

Squid pro quo

Newfoundland Branch

Winter 2000

Canadian Bar Association

Mid-Winter Meeting

Winter, 2000



The Wild,
Wild West
Corner Brook, NF

*Thanks for a
Great Mid-Winter Meeting*



1. Edwina and Jerry Wetzel relaxing after the dinner.
2. Entertainment by Mucklewheel
3. Who is this ???
4. Lois Hoegg and Bill Goodridge with baby Noel and Christopher
5. Eugene Meehan, QC, addressing the CLE Seminar

Squid pro quo

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Squid pro quo is a publication of the Newfoundland Branch of the Canadian Bar Association and is intended to provide a service to members by informing them of Branch activities and matters of general interest.

Members are encouraged to submit articles for publication, though articles submitted may, at the discretion of the Editorial Board, be edited for brevity and clarity, in which case the author will be consulted prior to publication. Articles must be submitted no later than October 1, January 15 and May 15.

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Letter from the Editor

Well, we made it! Welcome to our millennium edition of the **Squid Pro Quo**. Well, a lot has happened since the last century... As you can see by the cover, the Corner Brook mid-winter meeting was a huge success!



Susan Churchill
Editor

There have been a lot of changes as outlined in our regular feature In Personae, we have a new Minister of Justice, the Hon. Kelvin Parsons, Elizabeth Heneghan has been appointed to the Federal Court, and George Furey has been appointed to the Senate.

Law Day is fast approaching and the theme this year is *Access to Justice*. There are several activities planned for April 13th as outlined by the co-chair, Peter Shea.

The sections have been very active in recent months. I direct you to three articles: *Law Office Management and Technology*, *Bankruptcy and Insolvency*, and *Family Law* as presented by the chairs of these sections.

Geoff Aylward has his regular feature: *Case Law Update* highlighting **Wheaton v. Palmer**. Also, the CLE has been very busy and has several events planned for this spring as outlined by Janis Byrne.

Come meet the new Minister of Justice, the Hon. Kelvin Parsons, key note speaker at the CBA luncheon meeting to be held on April, 7.

Finally, the Branch will be co-hosting with the Law Society of Newfoundland a reception for the Supreme Court of Canada Justices to be held in St. John's in May, 2000.

As editor, I would like to thank Jason Hickman, Sheilagh Murphy and Pat Pope for their commitment to getting the information to you and the newsletter to press! Have a great spring!



Newsletter Committee

Sitting: Sheilagh Murphy,
Jason Hickman
Back Row: Susan Churchill,
Pat Pope
Missing: Gerlinde van Driel

President's Report

Gerlinde van Driel



CBA has been quite busy since my last report. Here is a summary of what has been happening.

Events

The annual Children's Christmas Party took place on December 5, 1999 at the Fluvarium, and the President's Reception took place on December 9, 1999 at Hotel Newfoundland. Both of these events were very well attended.

The Law Day Committee has been very active in planning activities for Law Day which will take place on April 13, 2000. Please refer to Peter Shea's article in this issue for further details.



Diana Brooks with entertainer Terry Reilly

Branch's Mid-Winter Meeting

The Mid-Winter Meeting of the Branch took place in Corner Brook on February 10-11, 2000. All of the events were well attended, and the efforts of the Corner Brook Bar in terms of organizing the Meeting should be recognized.

On the evening of February 10 our business meeting took place at Holiday Inn and was followed by a wine and cheese reception.

National President, Eugene Meehan, QC, was our guest for the Meeting. Before travelling to Corner Brook, Mr. Meehan and I met with the new Minister of Justice, the Honourable Kelvin Parsons, and Chief Justice Clyde Wells. Chief Justice Alex Hickman participated in the courtesy



calls at the family breakfast at the Holiday Inn. In the afternoon of February 9 Mr. Meehan addressed the Bar Admission Course students at the Littledale Conference Centre before he and Mr. Justice Derek Green presented a CLE Seminar on "Enhancing Your Appeal: Practice Before Appellate Courts." You can read the details of this seminar in Janis Byrne's report.

On February 11 a family buffet breakfast was held with a large turnout. This was followed by a CLE seminar. After the seminar took place, everyone "took to the slopes"! The skiing conditions were excellent, and so was the weather. During the evening we had a buffet dinner, followed by a variety of entertainment including comedy, music and theatre by Mucklewheel, Patrick Monaghan, Ken Jacobson, Elements and David Freeman. The selection of artists by the Corner Brook Bar is very much appreciated.

During the dinner, Wayne Evans (Supervisor of Offshore Surveillance with the Department of Fisheries and Oceans) presented Anne Fagan with a Deputy Minister of Fisheries Award. This award was presented to Anne in recognition of her "dedication and exceptional professionalism resulting in successful prosecutions in the area of Department of Fisheries and Oceans' conservation and protection of fisheries resources". Congratulations Anne on this well-deserved award.

