



# Newsletter



A publication of the Canadian Bar Association, Alberta Branch and the Law Society of Alberta

## THIS ISSUE

by Terry Cooper,  
Campbell Germaine  
Cooper & Jean

*Technology and Law is the theme of this edition of Newsletter. Our contributors have attempted to identify examples of how technology affects us as lawyers.*

*With technology we are moving towards the paperless office and the paperless courtroom. However with each new technological development come new issues and concerns. Faxes, e-mail and voice-mail give rise to new questions of client confidentiality. As we harness these new technologies perhaps we should query, who is the master and who is the servant?*

*Hopefully the articles will inform, entertain and provide food for thought.*

### Inside

Appointments .....	2
Presidents Messages .....	3
The Good, Bad & Ugly .....	4
Ethics .....	5
A Rural Office .....	5
On-Line Jobs .....	6
Legislative Review .....	6
Editor's Notes .....	7
View from the Bench .....	8
Not Quite Contempt .....	9
LESA News .....	9
What's Happening .....	10
People and Places .....	11
Book Review .....	12
Technomysteries .....	13
Cruising the Web .....	13
Cross Sections .....	14/15
Practice Pointers .....	16
Membership .....	17
Lawyer in the News .....	18
U of C Update .....	18
Classified .....	19

## TECHNOLOGY and LAW

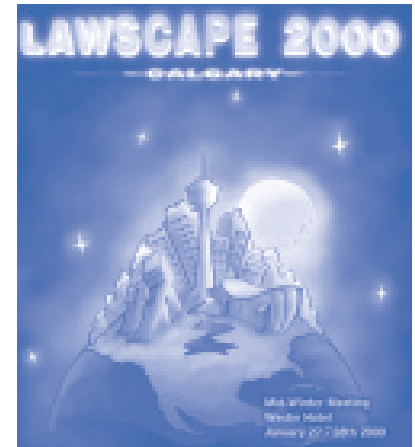
### Toward the Paperless Office

by Anthony G. Young and Victor T. Tousignant, Tousignant Young

**Your Morning:** It is Monday. You arrive at the office. Your panoramic screen crackles to life as you settle into your "Command Console". Listed on your display are the weekend voice-mails, e-mails, faxes and scanned incoming correspondence for your review. You smile as you briefly recall the days (not so long ago) when paper came at you from every direction; pink telephone messages in one pile; land mail in another; deliveries; thermal faxes; teletypes; every type of document you can imagine on various piles on your desk. It was up to you to sort and prioritize the material. Now it all comes to you down a funnel or queue. Incoming correspondence has been scanned into your desktop, to be reviewed and assigned to the appropriate file. Everything is instantly available on your desktop.

Before you complete any further tasks you click on your week at a glance to see what is in store in your busy practice. The list indicates you are to meet with Mrs. Miller today regarding an important legal issue. There is no need for you to make a mental note of anything else. The window is minimized to reveal your active desktop once again. Among the voice-mails, e-mails and faxes there is a snail-mail file marked "URGENT" in your incoming correspondence queue. It pains you to see something that arrived by Her Majesty's Loyal Messengers is marked in such a way. You muse about the days when you routinely used mail and courier services. The latest Technolawyer blurb is left for later digestion.

The slug message is from Ima Payne, Barrister and Solicitor. As you ponder the contents of Payne's letter as it appears on your screen, you think of a few comments you would like to jot down in reply. Through your PC/Telephone Headphone Interface you simply request a yellow sticky and then dictate the pearls of wisdom directly as a notation to the scanned document. Your notes may be cut and pasted directly to a letter to Payne after you have considered whether to strengthen or temper your language. Upon exiting the file, you are prompted by the Command Console to make a billing entry. You no longer use time as a measure of your worth. Part of the docket has already been filled out. You simply dictate the remainder. As you are about to move on to the next item in the queue, you are interrupted. It is your loyal electronic assistant who has been keeping perfect track of your appointments and the time. The assistant advises you in a dulcet tone "Excuse me,



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but you have an appointment soon". The display prompts you to recall you are meeting Mrs. Miller in 5 minutes. You curse at the fact you will only have enough time to complete a half dozen replies before she arrives.

Your client arrives prepared to talk to you about that important legal issue. Her attention is directed toward your display. A flow chart simplifies the various spreadsheets and database files that are attached to your interactive presentation. Mrs. Miller advises you some new facts have emerged since you last spoke to her. You insert the new information into the database. Instantly your presentation is updated. Accessing the on-line library, you make an appropriate query about the new facts. The cases still appear to be in your favour despite Mrs. Miller's new information. You download all useful material and save it in Mrs. Miller's folder. Mrs. Miller tells you she is interested in hearing what her husband had to say at the latest Examination for Discovery. You access the voice file and play the interesting portions for her. Your client remains impressed by your tactics and organization. At the close of the meeting, she requests a copy of your updated opinion for review. The entire presentation and attachments are simply e-mailed to her. Upon making your billing entry you decide to e-mail Mrs. Miller her bill as well. At the touch of a button the Statement of Account is generated and forwarded. You congratulate yourself for a job well done.

This scenario is possible now, probable in a year's time and likely in three years time. *Will you be there?*

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# JUDICIAL APPOINTMENTS

**OTTAWA**, August 25, 1999 — The Honourable Anne McLellan, Minister of Justice and Attorney General of Canada, announced the following appointment:

**The Honourable Peter T. Costigan** of Edmonton is appointed a judge of the Court of Appeal of Alberta, in Edmonton. He replaces Mr. Justice Rene P. Foisy, who resigned as a Judge of the Court of Appeal.

## PROVINCIAL APPOINTMENTS

**Joanne H. Goss**, appointed a judge of Edmonton Family and Youth Court, September 7, 1999.

**James B. Mitchell**, appointed a judge of Red Deer Provincial Court, September 20, 1999.

**Norman Hess**, appointed to Calgary Civil Claims Court, September 20, 1999

**Leonard S. (Tony) Mandamin**, appointed a judge of Calgary Criminal Court, September 30, 1999.

## Justice Neil Wittmann

by Catherine M. Skene, Traffic Commissioner, Calgary Traffic Court

"A lawyer's lawyer" was how the Honourable Mr. Justice Neil C. Wittmann was described at his swearing-in on June 25, 1999 in Calgary. Many of his partners, colleagues, friends and family attended to honour and celebrate his appointment to the Court of Appeal.

Neil graduated third in the law class of '67 at the University of Alberta and articulated with the firm of Fenerty, McGillivray, Robertson, Prowse, Brennan, Fraser, Bell and Code. In 1969, Neil, along with Francis Saville, moved to Edmonton to join Brownlee Fryett. Three years later he was reunited with Bill Code, Alan Hunter, and Lyle Ford when he returned to Calgary to practice with these former members of the Fenerty firm, along with Pat Peacock, his classmate and friend from law school. He remained with Code Hunter Wittmann until his appointment to the Court.

During his 31 years as a trial lawyer, Neil appeared as counsel before the Supreme Court of Canada, the Federal Court, every level of court in Alberta, courts in British Columbia, Saskatchewan, Manitoba, Ontario and the Northwest Territories, and several tribunals and boards. His practice was varied. It included acting for plaintiffs and defendants in professional negligence suits. He also represented engineers, architects, accountants, physicians, psychologists and physiotherapists before their professional bodies. Sitting as an arbitrator, he heard commercial matters dealing with construction claims, commercial leases and gas pricing. Later in his career, he acted as a private mediator in several commercial cases in Alberta and other jurisdictions and testified as an expert in Alberta law in Quebec, Texas and California. Neil was inquiry counsel into the collapse of the Principal Group of Companies (the Code Inquiry) and to the Aryan Nations Inquiry.

Having participated in myriad professional associations, Neil considers his years as a Bencher of the Law Society from 1990 to 1997, as some of the most rewarding and fulfilling. He was president in 1996-97.

Neil had a number of articling students over the years and was a strong mentor to several young trial lawyers. He was considered by many as "the voice of reason," both within the firm and by his adversaries. He had many influential mentors during his formative years as a law student and lawyer. They included Dean Wilbur Bowker, Dr. Alex Smith, Professor Trevor Anderson, Bill Brennan (his principal), Bill McGillivray, Cliff Prowse, and Garth Fryett. Their tutelage and inspiration made a lasting impression and instilled in Neil an enduring love for the law and practice.

Besides his several roles in legal circles, Neil is also a husband, son, father, grandfather, owner of Portia the golden retriever, and a reluctant roommate to four cats. He is an average golfer, persistent jogger, lover of fine food, avid reader and C & W music buff.

Justice Wittmann has now heard several civil and criminal appeals and finds his new career both challenging and rewarding. Justice Scott Brooker, his ex-partner and jogging buddy, suggests Neil occasionally sit as a trial judge in Queen's Bench or Provincial Court to gain insight into the trial judge's decision making process. Over the next year, in addition to hearing appeals, it is possible Justice Wittmann may hear trials or preside over a jury. Who knows, he may even be seen in Traffic Court.



**Sean Dunnigan**  
*President*  
**Canadian Bar Association**  
*Alberta Branch*

I am delighted to serve as your President in 1999/2000 and am excited about projects we have underway. One personal project is a defamation lawsuit against Allan Shewchuk for his introduction of me in the last Newsletter. My legal advisors inform me “justification” will be a full answer to any such claim; but it’s a long road and we Irish are known for our memories.

I come into the presidency at a time when the province’s economy is thriving, lawyers appear to be busy, and we have a new Justice Minister who demonstrates a genuine commitment to improve the justice system for those who work in it as well as those it serves. The Executive has already noticed a dramatic improvement in two-way communication on a number of issues that affect you as a practitioner. We will continue to meet with the Minister regularly this year. If you have concerns about the justice system or your ability to earn a livelihood practising law, call or e-mail me [(403) 260-8515, [sdunnigan@fieldlaw.com](mailto:sdunnigan@fieldlaw.com)] anytime. I’m serious.

