

NOVA SCOTIA COURT OF APPEAL

Citation: *Fraser v. Nova Scotia Barristers' Society*, 2025 NSCA 26

Date: 20250404

Docket: CA 536690

Registry: Halifax

Between:

Donn Fraser

Appellant

v.

Nova Scotia Barristers' Society, a statutory body, including or as represented
by its Complaints Investigation Committee and Elaine Cumming and Julie
MacPhee

Respondents

Judges: Bryson, Bourgeois and Beaton, JJ.A.

Appeal Heard: April 2, 2025, in Halifax, Nova Scotia

Written Release: April 4, 2025

Held: Motion to adduce fresh evidence dismissed, leave to appeal denied and appeal dismissed, with costs of \$3,000, per Order for Judgment of the Court

Counsel: Donn Fraser, self-represented appellant
Ewa Krajewska and Erik Arsenault on behalf of the respondents Nova Scotia Barristers' Society and Complaints Investigation Committee
Julie MacPhee, self-represented respondent

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ORDER FOR JUDGMENT

UPON APPLICATION by the appellant to introduce fresh evidence and for leave to appeal the decision of Justice Frank Hoskins dated June 14, 2024 (2024 NSSC 173), and, if successful to appeal that decision;

AND UPON hearing Donn Fraser, the appellant on his own behalf, Ewa Krajewska and Erik Arsenault on behalf of the Nova Scotia Barristers' Society, and Julie MacPhee, the respondent on her own behalf;

AND UPON the Court delivering its unanimous decision at the conclusion of oral argument denying the motion to adduce fresh evidence, denying leave to appeal and dismissing the appeal;

AND UPON it appearing the matter of costs respecting an earlier motion was reserved to the Panel on this appeal, the conduct of Ms. MacPhee on that motion has been considered in fixing the amount of costs payable to her on this appeal.

IT IS HEREBY ORDERED that the motion to adduce fresh evidence is dismissed, leave to appeal is denied and the appeal is dismissed with costs of \$2,500.00 to the respondent Nova Scotia Barristers' Society and \$500.00 to the respondent Julie MacPhee, both payable forthwith and in any event of the cause.

ISSUED at Halifax, Nova Scotia, this 4th day of April, 2025.

Deputy Registrar