There were numerous prizes awarded at the dinner, including a Donna Clouston print valued at \$500.00, won by Gordon MacNab, QC, and a copy of the *Newfoundland Law Reports for 1947-1949*, valued at \$200.00, which was won by Peter Shea. This book was generously donated by the Law Society.

Children's Christmas Party



At this time, I would like to thank members of the Corner Brook Bar who helped out tremendously with the Mid-Winter Meeting, and in particular, Doug Howell, Jill Brown, Margaret Hepditch, Mark Linehan and Shelley Senior. Without their help the meeting wouldn't have been the success that it was. Recognition should also be given to the City of Corner Brook and various local businesses for supplying materials for the registration kits. I would



President's Reception

L-R: Ken Jerrett, Peter Ringrose and Geoffrey Davis Abraham

also like to thank the Branch's Mid-Winter Committee: Peter House - *Chair*, Peter Browne, Jamie Martin, Janis Byrne, Doug Howell and Pat Pope. Please take time to have a look at the list of Corporate sponsors as well as sponsors of prizes.

Our corporate sponsors were a tremendous help in their contributions. Thank you everyone!

- Canadian Bar Insurance Association sponsored the Dinner/Entertainment
- Canada Life Casualty sponsored the Reception
- Merrill Lynch sponsored the Dinner/Entertainment
- ScotiaBank sponsored the Family Breakfast

We look forward to the Corner Brook Bar hosting future Branch activities.

Multi-Disciplinary Practices

A Forum on Multi-Disciplinary Practices with guest speaker Simon Potter (a member of the International Practice of Law Committee) was held at Hotel Newfoundland on February 2. Mr. Potter addressed how the Committee's recommendations were developed and these recommendations were debated at the Mid-Winter Meeting in Brandon on February 19 and 20, 2000.



MDP Forum with Guest Speaker Simon Potter

A MDP survey was circulated to all CBA members and non-members before the Forum took place and although we did receive a good response compared to other Branches, the survey was circulated again to achieve optimum input from the Newfoundland Bar. I encourage you to take the time to complete and return this survey to the Branch office. At the Annual Meeting in Halifax this year, the recommendations of the International Practice of Law Committee will be further debated and voted on.

"12 Angry Jurors"

As I reported in the Fall '99 edition of *Squid Pro Quo*, the Branch is supporting a play called "12 Angry Jurors". A committee has been set up consisting of John Brooks - Chair, Tom Mills - Director, Ruth Wakeham, Susan Churchill, Susan Doyle, Janis Byrne, Rolf Pritchard and Pat Pope. The committee is in the process of recruiting a stage manager for the production. The cast is now complete and rehearsals will take place in March. Originally, the play was to take place in March 2000, however, it won't take place until June of this year. The new date will be announced.

Voting Members of Council

At the Annual Meeting in June 1999, a resolution was passed whereby the first four members of Council who advised the Branch office, in writing, of their intention to attend a national annual or mid-winter meeting would have voting status. Of the first four members of Council who advised the Branch, three would be attending the Annual Meeting in Halifax only and one would be attending both the Mid-Winter Meeting in Brandon and the Annual Meeting in Halifax. These four are the official voting members of Council. However, this is not in line with the National By-Laws. In order to avoid this in the future, the By-Laws of the Branch will need to be redrafted to be in line with National By-Laws. This task is now in process, and redrafted By-laws will be submitted for approval to Council at our Annual Meeting in June of this year.



President's Reception at Hotel Newfoundland

Supreme Court of Canada

CBA Newfoundland Branch will be co-hosting a reception with the Law Society in honor of the Supreme Court of Canada Judges who are holding their annual retreat this year in St. John's. This reception will take place on May 5, 2000 and further details will follow.

Joint Legal Aid Letter

A letter entitled *Improving Legal Aid* which I (Gerlinda van Driel) signed along with Eugene Meehan, QC, was sent to Branch Council members and lawyers in private practice who deal in legal aid issues and who are CBA members. The letter gave a summary of what is happening on the legal aid front and what is planned for the coming year.

Antonio Lamer Gala Dinner

I was invited to attend the Gala Dinner for Antonio Lamer on January 29. Unfortunately, I was unable to go at the last minute, so Anne Fagan attended in my place.