I will address specific projects in ensuing newsletters. For now, let me raise one of the most important initiatives I intend to undertake as President - making the CBA more responsive and more relevant. Despite the leadership the Alberta Branch has shown on countless projects fundamental to a sound justice system (participation in the Justice Summit, representations on the independence of the judiciary and implementation of the Systems of Civil Justice Task Report, to name a few), some members of the Bar describe the CBA as “phatic” (wordsmiths, grab your Oxford). One wag even characterized CBA as “a bunch of guys in ski sweaters sitting around drafting resolutions condemning apartheid”.

As President, I am committed to making the Alberta Branch more relevant and more responsive. To that end, three initiatives are already underway:

1. Council Meetings will feature fewer reports. More timely and substantive issues will be presented for debate by Council and any CBA members who wish to participate.
2. Communication between the Executive, council and members will be enhanced through the use of e-mail. Regular reports on activities at the national level and executive level will be provided to all. I believe the organization will be strengthened through the involvement of its members.
3. The Executive will be more accessible and responsive to both Council and the members of the organization. We welcome your input on issues raised in this newsletter or other media or on anything regarding the practice of law. For that purpose, the phone numbers and e-mail addresses of your Executive are listed on page 19.

We welcome your input. We are committed to working on your behalf. As volunteers, it is sometimes difficult to attend to issues as quickly and fully as we’d like. The Executive is fortunate to have the assistance of Executive Director Terry Evenson and her very capable staff who can also answer questions or direct you to the right person. So, here we go into 2000. Giddy-up!

*(Next month: Sections, mandatory CLE and more)*



**Terry Clackson, Q.C.**  
*President*  
**Law Society of Alberta**

Usually I would use this space to tell you about recent events at the Law Society of Alberta. However, as this issue focuses on technology, I am going to depart from my usual report to tell you about the Law Society’s efforts to bring itself into the 21<sup>st</sup> century.

We have embarked upon a three year plan that we hope will make the Law Society more accessible to the public and to members.

As you know, we have a website, [lawsocietyalberta.com](http://lawsocietyalberta.com) where we post a number of materials such as our *Rules*, *The Code of Professional Conduct*, annual reports and the like. In addition, we periodically post reports and decisions which may be of general interest. The Sychuk decision is an example.

The Law Society has also embraced e-mail. Many Law Society departments now can be reached by e-mail. Please refer to the website and to the *Benchers’ Advisory* for e-mail addresses.

E-mail access will put us in a position to communicate with you more frequently by broadcast e-mail as opposed to traditional mail outs. We are hopeful the future will bring electronic filing of our forms and even electronic payment of annual fees. Of course all of this depends on individual members and your willingness to embrace e-mail.

During the next two years we will be replacing our hardware and software to achieve compatibility and to allow for better networking.

Ultimately, these changes will allow better communication internally, and more efficiency in disseminating information to the profession.

On a totally unrelated issue, the Law Society has been asked to support the Pro Bono Students Canada initiatives at both Alberta law schools. We are pleased to offer that support. This program matches law students with community groups in need of legal or quasi legal services. The program needs the help of the profession in a supervisory capacity. If you have the time and the inclination to help, contact Leah Teasdale at the University of Alberta or Jemison Jackson-Molnar at the University of Calgary.

Finally I would like to thank everyone who stood for election as a bencher. We are indeed privileged to have so many qualified and bright people willing to undertake the sometimes onerous responsibility of regulating our profession.

## TECHNOLOGY – THE GOOD, THE BAD AND THE UGLY

by Terry Cooper of Campbell, Germaine, Cooper & Jean

It is virtually impossible to read a newspaper or magazine without coming across an article or advertisement describing a new electronic gizmo or computer program designed to make your life or your work easier and more productive. I know some lawyers who resist the intrusion of technology into their practice with an almost religious fanaticism. I am on the other extreme, a 'techno addict'. I read about these new gizmos and start dreaming about incorporating them into my law practice.

However, there are times when I reminisce about the days when I first graduated from law school. Those were the good old days. That was 19 years ago and at that time our law firm relied on IBM Selectric typewriters and legal secretaries who could spell. Now don't get the wrong picture. We were not technological paupers. We had a photocopier and we had a telex machine. Do you remember the telex? That was our connection from northern Alberta to land titles and the general registry. There seemed to be a calm about the legal practice then. At least that is my recollection. It is at these times of recollection and reflection I question whether my friends who resist technology with a passion have the right idea. Although I quickly discount that notion, I am still left with the impression the incursion of technology into legal practice has not always been benevolent. Sometimes the results are bad and at other times they are just plain ugly. The problem is how we choose to utilize technology. Do we control it or do we let it control us.

Let me illustrate. John practices with a medium sized technologically sophisticated law firm. They have computerized bookkeeping that tracks billable and non-billable time, sets productivity quotas, records positive and negative variances and projects budgets to meet the firm's financial expectations. John has e-mail and voice mail. He is computer literate with state of the art voice recognition software at his beck and call. He uses practice management software that handles his diarizations, e-mail and time recording. When John is out of the office his cell phone and portable electronic organizer keep him wired to his office.

So is John happy? Well the firm's computer has projected John needs to record 2100 billable hours annually. John arrives at work in the morning to find a bundle of faxes that arrived over night. He switches on his computer and discovers another series of overnight e-mails from clients. He courageously tackles this mountain of mail dispatching faxes and e-mails. At sometime during the day he breaks for lunch. While at lunch his office and clients call him on his cell phone so he can deal with perceived emergencies. Arriving back to the office John has an e-mail from accounting giving him an up to date report on his progress this month in achieving his budgeted goals. Receivables are off target and he is short a few billable hours. John accesses his voice mail and spends the next 45 minutes noting the messages of the client's who called while he was on lunch. During this process he receives an e-mail from a client on a messy contract dispute. This is the third message this morning and John dispatches another fax to opposing counsel. If he had time he would have noticed the dispute that flared up this morning has quickly escalated to the state of Defcon 4 as a result of the efficient exchange of a series of faxes and e-mails during the day. There does not seem to be time to reflect on the situation and allow the clients to calm down and consider their instructions. At the end of the day John makes a list of the messages he has not been able to return, packs up some files together with his electronic organizer and heads for home. That evening he is dictating at home sending out faxes

and e-mails. But it is not all work. John has some time to plan out a second honeymoon to a tropical island (and to confirm he can use his cell phone and access the internet from there). So is John happy? Has technology improved his life or taken control of it?

Technology is supposed to help us be more effective and efficient. It is supposed to improve our quality of life and our professional practice. All of the technological toys can be of great assistance to us but we need to take charge of them. Computerized accounting is a wonderful tool but how many hours do we have to work to generate 2100 hours of billable time. Is the billable hour the best indicator of the value of your work? Faxes are great but when you send a fax is it because you need the letter brought to someone's immediate attention. When we receive a fax does it really need our immediate response? E-mail is also useful but do you really want all of your clients sending messages day and night. In my family law practice I have received some very long e-mails from clients who can't sleep at night and who have the need to tell me just how rotten their spouse is. Perhaps the client would not have sent the letter if he had to mail it the next day rather than simply press the send button.

The goal should not be to resist technology but rather to use it effectively. There are some areas in my practice where I sense I have not fully achieved this. I know of a number of lawyers who have and I therefore know this goal is achievable. Perhaps that will be my Y2K resolution.



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# Ethics and the New Technology

by Paul McLaughlin, Practice Management Advisor, The Law Society of Alberta

The Alberta Guidelines on Ethics and the New Technology have gone national!

The Guidelines, approved by the Benchers of the Law Society of Alberta on February 5, were positively received by the National Technology Committee of the Federation of Law Societies of Canada.

In August, 1999, the Federation approved a "jurisdiction-neutral" version of the Guidelines for distribution to all Canadian law societies. They will serve as a Canadian model for dealing with the ethical concerns raised by the rapid increase in the use of technology in our profession.

A National Ethics Group, of which I am the chair, has been established to disseminate the Guidelines to other Canadian law societies. The Guidelines provide comprehensive ethical guidance for lawyers in five areas:

## Competence

You must have a reasonable understanding of the technology you use, or access to someone who does. If you choose to practice without technology, you can't take on

matters that require its use, such as complex litigation files involving a large number of documents or transcripts.

## Practicing Law on the Internet

The Guidelines contain four warnings with respect to practicing law on the internet:

- you cannot use the internet to practice law in jurisdictions in which you are not licensed
- for the purposes of privilege, e-mails are treated the same way as paper documents
- to avoid conflict of interest, you must determine the actual identity of people to whom you provide legal services on internet
- when participating in internet discussions, you must be clear about whether you intend to provide legal services.

## Confidentiality

The Guidelines deal at length with confidentiality of communications by cellular phone, fax and e-mail. The bottom line is you may use all these forms of communication. Unencrypted e-mail is not, *per se*, unethical. However, you must use common sense and take extra measures for security when dealing with sensitive information.

For the full text of the Law Society of Alberta Guidelines, go to the Law Society website <http://www.lawsocietyalberta.com/services/ethicsguidelin.htm> You can find the ABA e-mail opinion at <http://www.abanet.org/cpr/fo99-143.html>

# How One Rural Lawyer Manages Legal Information

by Sue Beugin, Lexpedite Consulting

(Sue Beugin has been involved in legal information for over 25 years and now operates her own legal information consulting business out of Calgary. E-mail: [beugin@telusplanet.net](mailto:beugin@telusplanet.net))

In my travels around the province I have seen a variety of law offices and have often been somewhat dismayed to realize the depth of antipathy some legal practitioners feel towards technology. I have also often wondered how the sole practitioner, operating outside of any major centre, possibly copes with the internet, on-line legal information services, and computer systems support generally. No more.

Out on the bald prairie, far from the madding crowds, there lives a real live techno-lawyer. He was kind enough to spend a Saturday with me recently to show me his world, and I thought some of you who do operate on your own might be interested in the kinds of office procedures he has instigated to assist him in handling his 600+ active files.

## The Office

He has a staff of five, who range in expertise from a receptionist, steno, to paralegals. They each have their own computer and are networked for ease of document management. One old computer is maintained solely for file archiving. Once a file is com-

pleted, it is moved off of the active list to a separate archived location on the old computer, while remaining easily accessible on the network.

## File System

This system operates as both a file management and an accounting system. Data input includes party names, file number, accounting detail, work done in abbreviated form, with links to the location of the detailed documents. Every morning, an update is run, giving a management summary of receivables balance, work in process, and the trust ledger. At any point, a cash flow summary report can be generated.

