’s fastest growing scams.

Do-it-yourself-law— While the law is becoming brutally complex and unforgiving, do-it-yourself legal kits are flourishing. For only \$19.95 you can have a powerful tool to craft any legal document, in any language, valid anywhere in the world— and a free Rolex if you order now! Do lawyers feel threatened? Not at all— in fact, these things actually generate lots of business for us, after the chickens come home to roost.

Corporate Annual Responsibilities— In order to keep your corporation in good standing and to avoid penalties, you as a director must attend to a variety of duties on an annual basis. These include ensuring that the company holds its annual meeting at which time the financial statements must be reviewed and directors elected.

You are also responsible for a variety of filings, including the annual corporation return and the tax return. If the company’s registered office changes, or there is a change of directors or director’s address, a prescribed notice of change must be filed.

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Reading the Riot Act– Parents, of course, threaten all the time to do this, but in reality the Act no longer exists, having been repealed after similar legislation was incorporated into section 67 of the Criminal Code. However, if you really want to impress your kids next time they get rowdy, try the wording which used to go like this (to be read in a loud voice):

“Our Sovereign Lord the King chargeth and commandeth all persons, being assembled, immediately to disperse themselves,

and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the act made in the first year of King George, for preventing tumults and riotous assemblies. God Save the King.”

This is what the LORD Almighty says: 'Administer true justice; show mercy and compassion to one another. Do not oppress the widow or the fatherless, the alien or the poor. In your hearts do not think evil of each other.'

Zechariah 7:9-10

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Internet twists on old scams- What do all these have in common (besides the internet)?

1. **You won a lottery you didn't know you'd entered**– you've been chosen, by random number selection, to receive a million dollars. No ifs, ands, buts or catches! Of course, there are just a few details, a small administrative fee and some modest taxes. Send a modest credit card advance and all this can be tidied up in a jiffy. Right!
2. **Phishing/pharming/vishing**– Typically, these artists purport to be banks and other financial institutions, giving you some line about account verification and providing a link to a very authentic looking “verification” site. In the case of ‘vishing’, it's a toll free number to call and enter your confidential information. Once you've revealed account numbers, passwords, PIN's and the like, they can rob you blind.
3. **Job offer out of the blue**– you've never heard of them, but they've obviously heard about you– talented, trustworthy and deserving! Big money, little effort, no risk– welcome to the world of high finance! Just help a reputable company move some money around. They send you a cheque, a very large official looking cheque. Deposit it in your personal bank account, and forward a portion of it as directed. Keep the rest. It's that easy!

A week later, your bank notifies you that the deposit has been reversed because the cheque was bogus. Unfortunately, the money you wired to the crook was very genuine. Whoops!

4. **The “Nigerian” scam**– somebody is in possession of a hidden fortune but can't get it out of his or her country because: (1) it was ill-gotten by a deceased relative, (2) corrupt officials want to get their hands on it, (3) the banking system is incompetent, (4) there are currency controls, (5) all of the above, (6) some other heart-wrenching story. But all is not lost! The writer has heard of your goodness, trustworthiness and (most important) ability to keep a secret. Just give us your banking information and a little cash to cover fees/expenses/bribes and 20% is yours as a token of our gratitude.
5. **Pump and dump**– somehow you've been added to a secret insider's stock tip mailing list! Oh, wow! Every day or so you get a hot tip about a stock which is about to roar out of obscurity. No fool, you check the stock and find out that in fact it is listed, it is obscure, and it is cheap. So you buy a whack of it– as do thousands of others. But the folks who sent you the e-mail, of course, were in before you and they will get out before you, and they will make a fortune. Because, having caused a buying frenzy to drive up the price from a penny to a dollar, they 'dump' their portfolio and go straight to the bank. And you are left with penny stock you paid a dollar for! Hmmm, maybe a tax loss?

A fool and his (her) money are soon parted, so don't be fooled!

Want to learn more? Check out http://www.gov.on.ca/MGS/en/ConsProt/STEL02_045994.html