Legislation and Policies which Exclude Same-Sex Relationships

A letter which was signed by Eugene Meehan, QC, and me was sent to the Hon. Paul Dicks, the then-Minister of Justice, in November 1999. The letter urged the government to begin immediately to review legislation and policies which discriminate against those in same-sex conjugal relationships and move quickly to make any amendments to conform to the equality provision of the Charter of Rights and Freedoms. Enclosed in the letter was a copy of a resolution which was recently adopted by the Council of the Canadian Bar Association on this issue. I received a letter back from Minister Dicks confirming that a review of the legislation was in progress to address the issue of discrimination of same-sex conjugal relationships.

Swearing-in Ceremony - Elizabeth Heneghan, QC

On December 9, 1999 I spoke, on behalf of the CBA, at the swearing-in ceremony of Elizabeth Heneghan, QC, as Judge of the Federal Court, Trial Division. You can learn more about Newfoundland's newest member of that Court elsewhere in this edition of *Squid Pro Quo*.

Legal Aid Committee

The Legal Aid Committee has now been established and consists of Peter Browne, David Eaton, Ken Jerrett George Murphy and Gerlinda van Driel. The Committee held its first meeting on February 9, 2000, at which Eugene Meehan, QC, was present. Stay tuned for further developments.

Relocation - CBA Office

We have received notice from the Law Society to vacate our office within a year. This is due to the expansion of the Law Society offices. We are in the process of looking for alternate space. If you know of a space (with access to a Boardroom) within the Water Street area that is available, please contact Pat Pope at the Branch office at 579-5783.



President's Reception

L-R: Stephanie Hickman, Paul Stokes, Amy Crosbie and Tracy Bastow

BRANCH AWARD

CBA's Distinguished Service Award

The Branch has established an award to recognize the contribution of a CBA member to one of:

- Community Development
- Jurisprudence
- Law Reform or
- their Profession

If you wish to nominate an individual for this award to be given at our Annual Meeting in June, please contact Pat Pope of the Branch Office to obtain a nomination form.

President's Designate Report

Anne Fagan



The Board of Directors met on February 18, 2000, in Brandon, Manitoba. One of the main issues the Board dealt with was ranking the ongoing activities and services of the CBA for setting the budget for 2000/2001. For the upcoming budget, I expect the focus on spending to be on the following:

- Emerging Professional Issues
- Sections and Conferences
- Communications
- Information Technology
- Membership/Marketing
- Governance: *Council, President, Board of Directors, Finance and Constitution and By-Laws, Committees*
- Continuing Legal Education
- Legislation & Law Reform

There are also a number of initiatives that have been approved by Council which are not funded or partially funded. In setting the budget for 2000/2001, the Board decided priority to be given to these initiatives as follows:

- **Image of Lawyers** (99-01-A)
- **Sections** (Resolution 95-14-M to 95-20-M)
- **Legal Aid**
- **Equality** (95-05-M and 95-06-A).
Could require several years to complete.
- **Racial Equality** (99-04-A).
Could require several years to complete.
- **Tort Liability and Compensation Issues** (99-08-A).
Application to CBLFFF, completed.
- **Branch Communications Support** (98-13-A).
To enhance the PR/Communications support to Branches.
- **Governance** (98-01-M).
Council Meetings - Travel Expenses.
- **Promoting a Pro Bono Culture in the Canadian Legal Profession** (99-01-A)
- **Code of Professional Conduct Revision** (97-03-M).
One time, but there could be cyclical ongoing costs after revised.
- **Mid-Winter Meeting - Program Implementation.**
Council stipulated (97-16-A) that CBA should absorb all administration costs to stage the Mid-Winter Meeting.

The legal aid project designed to promote access and improvements in the legal aid system was approved. One of the CBA's initiatives in this area is "The Legal Aid Watch," to heighten public awareness and apply political pressure for better legal aid standards and funding across the country. The idea is to create an e-mail network of legal aid lawyers, to generate a monthly "horror story" about what the current limited legal aid situation can mean to individuals, and to use these stories as the basis for a monthly open letter to MPs, MPPs and newspapers.

Lawyers would be asked to join the LAW based on regional representation, and representation of all types of legal aid practice in different settings. The project would be grass-roots-based and low budget, and would hopefully attract lawyers who would otherwise feel unattached to the CBA.

On the image of lawyers issue, the Board approved the Communication Committee's proposal for a multi-faceted Canadian public awareness program called the "Lawyers Care Initiative". The Lawyers Care Initiative involves four thrusts:

1. Client Care - a kit to help lawyers improve lawyer-client relationship.
2. Media Relations - strengthen the communications between the CBA and the media.
3. Public Education - a section of the CBA's website for public access, containing not only legal education materials and information about the legal system, but also Find-a-Lawyer information, a Client Bill of Rights and a sample lawyer's retainer fee.
4. Public Perception - a publicity campaign to explain to Canadians the role that lawyers play in our society.