## Litigation Support Software

This is a commercially available litigation support software system. It can generate Affidavits on Production. Transcript discs can be searched, highlighted, bookmarked, and data generally manipulated to generate reports on any matter of detail he wants.

## Legal Research

Standard hardcopy texts are kept for all the

## Software Piracy

Software piracy is illegal and therefore unethical.

## Advertising

Chapter 5 of the Code of Professional Conduct applies to internet advertising. When advertising over the internet, you must include the name, law firm, mailing address, licensed jurisdiction of practice, and e-mail address of at least one lawyer. Your advertising must comply with the requirements of all the jurisdictions in which you are licensed. Spamming is unethical.

## American Developments

The American Bar Association has also come to the conclusion unencrypted e-mail is ethical. On March 10, 1999 the ABA Standing Committee on Ethics and Professional Responsibility issued Formal Opinion No. 99-413. It determined unencrypted e-mail does not violate the Model Rules of Professional Conduct (1998) because there is a reasonable expectation of privacy. Thus the American Bar Association came to the same conclusion as we did a year earlier.

main areas in which he practices. However, the hardcopy law reports and digest sources in his small library are fast giving way to electronic ones. He uses the main Canadian on-line vendor, and has collected a series of CD-ROMs. He finds that infinitely more cost effective, and has no more shelving room for big reporting series anyway.

## Precedents

He maintains electronic folders of standard precedents, sorted by subject, on his network. Precedents from LESA have been added.

## Billing Procedures

He has found complaints on legal fees have almost disappeared with the implementation of a simple procedure. When a file is billed and closed, a little "Black Book" goes to the client with the final bill. Included are copies of all the important documents the lawyer produced plus a diskette with all the file documentation on it. It gives the client a better picture of what has been accomplished on his behalf. He has found that these books have contributed to better client relations and repeat business.

We city slickers don't have anything on this guy. See and marvel!

## Surfs Up! Legal Job Hunting On-Line

*"Office of Attorney General requires three prosecuting attorneys. Location: US Commonwealth of the Northern Mariana Islands."*

*"Desert Hospital seeks Corporate General Counsel with corporate Board support experience. Location: Palm Springs CA."*

*"Large multi-national law firm seeks a Canadian tax specialist to join the International Tax Group. Location: Hong Kong."*

Any of these jobs sound interesting? Yes, No, Perhaps? These are just a sampling from literally hundreds of legal jobs being posted and reviewed daily over the internet and on-line services.

From the moment the internet gained commercial recognition, recruiters, legal employers and lawyers have been using the internet to fill or search for new positions. Indeed, many early users relied heavily on the net's advantage in career networking, job search and communications.

Those early initiatives have turned into a virtual tidal wave. Even a very basic search of the internet will produce an extensive listing of recruiters and databases filled with positions. Although a little slow, the legal profession is rushing to join this online "Gold Rush" and the internet is now filled with career and job sites of specific interest to lawyers. Whether you're searching for a traditional position, an in-house position or an alternative position, you are likely to find something of interest.

### On-Line Legal Job Sites

Now the internet is "maturing", it is easier to pick out the emerging leaders in the on-line legal recruitment and job site world. As expected, most of the sites are American in focus but there are one or two very good Canadian and international sites. My five top picks include:

[www.inhousecounsel.ca](http://www.inhousecounsel.ca) - The only Canadian job site of the group, this site is restricted to opportunities and resources of interest to companies recruiting in-house counsel or lawyers seeking in-house counsel opportunities and career resources. It has a searchable database of in-house positions in Canada and worldwide. The site also offers links, information on career resources and, of course, recruitment information. It is free to use.

[www.emplawyernet.com](http://www.emplawyernet.com) - One of the oldest, this site offers a large searchable database of legal positions, albeit most are based in the US. Users must log-in and it costs about \$15 C per month to search

the database and have full access to all the resources. This site, however, is well designed and maintained and the selection of positions is extensive. Other useful areas include career resources, legal recruitment directory and a section for law students.

[www.the-lawyer.co.uk](http://www.the-lawyer.co.uk) - This is the on-line site for *The Lawyer*, a London based weekly paper for the legal profession. While much of the site contains general legal news and information, the site has a searchable database of private practice and in-house legal positions concentrated primarily on the UK and Europe. Much of the database mirrors positions advertised in the print version and many are recruiter generated. The site also has a legal recruiter's directory which lists most of the major recruitment firms in London.

[www.lawjobs.com](http://www.lawjobs.com) - This is an excellent starting point for any legal job search. This site is a part of [www.law.com](http://www.law.com), which itself is an excellent portal site of legal information and resources for lawyers and non-lawyers alike. *Lawjobs.com* contains positions primarily taken from classifieds from legal publications and from legal search firms. The listings are searchable by region and area of practice and the return display is very user friendly. While most of the positions are located in the US, there are also a number of attractive international positions.

[www.acca.com](http://www.acca.com) - This site is the home of the American Corporate Counsel Association. Click on "jobline" and you will go to the ACCA job posting and career opportunities section. The main feature of this area is the searchable database. Like *inhousecounsel.ca*, all positions are for in-house counsel only. You can search the database by one or a combination of date, title, city, State and specialty. While almost all the postings are US based, there are a few international. The site also offers links to other job sites and various career resources.

While there are many, many legal job and recruitment sites (and the list keeps growing), few are as sophisticated or extensive as the ones profiled above. Like most resources currently on the internet, the key is quality not quantity. Depending upon what you are looking for - career resources vs. job search, domestic vs. international - one or all of these sites should be very helpful in getting you started.

*Stephen Nash is President of The Counsel Network, which is a lawyer recruitment service with offices in Calgary and Vancouver and associates worldwide. The Counsel Network operates two legal job sites - [www.headhunt.com](http://www.headhunt.com) and [www.inhousecounsel.ca](http://www.inhousecounsel.ca). Phone 1-800-COUNSEL or e-mail to [snash@headhunt.com](mailto:snash@headhunt.com).*

## The Legislative Review Committee

by E. (Sonny) Mirth, Q.C., Chairperson

The Joint Canadian Bar Association/ Law Society of Alberta Legislative Review Committee work has been going on for so long it qualifies in the "time immemorial" class. Many of our members have served long and hard to keep the committee performing its service to the bar and the community. I would like to reflect on the long and dedicated service of some of them in particular.

All the committee members work hard, especially during sittings of the Legislature, to pour over bills, draft bills and draft regulations. Between sittings, members are often called upon to consider draft measures. The donation of time and skill is never shirked by any of our members.

Five members in particular have served faithfully and diligently for as long as I can remember: Cal Johnson, Q.C., Calgary Chairperson; Bruce Jackson, Q.C., a long-time Calgary committee member, Chris Head, our overall committee Secretary; and Ben Russell and Rick Reeson, Q.C., both of Edmonton, who have served on virtually every sub-committee (including PPSA and CEA tasks that have been ongoing for years). These members have all served for close to 20 years and warrant special recognition.

**Editor's Note:** The CBA would like to recognize the many years of service Mr. Mirth himself has given to this Committee and to the preparation of *The Alberta Legislative Summary*.

# EDITOR'S NOTES



Graham Price  
Chair, Editorial Committee

## The "Big Bang" of Technology

"As the universe was born, a fragment of matter, a billion times smaller than an atom, could have exploded blindingly fast, swelling to nearly the size of our present universe in a fraction of a second." So says Alan Guth, Professor of Physics at the Massachusetts Institute of Technology. His theory of the inflationary universe refines the standard big bang model. Conceived in 1979, Guth's theory relies on these fascinating ideas:

(a) during the big bang, unification of the fundamental forces of nature occurred at 100 octillion (that's a 1 with 29 zeros after it) degrees centigrade; and,

(b) shortly after the big bang, ( $10^{-35}$  seconds, or 100 billion trillion trillionths of a second, to be exact) the universe underwent a period of extraordinary rapid expansion.

This is all mind-boggling!! But so too are some aspects of e-mail and the world wide web. The profession is presented with an ever-expanding array of choices at what seems like "warp" speed.

We truly live in inflationary times.

<sup>1</sup>See "The Men Who Invented the Universe" at [www.radio.cbc.ca/ideas/shows/universe](http://www.radio.cbc.ca/ideas/shows/universe) and related websites.

## Limericks and Letters

**Re: ... Three limericks for your consideration. ... These took me about 20 minutes so they are basically rubbish.**

We gave up the use of long quills,  
And quires no more rise to hills.  
Paperless doing law,  
Saves a tree the buzz saw.  
But how do we send out the bills?

Where we strained once with paper and ink,  
Pulling clients back from the brink.  
Fax, cell, and e-mails,  
Puts the wind at all tails,  
And they're over before we can think.

The primrose way is no good,  
Cause it's downhill from what is "should".  
A lawyer should show,  
That the true way to go,  
Is the uphill from where we stood.

Jack Watson, Q.C.  
Appellate Counsel for the Attorney General

**Re: Article on Sean Dunnigan**

I have to pass on my compliments for a very amusing article by Mr. Shewchuk. I was laughing out loud despite never having met either Sean Dunnigan or Alan Shewchuk.

Susan Bocoock

**Re: Building a Palestinian Legal System - August 1999**

[The last Newsletter] carried an article about my recent trip to Ramallah and Gaza City to work with the Palestinian Association of Lawyers.

The article should have noted my trip was completely independent of my employment with the Law Society of Alberta. As well, the article should have stated I was expressing my own views, not speaking on behalf of the Law Society.

I would also like to add, on reflection, I believe my description of the attitude of the Israeli government as "implacable hostility" was too strong . . .

My fervent hope for all people in the Middle East is the conflict can be resolved and replaced with peace, security and democracy under law.

Paul McLaughlin

In the August 1999 edition of this worthy publication, Paul McLaughlin, Practice Management Advisor for the Law Society of Alberta, offered some opinions into the development of the Palestinian bar and legal system.

Readers should be aware the views expressed by Paul are not the views of the Law Society. Mr. McLaughlin visited Ramallah and Gaza City independent of his employment with and not as a representative of the Law Society.

While we join with the rest of the world in the hope for peace in the region and the development of the Rule of Law, it is not within our mandate to pass judgment upon nor comment upon the actions of the parties.

Terrance D. Clackson, Q.C.  
President of The Law Society of Alberta

I write to express my surprise and disappointment regarding the inaccuracies and political nature of the article by Paul McLaughlin ...

In the second column, first full paragraph, he states, "the West Bank was part of Jordan..." It was part of Jordan because Jordan illegally occupied it after the United Nations, on November 29, 1947, had declared most of it formed the bulk of a Palestinian Arab state. ... Further down Mr. McLaughlin throws jabs freely, such as, "implacable hostility of the Israeli government" and "The Israelis also close the borders regularly." ...

Israel does not "close the borders regularly." It does so only when there is a threat to its population.

I certainly hope a satisfactory settlement of the Middle East conflict occurs – and soon.

Ira Brier, Inactive Member of the Alberta Bar,  
Member of the New York State Bar and a  
Practicing Lawyer in Jerusalem, Israel

# VIEW FROM THE BENCH



by Judge Allan A. Fradsham

I wonder what it is like to be mechanically talented? What would it be like to understand terms such as “distributor cap”, “differential”, reciprocating saw”, “2 x 6”. I am not referring to being a master mechanic or carpenter; I would be completely content with a rudimentary, basic knowledge of things practical so every time I enter Home Depot I do not feel as though I am visiting another planet occupied by an alien, semi-hostile life form. I don't even know enough to converse with the clerks so as to get help.

CLERK: *Do you wish that in a non-carbon, bonding form, or in a weight-bearing, pressure-treated, self-locking format?*

ME: *Huh?*

CLERK: *Will you later be using stain or paint, and if so, will it be oil-based, latex, gloss, or semi-gloss?*

ME: *It will be green.*

I take on the same puzzled look accused persons have when they are read the election.

COURT: *“You have the right to be tried by a judge with a blue bordered gown, or have an inquiry by a blue bordered judge, and then maybe a trial by a judge*

*with a red bordered gown, or have an inquiry by that blue bordered judge, and maybe a trial by that red bordered judge, but there will also be a jury (no specified clothes colour). What's your best guess?”*

ACCUSED: *Not guilty.*

Getting my car serviced is the worst. When I telephone to find out why the blessed thing refuses to go forward when I clearly indicate my desire it do so by putting it in “drive”, the service manager insists on having the mechanic speak to me directly.

ME: *Have you fixed it?*

MECHANIC: *The frimfram valve does not admit air when I put propane in it.*

At this point, I am completely lost. To me, propane is a barbecue term. My barbecue didn't stall. I know the difference between a barbecue and a car — a car is bigger. I decide to go back to basics.

ME: *Is that good?*

MECHANIC: (with a sigh normally reserved for dealing with the terminally stupid): *It's letting in air.*

ME: *Is that why it stalls?*

MECHANIC: (clearly crumbling under my relentless cross-examination): *Maybe.*

Fortunately, my wife, Gloria has this mechanical-spatial concept fully under control. She understands why things do the things they do, and can build things that look just like what she planned. Tradesmen visiting the house now consult her for instructions, having on previous occasions asked me, only to see me run off to Gloria to get the answer. They have finally decided to eliminate the messenger, and I agree that is best. I do console myself with the thought they will have to come crawling back to me should any seizure issues under the Charter arise in the course of the repairs they are effecting.

Yes, it would be nice to have a smattering of practical knowledge. Maybe it is a genetic flaw. Maybe there is a support group I may join. Maybe there is a government grant available. Better yet, maybe I can make this a Charter issue, and redeem myself in the eyes of those tradesmen.

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# NOT QUITE CONTEMPT



by  
Douglas R. Mah

Readers with comments  
may contact the author at  
[douglas.mah@web.ab.ca](mailto:douglas.mah@web.ab.ca).

## TRUE STORIES OF THE INTERNET

Those of you connected by e-mail no doubt receive (if not disseminate) electronic jokes and novelty applications. One attachment I received recently bore the guise of a serious piece of business. The file I opened turned out to be a multi-media sound effect that turned up my sound card full blast and announced *HEY EVERYBODY! I'M LOOKING AT PORNO OVER HERE! WHOOPEE!!* This detracted considerably from the decorum of my office.

Another annoyance is logging onto the wrong website and inadvertently becoming a subscriber to junk e-mail (appropriately named "spam" after the legendary luncheon meat). For months now I've been receiving a weekly e-mail message from Chile, totally in the Spanish language, that I can neither decipher nor stop.

In my business, we're always looking at new diseases. The electronic workplace may well cause new psychological disorders popping up in the *DSM IV* such as *e-mail apprehension* (fear of opening one's mail-box or facing deluge of unanswered mail) or *e-mail envy* (feelings of inadequacy stemming from not receiving as much e-mail as the next person). The insidious *internetitis* or addiction to surfing is already well-documented (no joke here).

The law is just beginning to catch up with the internet. Recent experience reveals two events occur, almost without fail, when a lawyer writes a cease and desist letter to a website operator to protect a client against defamation on the internet. First, the offending operator *posts* the letter on the site and second, regardless of whether the site is racist or criminally defamatory, advocates of "free speech" on the internet all over the world offer to continue the oppressed operator's good work.<sup>1</sup>

On the upside, e-mail and internet access can be an unending source of amusement. By way of example, I offer these

extracts from this year's "Darwin Awards" site, as recently e-mailed to me by a fellow employee, who for some reason thought I would find this stuff funny. I've edited for style and brevity.

*The Darwin Awards. These awards are handed out annually (and sometimes posthumously) to those individuals who, by eliminating themselves or others from the gene pool, lend proof to the theory of natural selection.*

*Let me show you my knuckleball.* A man in Alabama died from poisonous venom after he and a friend were playing catch with a rattlesnake.

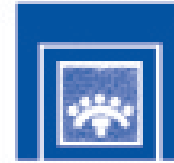
*It just jumped out from nowhere.* An unlucky fellow in Korea, while talking on his cell phone, walked into a tree and broke his neck.

*Janitor polishes off patients.* For several months, hospital staff in Free State, South Africa were baffled to find a patient dead in the same bed every Friday morning. There was no medical explanation for the deaths until it was determined each Thursday evening, the janitor unplugged the patient's life support system so he could plug in his floor polisher. The room has since been fitted with an additional outlet and the janitor has received a stern letter. The inquiry is now closed.

*Rotten luck.* Derrick L. Richards, 28, was charged in Minneapolis with second degree murder in the death of his cousin, Kenneth E. Richards. According to police, Derrick suggested a game of Russian roulette and furnished a semi-automatic pistol instead of the more traditional revolver. Kenneth went first and quickly lost the match.

*And the winner is:* Canada's own Edmund Baker, a telephone relay night watchman, formerly of Thompson, Manitoba. Baker had told co-workers the only way he could stay warm during his 12 hour Christmas eve shift was by positioning himself in front of a microwave transmitter dish. He settled in for the night in a plastic lawn chair and a twelve pack of beer. Baker had not been told a ten-fold boost in microwave power was planned that night to handle the anticipated increase in holiday long-distance traffic. Baker's body was discovered by the day watchman who was greeted by an odour he first thought was a surprise Christmas roast. It was also reported Baker's unfinished beers had exploded.

Well, the internet can serve as a forum for the macabre. Speaking of which,



## LESA PROGRAM NEWS

by Ellen A. Smith  
Program Co-ordinator

### Upcoming professional development opportunities...

Learn how Principled Negotiation can assist in the resolution of real life scenarios at **Principled Negotiations: Settling Motor Vehicle Injury Claims**, Edmonton - December 01, Calgary - December 06, 1999. This unique 1/2 day seminar will bring together lawyers, claims managers and adjusters to review proven techniques for resolving liability and damages.

Lawyers who wish to become mediators or improve their skills as mediators and who deal with commercial matters, estate conflicts or other civil disputes can attend **Mediation of Civil Disputes** with Karen Trace and John Gill, March 02 (evening), March 03 and 04, 2000 (full days), Edmonton only.

### PROGRAMS IN THE PLANNING STAGES

**Commercial Opinions**, 1/2 day program, Edmonton - February 29, 2000, Calgary - March 06, 2000.

**Family Law Update: Support & Property**, Calgary - March 07, 2000, Edmonton - March 14, 2000.

**Remedies and Labour and Employment Law**, Calgary - March 08, 2000, Edmonton - March 15, 2000.

**Personal Injury**, Edmonton - March 21, 2000, Calgary - March 28, 2000.

**Practice Management for Support Staff**, Edmonton - March 22, 2000, Calgary - March 29, 2000.

Make sure you have the most up-to-date information on significant developments in **Real Estate Law** by planning to attend the **33rd Annual Banff Refresher Course**, April 29 - May 03, 2000. Mark your calendar today!

Contact LESA for more details (780) 420-1987, 1-800-282-3900 toll free in Alberta or e-mail, [lesa@lesa.org](mailto:lesa@lesa.org) or visit our website at <http://www.lesa.org> to check for new developments.

### TRUE STORIES by Doug Mah Continued

it is undeniable the virtual world, whether used for information, entertainment or communication, is our reality now. So remember, counsel, when you're grappling with that dilemma to print off (for professional reasons) all your e-mail for filing in a hard file, thereby defeating the entire purpose of Lotus Notes, technology is your friend!

<sup>1</sup> See for example, Mark S. Hayes, *Corporate Defamation, the Internet and Protecting Your Company*, presented at the 11th Annual Meeting of the Canadian Corporate Counsel Association, August 23-24, Edmonton, Alberta.

# WHAT'S HAPPENING



**Patricia (Patty) Johnston**  
of the  
**Alberta Securities Commission**

## NOVEMBER:

**29:** "Fundamentals of Employment Law". Westin Hotel, Calgary. Contact: The Canadian Institute (416) 927-7936; Fax: (416) 927-1563; E-mail: [mktg@cicomm.com](mailto:mktg@cicomm.com).  
**29,30 & Dec.1:** "Document Assembly - Using Wordperfect for Windows". Grant MacEwan Community College, Edmonton. 6:00 to 9:30 pm. Contact: (780) 497-5281; Fax (780) 497-5209; E-mail: [arnoldussen@admin.gmcc.ab.ca](mailto:arnoldussen@admin.gmcc.ab.ca).