The Board approved a strategic plan to achieve the objectives of the CBA. This plan was developed during the Board's meeting in October 1999 and was referred to in my report in the fall edition of *Squid Pro Quo*.

During the Board of Directors' Meeting in Brandon, we received reports from the Branches, the Equality Committee, Young Lawyers Conference, National Sections Council and the Corporate Counsel Association. Presentations were made to the Board on developments in multi-disciplinary partnerships and the Word Trade Organization. Eugene Meehan reported on his meetings with the federal Minister of Justice, his presentations to law school students, his visits to the Branches and the speeches and media interviews he had given to date.

Reports were also received on the real estate project, pro bono initiative, paralegals, no fault insurance, information and technology initiatives.

If you would like more information on any of the items in this report, please call me at (709) 726-8924, the national office at 1-800-267-8860, or the Branch at (709) 579-5783.



An Interview with The Honourable Kelvin Parsons Minister of Justice

Sheilagh Murphy

On January 25, 2000 I had the pleasure of interviewing the Honourable Kelvin Parsons, Minister of Justice. Rather than being rushed in and out as I was anticipating, we had a pleasant visit over a cup of coffee.

Mr. Parsons graduated from Memorial University with a Bachelor of Arts (Honours) in 1976 and received his law degree from the University of New Brunswick in 1979. He became a member of the Law Society of Newfoundland in 1980 and established himself as a sole practitioner in Port aux Basques until his election to the House of Assembly in 1999. He has acted as agent for the Attorney General Newfoundland and Labrador on Criminal Code prosecutions from 1987 to 1992, for the Attorney General of Canada for fishery and unemployment prosecutions since 1983 and on drug prosecutions since 1994. He was an adjudicator with the Newfoundland and Labrador Human Rights Board from 1990 until 1999. He was elected to the House of Assembly in 1999 and became Minister of Justice in January of 2000.

When we spoke, the Minister was in the process of selecting staff for his Port aux Basques office as well as his

Ministerial office and had just completed his search for an apartment in St. John's. When I asked what his primary objectives were for the near future, Mr. Parsons stated that

his main concern was with maintaining a balance between his ministerial duties and those of an MHA for his electoral district.

Unfortunately, Mr. Parsons was unable to comment on any legislative or other legal issues he felt were a priority in his term as Minister. This interview took place not two weeks after his appointment and, expectedly, it was too soon for him to make a fair comment. He looks forward, however, to a close relationship with the private bar and asked if he might attend the CBA midwinter meeting this February.

I thoroughly enjoyed my visit with the Hon. Mr. Parsons. He was personable, pleasant and enthusiastic about his new post as Minister of Justice.

We look forward to a follow-up interview when he is more settled in his office and welcome his continued participation in CBA activities.



The Honourable Kelvin Parsons

In Personae

An Interview with The Hon. Madam Justice Heneghan

As 1999 came to a close, we discovered that “Y2K” would start with another member of the Newfoundland Bar appointed to the Bench, as **the Hon. Madam Justice Elizabeth Heneghan** has now been sworn in as a Justice of the Federal Court of Canada, Trial Division.

Justice Heneghan had practised law in the province for twenty years prior to her appointment and has appeared before every Court in this province, the Tax Court of Canada, the Federal Court (both at the Trial Division and the Court of Appeal), and the Supreme Court of Canada. Born and raised in St. John’s, Justice Heneghan graduated from Memorial University with a B.A. (Hons.), and went on to Dalhousie University, and graduated from that institution with her LL.B. in May of 1980. She was called to the Bar in December of that same year.

After being called to the Bar, Justice Heneghan practised with the St. John’s firm of Lewis, Sinnott, later known as Lewis, Sinnott & Heneghan, where she had articulated. The senior partner of her firm was a well-known member of the Bar, the late P.J. Lewis, Q.C., Justice Heneghan’s grandfather. She practised with that firm until July of 1995, when she became a sole practitioner, opening her own Law Office in St. John’s. Justice Heneghan was appointed as Queen’s Counsel for Newfoundland & Labrador on December 31, 1997.

Justice Heneghan always had what she called a “general practice,” but in an interview with *Squid Pro Quo* she recalled that she also had some extra experience in maritime law. She has also appeared before the Supreme Court of Canada on two occasions, one of which was a maritime matter on appeal from the Federal Court of Appeal. She

also noted that she spent a great deal of her practice “on circuit” around the province, and her c.v. reveals that she appeared before the Newfoundland Supreme Court and the former District Court in St. John’s, Brigus, Gander, Grand Falls and Corner Brook, and before the Provincial Court in no fewer than fifteen communities, from St. John’s to Nain.