## DECEMBER:

**6:** "Fundamentals of Employment Law". Royal York Hotel, Toronto. Contact: The Canadian Institute - see entry for Nov. 29.  
**7:** "Latest Issues in Public Disclosure". Metropolitan Hotel, Toronto. Contact: Insight Information Co. 1-888-777-1707 or (416) 777-2020; Fax: (416) 777-1292; E-mail: [order@insightinfo.com](mailto:order@insightinfo.com).  
**13&14:** "Untangling Web Law - an Essential Course for Web Professionals, Internet Marketers and E-Commerce Managers." Royal York Hotel, Toronto. Contact the Institute for International Research 1-800-941-9403; Fax: 1-800-284-4305; E-mail: [canadat@iir-central.com](mailto:canadat@iir-central.com).

## JANUARY:

**12:** The Milvain Chair of Trial Advocacy public lecture: "Flight Plans for High Flying Advocacy" by the Honourable Peter Cory, 12:00 noon, Moot Courtroom, Faculty of Law, U of C. Sponsored by the Calgary Bar Association. All welcome!

## FEBRUARY

**28:** Annual Lawyers Evening presented by the Alberta Association Insurance Adjusters at the Delta Bow Valley, Calgary. Cocktails 4:30 pm, Dinner 5.30 pm. Cost \$25.00. Call Mr. Chuck Bourque (403) 266-3933 for reservations.

Please send your notices to **Patty Johnston c/o Alberta Securities Commission, 4th Floor, 300 - 5 Avenue S.W., Calgary, AB T2P 3C4. Phone: (403) 297-2074, Fax: (403) 297-6156, E-mail: [patty.johnston@seccom.ab.ca](mailto:patty.johnston@seccom.ab.ca).**



Greg Harding, Q.C., Chair of the 1999 CBA Annual Conference, held in Edmonton this year addresses the "standing room only" crowd at the Opening Ceremonies.

David Gates (right) accepts The John Tait Award for Outstanding Member of the Public Sector Lawyers Conference. David is the second recipient of this Award, formerly called the Inukshik Award.



Anne McLellan, Minister of Justice and Attorney General of Canada (left) and (right) Dave Hancock, Minister of Justice and Attorney General of Alberta were honoured guest speakers at the Conference.



(Photo Left) Barry Gorlick, Q.C., (then) CBA National President, thanks guest speaker Antonio Lamar, (then) Chief Justice of the Supreme Court of Canada. In his address to National Council he announced his retirement in a very moving speech. The announcement was a surprise to all.

(Photo Right) Janet Harding (L), Co-Host of the Greg and Janet Harding At-Home Dinner, with Terry Roane, Co-Chair of the 2000 Annual Conference to be held in Halifax next summer. The At-Home Dinners followed a hectic schedule of committee and other association meetings, section meetings and continuing legal education sessions, not to mention a busy social calendar. A great opportunity for everyone to take off their "hats"!

(Photo Right) Janet Harding (L), Co-Host of the Greg and Janet Harding At-Home Dinner, with Terry Roane, Co-Chair of the 2000 Annual Conference to be held in Halifax next summer. The At-Home Dinners followed a hectic schedule of committee and other association meetings, section meetings and continuing legal education sessions, not to mention a busy social calendar. A great opportunity for everyone to take off their "hats"!



(Photo Left) Dawn Eden (L) and Heather Walsh (R), CBA staff, worked very hard at the CBA Guest Desk to ensure the conference ran smoothly. Heather had been going full steam for months assisting the Organizing Committee volunteers with the incredible amount of work the local Committees carry out to stage a successful Conference.

The CBA National Nominating Committee fits Committee work into a luncheon; all of the dedicated and hard-working CBA volunteers deserve a tremendous round of applause!





Greg Harding, Q.C., (second from left) and Steve Andrew (second from right) strut their stuff with the Danny Hooper Band at the Opening Night of the 1999 Annual Conference. Does the Edmonton crew ever have "down time"?

The Gala Evening at the Winspear Centre for Music featured a revue called the Best of Mid-Winters Past. Photo Right: The Three Tensors, Luciano Picardo (a.k.a. Norm Picard, Q.C.), Placebo Price (a.k.a. Francis Price, Q.C.) and Jose Hladescheuychuk (a.k.a. Andy Hladyshevsky), reprise their act (Mid-Winter '97). Photo Below: (L-R) Accordion Artistes Terry Hodgkinson (who can Play *and* sing) and Barry Gorlick, Q.C., Anne Ferguson Switzer and Lynn Friedrick delight the crowd with their antics (Mid-Winter '99). Of course there were some straight acts too - non-comic relief!



(Photo Below) The CBA-Alberta Branch Executive Meeting, held in August, marks the changing of the guard. Here Sean Dunnigan, 1999-2000 President, receives his "inauguration" gift from Immediate Past President Kirk Lambrecht.



The fall Council Meeting (before the business part) is always fun with tributes, awards and mini-roasts. Sean Dunnigan presents Immediate Past President Kirk Lambrecht with the CBA Outstanding Service Award.



1998-1999 Alberta Branch President Kirk Lambrecht presenting Greg Harding, Q.C., with the President's Award at fall Council. (This Award was established to honour meritorious CBA service.)

Council members Ken Lutes of Medicine Hat and Frederica Schutz of Edmonton in conversation at the reception following the Council Meeting. Members are asked to read, research, discuss, form opinions, show up, reach decisions, take actions and communicate positions to the public and the legal profession. *Do they do this for a chicken wing and a glass of wine?*



## PEOPLE AND PLACES

Doris Bonora  
of  
Reynolds, Mirth,  
Richards &  
Farmer



### CALGARY

**Harry J. Ludwig** returned to private practice with Macleod Dixon, Technology Enterprises Practice Group. **Charalee F. Graydon** recently joined Blake, Cassels & Graydon. The Alberta Securities Commission appointments include **Glenda A. Campbell**, as Vice-Chair, **Gary Cornfield**, as Director of Enforcement, and **Patricia M. Johnston**, as Director of Legal Services and Policy Development.

### EDMONTON

**Sonia Gaal** was appointed in August to the Canada Industrial Relations Board in Ottawa for a 3 year term as a full time member. **Roy D. Klassen** has joined the Bank of Butterfield in Bermuda. Fraser Milner is pleased to announce all four articling students, **Kim Wrobel**, **Kent Nelson**, **Martin Ignasiak** and **Lynda Stokes** have joined the firm as associates. **Jeanne Byron** has been appointed Acting Equity Ombudsman of the Law Society of Alberta.

### EDSON

The firm of Catterall and Associates has changed its name to Catterall-Boisvert to recognize the work of **Shari Boisvert**.

### FORT MCLEOD

Gashler and Vallance has disbanded. **Barb Vallance** joined the firm of North and Company, in the Fort McLeod sub-office, and **George Gashler** will continue to operate in Fort McLeod as a sole practitioner. **Karen Linderman** joined the Claresholm sub-office of North and Company.

### HINTON

**Karmen Cochrane** has joined Braithwaite Boyle in Edmonton. **Karen Horbay**, of Woods & Robson gave birth to a boy, Daniel, this summer and moved to Claresholm.

Please send your news to Doris Bonora c/o Reynolds, Mirth, Richards & Farmer, 3200, 10180 - 101 Street, Edmonton, AB T5J 3W8. Phone: (403) 497-3370, Fax: (403) 429-3044.

## LIVES LIVED

**NIGRA, Monty Robert**

Dec. 23, 1915 - Feb. 1, 1999, Admitted Jan. 30, 1947

**LAZARENKO, Joseph Michael**

Feb. 22, 1905 - Mar. 1, 1999, Edmonton, Admitted Feb. 10, 1936

**DICK, Thomas Stephen**

Apr. 17, 1925 - June 28, 1999, Calgary, Admitted July 11, 1968

**HOWEY, Melville Wesley**

Sept. 11, 1919 - July 16, 1999, Edmonton, Admitted June 26, 1947

**WALKER, Anthony Peter Gillespie**

Aug. 7, 1933 - Aug. 16, 1999, Calgary, Admitted July 2, 1958

**MURPHY, Angelo Jerome**

June 30, 1932 - Aug. 24, 1999, Port Alberni, Admitted Dec. 21, 1959

**ADAMS, Douglas John**

Aug. 20, 1950 - Aug. 27, 1999, Calgary, Admitted June 17, 1975

**REDGWELL, James Frederick**

Apr. 27, 1934 - Sept. 18, 1999, Manitoba, Admitted June 25, 1968

**BEHM, Lorne John**

Dec. 27, 1937 - Sept. 20, 1999, Edmonton, Admitted June 29, 1962

**LIDEN, Clare Leroy**

Mar. 3, 1926 - Sept. 27, 1999, Edmonton, Admitted July 7, 1952

## BLINDNESS

A Novel by Jose Saramago

A man sitting in his car, waiting for a light to change is suddenly struck with "white blindness". A passer-by offers to drive him home and then steals his car. The thief is then struck blind. The first blind man is taken to an eye doctor, who is also struck blind, as are the other patients in his waiting room, and so the epidemic spreads. In panic, the authorities detain the blind and quarantine them in an abandoned asylum. The armed guards surrounding the asylum are instructed to shoot anyone who tries to escape.

As the asylum population swells, chaos prevails. The criminal element terrorizes the inmates and food is stolen, women are raped and violence erupts. The only eyewitness to the horror is the doctor's wife, who is somehow immune to the epidemic, and has feigned blindness to stay with her husband. The asylum is ultimately set ablaze and the blind escape into an eerily empty city, littered with debris and decomposing corpses. The doctor's wife leads seven nameless strangers through the deserted streets, seeking food, shelter and redemption.

This harrowing story is written in austere, stripped-down prose, which is extraordinarily lyrical and beautiful at unexpected moments. In scenes of unbearable loss and deprivation, there is an underlying current of profound compassion. The brilliance of the writing lies in the fact Saramago's style is essentially "invisible". For example, as the epidemic of blindness spreads, visual description recedes. Like the characters, the reader is left groping in the whiteness, reliant on smell, sound, taste and touch.

This novel is a moving allegory, which has been described by some reviewers as "biblical" in style and scale. It can only be called a masterpiece, and the author was awarded the 1998 Nobel Prize for literature. It is now available in translation from the Portuguese in paperback.

*Laurie E. Allen, Laurie Allen & Associates*



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## Sixth Annual Trust Accounting Rules Seminar

*The Audit Department hosts its sixth annual FREE trust accounting seminars in Edmonton and Calgary pending sufficient demand.*

*They are geared towards sole practitioners, small firms, and new members.*

### Topics:

- A review of accounting rules
- books and records
- trust reconciliations
- handling trust funds
- Relative sections of the Code
- Audit exceptions
- Tips

### Calgary:

Thursday, December 9, 1999  
9:00 a.m. to 11:00 a.m.  
600, 919 - 11th Avenue S.W.

### Edmonton:

Friday, December 10, 1999  
9:00 a.m. to 11:00 a.m.  
2610, 10104 - 103 Avenue

Please reply by fax to Joanne Hanlon, Fax (780) 424-1620, marking appropriate boxes.

Remember the DEADLINE for both seminars is  
Friday, December 3, 1999.

Calgary Seminar  
Edmonton Seminar

Lawyer  
Bookkeeper/Secretary  
Other

Should a second seminar be required in the afternoon, would you prefer that time slot?      Yes      No

# TECHNO- MYSTERIES



**Paul F. Wood**  
Director,  
Publication &  
Program Development  
Legal Education  
Society of Alberta

## Paperless Litigation?

Occasionally, technology has that “wow” factor. Deloitte & Touche’s Litigation Information Management Services team recently gave me a demonstration of their recommended electronic document management system, based on Supergravity’s SUPertext®.

Picture a courtroom with large computer monitors for the judge, clerk, counsel and gallery. Counsel, in their examination of a witness, references a document. The clerk enters the document number and instantly an image of the original document appears on each monitor for all to see. The image can be enlarged or a signature examined by zooming in. Gone are piles of boxes, folders and binders, with all parties scrambling to find the same piece of paper.

The technology to reach that endpoint is available today. In essence, the mountain

of paper that would form part of a complex trial is identified, scanned and “OCR’d”. None of this is too earthshaking. It is at this point technology comes to the forefront, processing the documents imaged to create a searchable index of the text contained within them. The “wow” factor comes in when a text search is performed and not only is the document found, but the image of that document appears on the screen. The user has the option of viewing only the text on the document or the entire image, or both!

The key ingredient is the indexing process. Depending on the quality of the originals, there may be no need to devote huge amounts of time entering extensive database information. Since the database consists of the actual text within the documents, searches for key words can produce accurate, extensive results.

The results of searches are linked to the image of the actual document. The physical document has a unique identifier also visible on the image, so there is never any doubt as to the hardcopy source of the electronic image.

The one possible downside is that counsel would no longer have the pause, while everyone tries to get to the same piece of paper, to compose his or her thoughts! Such is the price of technology.

For further information on this technology, contact Deloitte & Touche’s Litigation Information Management Services at (403) 267-0594 or [dtilims@telusplanet.net](mailto:dtilims@telusplanet.net).

Suggestions for upcoming columns? Contact me at [woodp@lesa.org](mailto:woodp@lesa.org).

## Cruising the Web — Interesting Websites

by Terry Cooper  
Campbell Germain Cooper & Jean  
[www.cba.org](http://www.cba.org)

I had difficulty in selecting the sites to showcase in this edition. Our theme is technology but I am reluctant to feature websites of suppliers of technology to the legal profession. Instead I thought I would start by returning to a site previously discussed.

## TECHSHOW 2000, The American Bar Association

The American Bar Association sponsors an annual TECHSHOW which is billed as the “world’s leading legal technology conference”. Information about TECHSHOW 2000 can be found at [www.abanet.org/techshow/home.html](http://www.abanet.org/techshow/home.html).

The Conference is from March 30 to April 1, 2000 in Chicago, Illinois. Even if you have no interest in attending you should still browse through the site. Reading the description of the programs being offered gives an excellent insight on how we can use technology in our practices. The program is divided into many streams depending on whether you are a sole practitioner, represent a large firm or are a ‘techie’ involved in the development and maintenance of the firm’s network. The topics include recycling computers, winning with technology, tips for disaster planning, linking the home and work office, and moving to a paperless office.

## Have a Question, Ask Jeeves

I am often entertained by CBC Radio’s ‘good question’. Recently, I came across a site on the web that invites you to ask a good question. Ask Jeeves can be found at [www.askjeeves.com](http://www.askjeeves.com). Type in a question and you are provided with a list of where the site’s search engines found content specific links on the web. I typed in ‘Who is Terry Cooper’. I still don’t have the answer but I did discover I have a namesake who is an accomplished photographer in Florida and another who is a serving prisoner in California.

If you know of a website that would be of interest to the legal profession send us an e-mail at [newsletter@cba-alberta.org](mailto:newsletter@cba-alberta.org)

## OFFICE OF THE PRACTICE ADVISOR



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Barry Vogel is available to discuss legal, ethical and practice concerns and personal matters. He will also mediate and arbitrate inter-lawyer disputes.

Paul McLaughlin provides assistance in management, automation and administration with his focus on the needs of sole practitioners and members practicing in smaller settings.

Peg James develops and delivers materials and programs to help Alberta lawyers practice in a way that reduces negligence claims under the Professional Liability Insurance Policy.

The members of the Practice Advisors Office will travel anywhere in Alberta for personal meetings with Law Society members where appropriate. All contacts are strictly confidential and services are free. Members are invited to call at any time.

# CROSS-SECTION NORTH



Helen Ward of Duncan & Craig  
and  
Scott Watson of Ackroyd, Piasta, Roth & Day

Northern Section Co-ordinators



## What's Happening Up North? by Helen Ward

### OktoberGuest

You may have noticed OktoberGuest was advertised on your October section meeting notices.

Once again, the various sections invited guests to join them at their regular October meetings. In an initiative to increase section membership, a special opportunity exists for non-CBA and non-section members to attend a section

meeting in October, hopefully to increase that sections's membership. In many cases, you are invited to attend simply by confirming your attendance, at no charge. In other cases, there are special OktoberGuest rates for guests. You must confirm your attendance at least twenty four hours in advance of the meeting.

The OktoberGuest program provides a great opportunity both to experience section activity firsthand and to increase our section memberships.

### Section Activity

Some of the fall meetings included:

(a) A Dinner Meeting of the the Labour and Employment Section, with the new Minister of Labour, The Honourable Clint Dunford;

(b) "Survival on the Youth Court Dance Floor," a meeting of the Criminal Justice Section, featuring three speakers: the Honourable Janet Franklin, Judge of the Provincial Court, Family & Youth Division; Wade Marke, Crown Prosecutor; and, Brian Holtby, Director, Legal Aid Youth Office;

(c) "The Land Titles Office-Rejections in the Registration Process," - a meeting of the Real Property Section with guest speaker Kate Hume, Examination Supervisor, Northern Alberta Land Titles Office;

(d) Marie Gordon and Norman Picard Q.C. addressed the Family Law Section and gave a discussion of Spousal Support following the Bracklow decision, including the use of review provisions and spousal support for disabled spouses.

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## WANTED!

### CBA - Alberta Branch PAST PRESIDENTS' PHOTOGRAPHS

We would like to locate photos of these three Past Presidents of the CBA - Alberta Branch for display in our boardroom "rogues" galleries. Please call us if you can help!  
Missing are:

R. A. SMITH, K.C.  
1933 - 40

R. A. MACKIMMIE, Q.C.  
1958 / 59

D. M. CORMIE, Q.C.  
1968 / 69

# CROSS-SECTION SOUTH



**Tony Young of Tousignant Young  
and  
Don Higa of Evans Higa Burgess**  
Southern Section Co-ordinators



## From the Desk of Anthony G. Young

As I enter my second year as Section Co-ordinator (Southern) I reflect upon my experience over the past year. Section activity has been outstanding. The quality of the programs offered by the Sections continues to be some of the finest offered anywhere in Canada. The success enjoyed by the sections is a testimonial to the great work accomplished annually by all of the section executives and volunteers involved in section activity. A special thank you is in store for outgoing Section Co-ordinator, Beth Hughes. We are sad to see her go. Thank you Beth, for all of your effort and guidance during your tenure.

As Beth moves on, I am delighted to welcome the infinitely capable Don Higa as her replacement. Don (not to be confused with Dawn who is also infinitely capable) comes to his new position equipped with vast experience and talent in Section activities. Welcome Don!

The Canadian Bar Association continues to strive to remain in step with current and emerging technologies. This grass roots effort extends to the section level. Recently, a pilot project was implemented to provide selected lunch hour section meetings to members outside of metropolitan areas utilizing conference call features offered by CBA preferred supplier, Accutel Conferencing Systems Inc. The Family Law Section (South) broadcast its October meeting to 46 lawyers in Fort McMurray, Red Deer, Medicine Hat and Lethbridge. The

conference connection allowed our far-away members to listen to a presentation by Madam Justice Nation. During Justice Nation's presentation on "Ten Tips from the Bench – What to Do, What to Avoid in Court", there was a one-way connection to the remote listeners. At the close of the meeting the conference operator opened an interactive connection between remote listeners and the meeting for real-time participation in discussion. Kudos are extended to the Calgary staff for making the arrangements for this important initiative for our rural and out of town members. From all reports the session was a complete success.

Many of you recall the Computers and Lawyers Section of the CBA. A metamorphosis has occurred. After grappling with definitions, mission statements and presentation parameters, the section has chosen to change its name to "The Law Office Technology Section". This exciting section is a must for all lawyers interested in seeing how technology enhances the practice of law. Program plans for the year include Courtroom Use of Laptop Computers, Electronic Appeal Book, Loss Prevention along the Technology Super-Highway, Organization of Files and Document Management, Optimizing Use of the Internet Service Provider System, Litigation Support Software for the Sole Practitioner and a Hardware Review.

I encourage you to join this important section and to participate in leading edge discussion with respect to new developments in law office technology.