In discussing her experience, Justice Heneghan remarked on how she had found the Newfoundland Bar’s reputation

for collegiality to be well-deserved, noting the times when she had both made and received calls to her fellow lawyers to discuss issues in their practices and to both receive and dispense advice. She encouraged members of the Bar (and especially, she noted, younger members of the Bar) to seek advice both inside their firm and especially beyond. Justice Heneghan recalled that when she opened her own Law Office in 1995, she received numerous calls offering support if needed from many of her colleagues.

While she was very much looking forward to taking her place on the Bench, Justice Heneghan admitted that she would miss her practice a great deal. The winding down of her practice was, she acknowledged, a “closing of the door” of one part of her life, and she spoke highly of her experience as a member of the Newfoundland Bar.



The Honourable Madam Justice Heneghan

Justice Heneghan discussed the role of the Federal Court, which replaced the old Exchequer Court. She noted its jurisdiction in areas that are of interest to some members of the local Bar, and in particular, maritime matters. She discussed the “regional” nature of the Federal Court, with certain registries in each region, and “registry staff” in those places without a formal, separate registry. Locally, she noted, the Supreme Court, Trial Division Registry in St. John’s can receive documents for filing at the Federal Court, and two of the Registry staff (Louise King and Bill Parsons) are also officials of the Federal Court Registry.

Justice Heneghan also remarked that under its new Rules, the Federal Court permits documents to be filed by facsimile, and indeed, one can file a document by facsimile at any one of the Federal Court's offices.

Justice Heneghan also noted that by statute, judges of the Federal Court live in Ottawa, and travel across the country to those provinces where there isn't a "daily" Federal Court presence, including Newfoundland & Labrador. In her words, "people don't have to travel to the (Federal) Court; the Court will travel to the people." Justice Heneghan also noted that the Federal Court was using new technologies to accommodate litigants and their representatives who live in areas where the Federal Court does not usually hold hearings, including video-conferencing. Justice Heneghan had received her schedule prior to her interview with *Squid Pro Quo*, and noted that she was already scheduled to preside over hearings in Toronto, St. John's and Vancouver.

Justice Heneghan first joined the Canadian Bar Association in 1981, and maintained her membership throughout her practice. She was a speaker at the CBA's national Annual General Meeting in St. John's in 1998, and was a panel participant in an advocacy seminar organised by the CBA in 1996. Justice Heneghan has also taught at the Bar Admission Course and has been an active participant in several continuing legal education panels and seminars. Justice Heneghan felt that the CBA could continue to serve a purpose in fostering communications between lawyers and judges, which can in turn help explain the legal process and make it more accessible to the members of the public at large. Justice Heneghan hoped to take part in continuing legal education events in the future as her schedule permits, and indeed, had already arranged to teach at the 2000 Bar Admission Course. While her new responsibility obviously involves a great deal of travelling across Canada, she looks forward to returning to Newfoundland & Labrador as frequently as possible.

Justice Heneghan closed her interview with *Squid Pro Quo* by once again acknowledging her gratitude for the courtesy and assistance she has received over her time as a lawyer from members of the Bar and of the Bench at all levels throughout the province. *Squid Pro Quo* would like to congratulate Justice Heneghan on her appointment to the Federal Court and thank her for taking the time to take part in her interview with us.

The Hon. Senator George F. Furey, Q.C.



Senator George F. Furey, Q.C.

On August 11, 1999, the Hon. George F. Furey, Q.C., was formally appointed to the Senate of Canada. Senator Furey has had a long practice in St. John's, most recently as a partner in the firm O'Brien Furey Smith. Senator Furey joins a select group of members of the Newfoundland Bar who have assumed public office, and is currently the only member of the Bar who is also a member of the national Parliament.

In addition to continuing as a member of the Bar, Senator Furey has joined the Senate's Standing Committee on Banking, Trade and Commerce, and the Senate's Standing Committee on Fisheries.

Squid Pro Quo congratulates Senator Furey on his appointment to the "Upper House".

Law Day 2000

Peter Shea

Law Day, which recognizes the anniversary of the inception of the Canadian Charter of Rights and Freedoms, is set for Thursday, April 13, 2000. As in past years, the theme for Law Day this year is "Access to Justice". The principal object of the Law Day Committee is to enable the legal community to reach out to the general public through activities scheduled throughout the week in which Law Day occurs. These activities have historically included events such as Phone-A-Lawyer, high school visits, mock trials, luncheons, and a Province-wide media campaign.