## AMENDMENTS TO SECTION HANDBOOK

### CALGARY

**Family Law: Victor Tousignant** e-mail address should read *toyo@home.com*.

**Law Office Technology:** Meets the third Monday of each month.

**Young Lawyers: Jim Doyle** should read: Phone: 260-5306, Fax: 232-8408, E-mail: *jdoyle@brownleelaw.com*, Brownlee Fryett

### EDMONTON

**Aboriginal Law: Karin Buss** is Chair and **Lisa Weber** is Vice-Chair.

**Administrative Law: Karen Munro** is Chair and **Janet Hutchison** is Vice-Chair.

**Civil Litigation: Farrel Shadlyn** is Chair and **Robert Katzell** is Vice-Chair.

**Constitutional/Civil Liberties: Patrick Nugent** is Chair and **Teresa Haykowsky** is Vice-Chair.

**Criminal Justice:** No Vice-Chair.

**Intellectual Property: Anthony Morris** e-mail address should read *amorris@millerthomson.ca*.

**Edmonton Bar Association:** contact is **Walter Pavlic** (780) 423-8542. (p. 59)

**Section Co-ordinators - Northern Sections: Scott Watson** fax number should be (780) 423-8946. (p. 60)

**1998-2000 Council Members: John Holmes** phone number should be (780) 347-1577. (p.61)

### Executive of the CBA-Alberta Branch:

**Tom Achtymichuk**, Secretary - postal code should read T5J 2Z1 and e-mail is *TAchtymichuk@mccuaig.com*. (p. 62)

**Kirk Lambrecht**, Immediate Past President - suite number is 211. (p. 62)

*The CBA - Alberta Branch and the U of C Law Students Section wish to thank the following law firms and businesses for their sponsorship of the Mentor Reception:*

#### Canada Life Casualty Insurance Company

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<b>Code Hunter</b>	<b>J. Webb Wine Merchants</b>	<b>Stikeman Elliott</b>

# PRACTICE POINTERS



**Jo'Anne Strekaf of Bennett Jones  
and  
Molly Naber-Sykes**



## ***Does the new Schedule C governing party and party costs (effective September 1, 1998) apply retroactively to services performed before that date?***

Yes, subject to the Court's overriding discretion to set costs in individual cases. Rule 601.1 states:

Schedule C and Rule 605(6),(7) and (8) are effective on and after September 1, 1998 and apply whether the services described in Schedule C were performed before, on or after September 1, 1998.

There are numerous recent cases asking the Court to exercise its discretion to award costs on a scale other than the new Schedule C. We will review four of those cases here. They are:

*Reid v. Stein* [1999] A.J. No.533 (Alta. Q.B.)

*26561 Alberta Ltd. v. King* [1999] A.J. No. 35 (Alta. C.A.)

*Sprung Instant Structures Ltd. v. Caswan Environmental Services Inc.* [1999] A.J. No. 37 (Alta.C.A.)

*Schutter v. Anderson* [1999] A.J. No.871 (Alta Q.B.)

### ***Reid v. Stein***

This decision reviews exhaustively

## Only the name has changed.

As of January 1, 2000,  
Major Caron will become

**Caron & Partners Barristers & Solicitors.**

While change is good, we are keeping a few things... the address, phone and fax numbers will remain the same, as will our unwavering commitment to the legal community and our clients.

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previous decisions in which courts were asked to disregard the new Schedule. Courts have limited the retroactivity of Schedule C in these circumstances:

The sole reason costs were not dealt with in June, 1998 was the defendant's failure to notify the plaintiff she sought costs against the solicitors personally. *Markdale v. Ducharme*, [1998] A.J.No 1014 (Q.B.); and,

The entire action, including filing the application for costs, took place before September 1, 1998. *Huet v. Lynch* [1998] A.J. No.1298 (Q.B.).

The new Schedule was not applied to discoveries in 1996 and 1997 because counsel might have replaced them with interrogatories had they known higher costs would apply. *Larson v. Curvin*, [1999] A.J. No.112 (Q.B.).

Examples of courts' refusal to exercise discretion to limit the application of the new Schedule are:

All the work had been done, trial heard and reasons given before September 1, 1998, leaving only the issue of costs. *Noel v. Dawson*, [1999] A.J. No. 176 (Q.B.); *Alberta v. Alberta* (Labour Relations Board), [1998] A.J. No.1310 (Q.B.) *Broumas v. Broumas*, [1998] A.J. No. 1044 (Q.B.), and *Re R.H.J.*, [1998] A. J. No. 1043 (Q.B.); and,

The trial was heard in June 1998 but judgment was reserved until October 30, 1998. *Beenham v. Rigel Oil & Gas Ltd.*, [1998] A.J. No.1451 (Q.B.).

The liability trial in *Reid v. Stein* was heard in October 1994. Costs for this portion were taxed in September 1995 (on column 6 of the old Schedule C) and paid to the plaintiff in February 1998. The quantum trial was heard in October 1998 and the decision rendered in December 1998. Madam Justice Johnstone saw no reason to deprive the plaintiff of the benefit of the new schedule: the plaintiff was not responsible for undue delay and there was no evidence the lawsuit would have been conducted differently had counsel known higher costs would apply. However, the new

schedule was not applied to steps before and including the discoveries in January 1993 (completed before the liability trial and taxed by the taxing officer in 1995). Justice Johnstone also reviewed each specific item of the plaintiff's bill of costs to determine whether to apply the new schedule.

### ***26561 Alberta v. King***

The Court of Appeal heard and dismissed this appeal on September 14, 1998. The respondent sought successfully to have its costs of the appeal taxed under the new schedule.

### ***Sprung v. Caswan***

Caswan won a chambers application in January 1997. Sprung appealed successfully in November 1997 and was granted costs in both courts. Sprung sent a draft bill of costs in December 1997 to Caswan which in turn chose to defer the costs issue until the Supreme Court heard the appeal. The Supreme Court denied leave in April 1998. Sprung sent Caswan a new bill of costs under the new Schedule on September 2, 1998.

The Court of Appeal identified the problem as delay in taxing the bill of costs and apportioned blame for the delay evenly between the parties. It noted that had Sprung taxed its costs before September 1998, both sets of costs would likely have been based on old Schedule C but may have been adjusted for inflation. By 1997, because Schedule C was then over 10 years old, some Queen's Bench judges were multiplying Schedule C costs by 1.45 or 1.49 to allow for inflation.

The Court offered Caswan a concession, permitting it to file an election to have the fee part of costs in both courts taxed at 1.55 times the old Schedule C and to pay interest at 7% on all costs and disbursements. If the election was not filed, costs would be taxed on the new Schedule C.

### ***Schuttler v. Anderson***

This decision reviews the Rules and cases discussing the factors when varying party and party costs. Both parties argued the other party was responsible for the significant delay in bringing the relatively simple action to trial: the claim was filed in November 1995 and the trial heard after September 1998. The court concluded there was some delay and possible misconduct by the plaintiff and taxed all steps before September 1, 1998 under the old Schedule C.

*With thanks to  
Brenda Johnson of Bennett Jones*

# MEMBERSHIP NEWS

by Terry Cooper  
Campbell Germaine Cooper & Jean  
[www.cba.org](http://www.cba.org)

⇒ **AUDIO CONFERENCING** — Since technology is the theme for this newsletter it seems appropriate to begin this column with a mention of an initiative the Membership Committee has implemented. A pilot project we launched this fall has proven to be a success; we are continuing it and hopefully expanding on it. I am referring to our effort to make the sections available to areas outside Edmonton and Calgary through audio-conferencing. Participating in sections is one of the benefits of CBA membership lawyers practicing outside Edmonton and Calgary have not been able fully to enjoy. We have offered materials only memberships for some time. This October as part of our OktoberGuest program, we offered audio-conferencing of the South Civil Litigation, Family Law and Personal Injury Sections, to lawyers in Medicine Hat, Lethbridge, Red Deer and Fort McMurray. The tremendous success of these meetings has meant the continuance of this pilot project to the end of June. We see technology, the use of audio conferencing \*\*, audio-visual presentations and the internet as a method to bring the benefits of the CBA sections to all of our membership. Perhaps in the near future we will be able to use this technology to bring portions of the Mid-Winter CLE sessions and Town Hall Meetings with the court to our members. If you support this initiative, if you feel it would benefit your practice, please let us know. We need your input and feedback on the initiatives we take on your behalf to improve the value you receive as a CBA member. We would like to expand our audio-conferencing to other areas. If you practice in an area where audio-conferencing is not yet offered and would like to participate in this project, please call us.

⇒ **THE INTERNET** – About three years ago our Branch launched a website to have a presence on the World Wide Web. Since then we have worked with National to have our site integrated and hosted as part of the CBA National site. If you have not visited our website recently then I encourage you to do so. The site is constantly being updated to be a source of information for our members. If you are not yet a member of the CBA, visit the site and register for membership on-line. The address is [www.cba.org](http://www.cba.org). Development is underway to have a 'members only' section. CBA members will be able to log-in using a password and then access section material and other member only services. Another feature, being developed to promote our members, is a find a lawyer service. Individuals looking for a lawyer will be able to use this service to find the names of CBA lawyers who practice in a specified area of law.

⇒ **MEMBERSHIP** — For some time the CBA has taken effective steps to identify what the membership wants and to implement programs to meet their needs. Our organization is the voice of the legal profession across Canada. We have important liaisons with government that enable us to have constructive input on legislative initiatives. We have intervened in number of cases when our council felt important legal issues were involved. The CBA has adopted a number of initiatives focused at enhancing serv-

ices to our members and advocating for the role we play in providing legal services.

At the National Annual Conference in Edmonton this summer a resolution directed the CBA to collect, catalogue or develop material to be used in response to any new proposals by government to implement no-fault insurance. At National Council we heard about the Saskatchewan experience where no-fault insurance was implemented with no consultation with the CBA and then promoted to the general public using a public relations campaign that characterized lawyers as the villains. The resolution was designed to give the CBA and the provincial branches the tools necessary to respond to any new no-fault initiative.

National Council determined for the CBA to continue to be an effective advocate for the legal profession we needed to increase annual fees to fund our organization. By resolution a gradual increase will occur in membership fees over the next five years at the rate of \$25 per year. Our organization will then have the resources to tackle effectively issues that concern every lawyer – paralegals, legal aid, no-fault insurance. At the same time fees will continue to be lower than most professional organizations.

⇒ **UPCOMING ISSUES FOR COUNCIL** – At National Council in Edmonton the final report on MDP's (Multi-disciplinary Practices) was tabled. The recommendations will be debated at the National Mid-Winter Meeting in Brandon. Another important resolution will be debated in Brandon. This resolution seeks to implement the recommendations from the Committee on Racial Equality. Both these reports are available on our website. We encourage you to review these recommendations and let your members of Council know your views.

⇒ **CONGRATULATIONS!** **Michele H. Hollins**, of McCarthy Tetrault, and a member of the Alberta Branch Membership Committee, has been elected Vice-Chair of the National Membership Committee.

\*\* The Canadian Bar Association - Alberta Branch Membership Committee wishes to acknowledge and thank CBA Preferred Supplier **Accutel Conferencing Systems Inc.** for sponsoring the 1999-2000 Audio-Conferencing Pilot Project.

## LAWSCAPE 2000

Register now for what promises to be one of the best  
Mid-Winter Meetings of the next millennium!  
**CBA-Alberta Branch Mid-Winter Meeting**  
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See the brochure enclosed with this Newsletter

### NOTICE

In conjunction with the 2000 Mid-Winter Meeting  
The Canadian Bar Association - Alberta Branch  
**2000 Annual General Meeting**  
will be held at the Westin Hotel, Calgary, at  
11:30 a.m. (following the Council Meeting) on  
Thursday, January 27, 2000.

*Tom Achtymichuk, Secretary*



## LAWYER IN THE NEWS

Edmonton lawyer **Sheila Greckol** is well known for her advocacy on human rights cases. Called to the bar in 1976, Sheila has practised law for 22 years primarily in the areas of labour and human rights law. She represented Darwin Vriend in his battle for equality under Alberta's human rights legislation.

### 1. *What other interesting and high profile cases have placed you in the media spotlight?*

The practice of labour law involves representing groups of people in intense and difficult situations. Sometimes the stakes are very high, as in the case of unlawful strikes or strikes where care has not been taken to prevent violence and confrontation, or where unlawful conduct is involved. There have also been a number of cases in which we have been involved where legal issues intersect with huge social and political change - the fight for equality for women, including access to abortion, paid maternity leave, harassment free workplaces, and the right to freedom for discrimination on the basis of sexual orientation. Necessarily, there has been public interest and media interest. The grim side of living in Alberta is sometimes change or different points of view are seen as so threatening one has to be prepared at times for extreme and personal reaction — public criticism on talk radio, hate mail, front page stories about one's personal life and the like. Having interesting and high profile cases is challenging and fun but doing so in Alberta has presented its own unique problems.

### 2. *During the Vriend case did you develop a strategy for using media attention to your client's advantage?*

We continually strategized to respond to perspectives on the lesbian and gay rights issues with which we did not agree. Community spokespersons almost always spoke rather than lawyers, unless there was a legal issue which needed explanation. We helped craft media releases and vetted ideas. We strongly believed, with true information, the public would take the right posi-

tion. When the Supreme Court decision came down and the government threatened to invoke the "notwithstanding clause", it was essential to be pro-active. We spent two weeks intensely involved in garnering public support through press conferences, organizing important pockets of support and organizing high profile, influential people in the community to speak out. Without the media to carry the message, the message would not have been heard.

### 3. *In hindsight, is there anything you would do differently re media relations?*

I do not think there is anything else we could have done. The truth was many sectors of the community strongly supported the issue of human rights for gays and lesbians, as was evident from the number of powerful intervenors on our side. This support was a gift and we had only to organize the chorus so many voices in the community were heard in unison, rather than as lone voices in the wilderness. However, less and less will such organizing techniques be effective. The current state of monopoly of ideas and perspectives in the Canadian media is a danger to democracy because rather than a market place of ideas, it is a world in which there is a single offering or point of view. Approaches in the future will have to be different: perhaps we will find creative ways to get such messages out using technology.

### 4. *How did you maintain balance in your life, including parenting three young children, meeting the needs of your other clients, and your own personal needs with this case?*

I often joke I do nothing on my own. This is true. I was fortunate to have the legal collaboration of members of my firm and many other lawyers who contributed to this case. I also have an immediate and extended family and a close group of friends. There are days when practicing law while caring for children can be sheer hell and you end up feeling you are doing neither very well. Our children have won me over and I have substantially cut back on hours of work. However, the personal support systems have to be in place to accommodate periods of intense work and long hours which a case like this requires.

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## News and Updates from the University of Calgary

The Faculty of Law of the University of Calgary will host the **Canadian National Division of the 2000 Philip C. Jessup International Law Moot Court Competition** in February, 2000. In its forty years, the Jessup has grown to more than merely a moot. Today, it is a cultural exchange, a reunion of past competitors, and an occasion for critical dialogue on timely and significant issues in international law. The 2000 Jessup problem is entitled "The Case Concerning Vaccine Trials: The Conduct of International Pharmaceutical Trials." The competition will culminate the Faculty's International Law Week from February 14-18, 2000. Speakers will discuss issues including international human rights and health law, international resources and environmental law. The Jessup itself will be held February 18 and February 19, 2000. The success and prestige of the Jessup is due in large part to those who donate their time to judge the competition. We will soon contact members of the profession to volunteer their time in this respect. The profession is invited to attend International Law Week activities, and the Jessup rounds. For more information, please contact Jennifer Koshan, the National Competition Administrator, at 220-7252, or [koshan@ucalgary.ca](mailto:koshan@ucalgary.ca).

The **Honourable Peter Cory** has accepted the Milvain Chair of Trial Advocacy for the Winter 2000 term. The Chair is sponsored by the Calgary Bar Association, and named in honour of the late Val Milvain, former Chief Justice of the Trial Division of the Supreme Court of Alberta, as a tribute to his wisdom, humanity and sound guidance. The Chair enables the Law Faculty to invite

a leading counsel or jurist each year to participate in the Faculty's Trial Advocacy course for third year students and to present a special lecture to students and the legal community. The Trial Advocacy program will be held January 10-14, 2000. Justice Cory was a prolific jurist on the Supreme Court of Canada. His influence has been immense in areas as divergent as the Supreme Court's adoption of the objective "marked departure" test for *mens rea*, the proper way to instruct a jury on reasonable doubt and the test for the exclusion of evidence for Charter breaches. He is also well known for his kind and gentle manner. His public lecture will be January 12 from 12:00 noon to 1:15 p.m. in the Moot Courtroom. Everyone is invited to attend. His topic will be "Flight Plans for High Flying Advocacy".

We are pleased **Glen Luther** has joined the Faculty in July 1999 as an Assistant Professor. Glen practised as a criminal lawyer in Calgary for the past ten years. During that time he was a sessional lecturer with the Faculty. For the past several years he taught the Criminal Justice Clinical Seminar. He was also involved in the Trial Advocacy Program. His academic interest includes police powers, the Charter of Rights and Freedoms, and criminal law.

We welcome **Madam Justice Carole Conrad** of the Alberta Court of Appeal who is visiting the Faculty of Law this fall and winter during her judicial sabbatical. She will be involved in a number of faculty courses and programs such as our Mooting and Debating program as well as the Trial Advocacy course.

Please visit our website: [www.ucalgary.ca/UofC/faculties/LAW/](http://www.ucalgary.ca/UofC/faculties/LAW/) for updates on events and other useful information.

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**LEO H. MILLER.** We would like to contact family members of Leo H. Miller. Leo practiced in Calgary in the 1950's. Please contact Katherine Macleod (Ferner) in Calgary at 403-275-2146.

**Seeking Will of ANITA LOUISE MELLON,** of Calgary, deceased. Contact Michael D. Josephson of Ballem MacInnes. (403) 292-9847.

**OLD ENGLISH LAW REPORTS** for Sale all mid 1800's to early 1900's. Appeal Cases, Chancery Appeal Cases, Chancery Division, Common Pleas, Equity Cases, Exchequer Division, K.B. Division, P.C. Appeal Cases, Probate and Divorce, Q.B. Also Western Law Reporter 1905-1912, WWR 1911 - 1992 and some texts. Contact Katherine Macleod at 403-275-2146.

Seeking **Last Will and Testament of ROBERT HOWARD GOTKNECHT,** resident of Edmonton, Alberta who died on October 1, 1999. Call John Hashman (780) 434-6565.

**Last Will** sought of **THOMAS HEWLETT,** late of Calgary, who died on July 8, 1999. Contact David Busheikin at (403) 255-8643, fax (403) 255-6772.

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**IMMIGRATION TO CANADA - Family, Independent, Business, Deportation, Danger to Public, Employment Authorizations.** Michael Birnbaum (Alberta Bar 1985). (403) 265-9050, [birnbaum@cdn-immigration.com](mailto:birnbaum@cdn-immigration.com). We speak Spanish, French and Cantonese.

**FORM "T" FORM "U"** and Financial Statements prepared, Edmonton - Glen Hudson, CA Phone 780-436-2335.

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## KARA Family Support Centre

is a small non-profit agency offering parenting and support services to families in northeast Edmonton. We are looking for a lawyer to sit on our Board of Directors. Contact Rose-Marie McCarthy, (780) 478-5396.

*From Dunnigan page 3*

### Canadian Bar Association EXECUTIVE CONTACTS

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## SENIOR LITIGATION - Calgary

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## COMMERCIAL REAL ESTATE - Calgary

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## IP/IT - Calgary

Our client, a full-service, medium-sized law firm, seeks a junior associate to join their Technology and Intellectual Property team. As the successful candidate you will have at least one year of IT/IP experience in the areas of licensing and transfer agreements, patent and trademark issues, and traditional IP and IT transactions. An excellent opportunity to join a well established Calgary law firm with a competitive salary and an excellent benefits package. Ref #: 020553

## GENERAL CORPORATE - Calgary & Edmonton

Our client, a National law firm with offices in both Calgary and Edmonton, seeks junior and senior associates in the areas of corporate/commercial, oil and gas, aboriginal rights, securities and finance law. This tier-one firm offers excellent compensation and top benefits. Ref #: 020559

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