This year, the Committee is refocusing the traditional activities of Law Day. A Public Information Fair is scheduled to be held at the Avalon Mall on Law Day with booths being set up by various public interest groups as well as seminars on various aspects of the law. As well, a poster contest has been undertaken in the school system throughout the Province in an effort to obtain a unique poster for the various Law Day functions. Plans are well underway to hold mock trials in various locations throughout the Province, with the Committee's goal being to hold a mock trial in each Provincial Court Centre. Mock trials will also be held at the Supreme Court in St. John's. Seminars will be offered at various venues on topics of interest such as elder law. School visits will also be taking place again this year



Front (l to r): David Moores, Peter Shea, *Co-Chair*, Dayna Wicks, Judith Begley
Back (l to r): Kenneth Jerrett, Pat Pope, Stefanie Tuff, Susan Clarke, Sheilagh Murphy, Susan Doyle

Missing from photo: Gerlinde van Driel, Christine Healey, *Co-Chair*, Janie Bussey, John Brown

throughout the Province, as well as a media campaign involving the Public Legal Information Association of Newfoundland.

This year's Committee Members are Judith Begley, John Brown, Janie Bussey, Susan Clarke, Sheilagh Murphy, Stefanie Tuff, David Moores, Dayna Wicks, Kenneth Jerrett, Susan Doyle, Pat Pope and Gerlinde Van Driel. The Co-Chairs of the Committee are Christine Healy and Peter Shea. Volunteers are needed for school visits, mock trials and radio shows. If you are interested, please complete the volunteer request form enclosed in this newsletter. A reception for volunteers is planned for early May.

Call to the Bar

January 7, 2000

Two lawyers were Called to Bar on January 7 of this year. They were:

- William Harold Flowers and
- William James Wyse O'Keefe.

2000 Bar Admission Students: the CBA's future leaders!?!

Bar Admission students take a break from their course sessions at the Litledale Conference Centre to pose for a group photo.



Young Lawyers' Conference

Sheilagh Murphy



On the weekend of October 16-17, 1999, the Young Lawyers' Conference Directorate meeting took place in Ottawa, Ontario. Present were representatives from almost every provincial bar in the country, as well as representatives from the NWT and Yukon Bar associations.

Of the 36,000 members of the Canadian Bar Association nationally, 16,000 of them fall into the Young Lawyer category. That means that 44% of the members of the CBA are either younger than 40 years or have been practising for less than ten years.

Currently, anyone who meets the criteria for young lawyer ("Junior Bar" in Quebec) is automatically a member of the CBA Young Lawyers' Conference. Recent projects of the YLC include several publications and the articling kit, which will be distributed to all articling student members of the CBA. Publications of the YLC have been heavily subsidized by the Canadian Bar Insurance Association (CBIA), and include the "Articling Handbook," the "Partnership Handbook," and "Flying Solo," a handbook on how to start and maintain a solo practise. The Articling kit will contain information and survival tips for articling clerks, as well as a few prizes from CBA sponsors.

The YLC mandate for this year is similar to that of the CBA nationally. In particular, the legal aid task force is a top pri-

ority. As well, the future and image of the legal profession is a hotpoint and a major priority. The Young Lawyers' Conference sees itself as supporting the CBA in its entirety, by supporting current CBA projects, and ensuring the interests of Young Lawyers are maintained within the CBA structure.

This year, the Newfoundland branch of the YLC plans to follow the lead of our other provincial counterparts and organize up to four "brown bag lunches" for young lawyers. Topics at these lunches will be presented by members of the judiciary and senior members of the bar. We also plan a number of socials, one of which included a reception which took place on March 1, 2000 following the Bar Admission Course.

If you are a young lawyer and have a question or topic you would like to have addressed at a luncheon or breakfast meeting in the next year, please forward your suggestion to the CBA office so that we may contact you.

Likewise, if you are a senior member of the bar or a member of the judiciary and you have a topic you would like to address with the young lawyers of this province, please contact the CBA office. We would love to hear from you.



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Mid-Winter Meeting

1. FAMILY BREAKFAST - In the background, Peter House with ScotiaBank reps: Roy Fisher, Kent Pilgrim and John Wood.
2. BREAKFAST KICK OFF - Gerlinde van Driel addressing the gathering.
3. ANNE FAGAN: Accepting her "Deputy Minister of Fisheries" Award.
4. National President, Eugene Meehan, QC, addressing the Meeting.
5. Jamie Martin presenting Gordon MacNab with a Donna Clouston print *Down on the Point Salvage*.
6. Jean Dawe with some young skiers at Marble Mountain.
7. LOTS OF FUN WAS HAD BY ALL - **Front L-R:** Doug Howell, Bernice Howell, Gerlinde van Driel, Eugene Meehan, Sheila Osborne-Brown, Janis Byrne, Anne Fagan **Back L-R:** Lois Hoegg, Peter House, Jamie Martin, Peter Browne.
8. AND THE WINNER IS ... Jamie Martin presents Peter Shea with a copy of the *Newfoundland Law Reports 1947-1949*.
9. GETTING DOWN TO BUSINESS - Sheila Osbourne-Brown, Jamie Martin, Gerlinde van Driel, Peter Browne and Anne Fagan.

Editor's Note: Due to technical difficulties, the many photos taken at Marble Mountain were not able to be printed.



Mid-Winter Meeting





Corner Brook, NF



Bankruptcy and Insolvency Section

Greg Dickie

I am sure that it is a relief to many that under today's booming economic conditions commercial insolvencies in Newfoundland are few and far between. Unfortunately, the same cannot be said of personal bankruptcies, which are increasing in Newfoundland, as well as the rest of Canada.

The National Bankruptcy and Insolvency Section of the CBA held a meeting on November 20, 1999 in Montreal under the chairmanship of Gerald Apostolatos. Representatives attended from across Canada to discuss current bankruptcy and insolvency issues. The following issues were discussed:

1. The Section agreed that a bankruptcy and insolvency newsletter is important and useful. Submissions for the newsletter have been made and the newsletter will be distributed soon.
2. Provincial Sections were invited to submit agenda items for discussion with the Department of Justice in the annual October, 2000 meeting respecting insolvency issues.
3. Mr. Jim Buchanan, a Project Director with Industry Canada spoke on insolvency reform. The next amendments to the Bankruptcy and Insolvency Act are targeted for April, 2002 to coincide with the five year review period under the Bankruptcy and Insolvency Act.
4. With respect to reform, considerable discussion ensued on the subject of unpaid suppliers' rights under Section 81.1 and 81.2 of the Bankruptcy and Insolvency Act and the relative uselessness of these Sections. Other reform items discussed were:
 - (a) Strengthening or clarifying wrongful trading provisions and sanctions against directors of insolvent corporations.
 - (b) A wage-earner protection fund for payment of unpaid wages to employees of bankrupt companies.
 - (c) The ability of a company to make a proposal to disclaim leases, to repudiate pre-bankruptcy contracts, and to deal adequately with intellectual property.
 - (d) The problems and potential abuse encountered in the conversion from a bankruptcy and insolvency proposal to reorganization under the CCAA.

- (e) The inadequacy of the fraudulent preferences and settlements section, which most agree needs to be updated.
5. An historical overview of the treatment of student loans upon bankruptcy was initiated by Robert Klotz. The general consensus was that the non-dischargeability of student loans does, in many cases, constitute a financial hardship on students and that there should be some provision for the discharge of student loans in clear circumstances of financial destitute.

The meeting was useful and I look forward to reinvigorating the bankruptcy and insolvency section this year.

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Family Law Section

Sandra M. Burke
Jean V. Dawe

The Section has been meeting regularly each month since September 1999, and meetings have been well attended. The Section's main interest this year is to review the current procedures of the Unified Family Court (whose Rules have not been revised since 1986) and to formulate some practical proposals. A sub-committee was established for this purpose and the proposals are now finalized.

In December the Section held a lunchtime seminar concerning bankruptcy and family matters. Jim Kirby of Price Waterhouse Coopers was our guest speaker. It is important to note that much of the text by Klotz, *Bankruptcy and Family Law* is now outdated with the implementation of the recent Bankruptcy legislation. Practice note: Arrears of child support are provable in bankruptcy. When a payor spouse files for personal bankruptcy, the payee spouse may file as a preferred creditor for child support that is one year in arrears. For arrears greater than one year, the payee spouse may file as a regular creditor. Monthly child support obligations are not provable in bankruptcy and remain a continuing obligation of the bankrupt. Please contact the Trustee in bankruptcy for specific information in your particular circumstances.

The semi-annual meeting of the National Family Law Section of the CBA was attended by the chairs of each provincial section, and was held in Vancouver, BC, November 5-7, 1999. The meeting focused on proposed and submitted amendments to the Child Support

Guidelines. The website for the Guidelines is <http://www.canada.gc.ca>. The most contentious issues arising under the Guidelines were also discussed, including the manner in which the "40% rule" is determined. It was clear that these issues are treated very differently across the country, and that there is a need to standardize the manner of dealing with them.

The Conference also discussed the Federal Government's progress towards guidelines for spousal support and custody and access. The Federal Government will be relying heavily upon the views of the CBA Section to determine whether such guidelines are possible, and how they should be implemented.

Case Note: *Andrews v. Andrews* (unreported September 29, 1999, Ont CA) refers to the equalization of net disposable incomes in the determination of spousal and child support.

The bi-annual National Family Law Conference is being held in St. John's this year, July 10-13. The local section has not been involved in the planning but it is a great opportunity for local family law practitioners to attend and be exposed to developments across Canada. From past experience in attending these conferences, it is always reassuring to hear that family law practitioners have the same challenges everywhere in Canada!

A Tribute Dennis Browne

We were all saddened and shocked by Dennis' death on November 20, 1999. His death was part of a double tragedy as his wife Bonnie had predeceased him nine days earlier. They left surviving them their only child Mitchell age 13.

He was called to the Bar in 1984, after having graduated from the University of New Brunswick Law School. He articulated to Graham Wells and practiced with him until 1984 when they joined the firm Kendell, Crosbie. He practiced there until 1990 when he joined Patterson Palmer Hunt Murphy. Dennis was a valued member of the Newfoundland Bar, my firm, Patterson Palmer Hunt Murphy and of the Canadian Bar Association.

Dennis had many accomplishments throughout his short life. He was Secretary of the Royal Newfoundland Yacht Club and co-producer of various short films, one of which was aired on the Vision Broadcast Network. One of his greatest and most admirable accomplishments was that despite his ongoing illness and the subsequent serious illness of his wife, he remained an upbeat and positive person. He remained committed to his work and legal career and was devoted to his son Mitchell. Last year, despite the trials and tribulations in his life, Dennis took on the added task of Co-Chairing the Real Estate Section of the Canadian Bar Association.

We will all miss him.

Gerlinde van Driel

The National Canadian Bar Association and most provinces in Canada have a section for "Law Practice Management and Technology." Newfoundland has not had its similar section until the Executive Committee confirmed the establishment of one on December 6, 1999. I am pleased to have the privilege as acting as Chair of this new section. I believe that this section will be of great interest to most practitioners in Newfoundland simply by virtue of the changes in technology which are available to make a law office run more efficiently. A brief list of topics which I believe will be of interest to most practitioners is:

1. Identification of what hardware (the computers and monitors) is now available, and what level of hardware speed and capacity is most suitable for a law office.
2. Networking computers within a law office.
3. Internet connections, including e-mail capability.

4. The establishment of a web site to promote a law firm.
5. Time management software (including limitation period tracking).
6. Litigation support software.
7. On-line research sources and reviews.

It is essential for any modern law office to have a good working knowledge of what technology is available to it to meet the increasing demands of clients to have things done faster and cheaper. This new section offers an exciting opportunity to participate in a challenging area of law practice management. Please let me know of your interest in either participating in or being kept informed of the activities of this section. Please advise me by e-mail at gdickie@wob.nf.ca.

In Memoriam

Leslie R. Thoms

1938 - 1999

Leslie Russell (Les) Thoms, High Sheriff of Newfoundland, died in St. John's of a heart attack on December 5, 1999, aged 61. Les Thoms lived a full life. He was born the youngest of seven brothers in Garnish, Fortune Bay, on March 7, 1938 and spent his formative years on the Burin Peninsula. He attended Memorial University of Newfoundland, graduating in 1962 with Bachelor of Arts and Bachelor of Education degrees, and then Dalhousie University, where he completed an LL.B in 1965. From 1965-1968, he practised law with the firm Cook, Bartlett, Marshall, Chalker & Thoms and from 1968-1979 with Thoms, Fowler, Rowe and Barry.

In 1979, he was elected Liberal member for the District of Grand Bank. During his one term as a Member of the House of Assembly, he served as opposition spokesperson on justice, a member of the Select Committee on Resource Development and as a member of the Select Committee of the House for adoption of a new Provincial Flag. He lost his seat in the election of 1982.

Les Thoms joined the provincial Department of Justice in 1983 and specialized in the areas of Constitutional and Charter Law. In April, 1988, he was appointed High Sheriff of Newfoundland by then Justice Minister, Lynn Verge. During his eleven year stewardship of the Office of the High Sheriff, he oversaw many positive changes including procedural reform in process of empanelling juries; expansion of the court security program and most recently, comprehensive overhaul of the judgment enforcement process. These reforms constitute an ongoing legacy.

He will be deeply missed by all the staff at the Sheriff's Office, co-workers in the Department of Justice, as well as friends and colleagues at the Bench and Bar.

He leaves his wife, Andrée and his children, Michele, Marc, Stefan and Eric.

Christopher Curran

Report from the Joint Committee on Continuing Legal Education (CLE)

Janis Byrne



Since my Fall 1999 report, three CLE seminars have been held. Attendance at CLE seminars continues to grow, and the Committee would like to thank all of you who continue to support our initiatives.

The last CLE of 1999 was held on December 13, 1999, aptly billed as "New Legislation for the New Millennium". The objective of this seminar was to highlight recently enacted and proposed legislation, as well as to provide an overview of recent legislative amendments in various areas of practice. The presenters were Christopher Curran, Office of the High Sheriff, Peter Fitzgerald and Dianne Smith, Solicitors with the Department of Justice, Donna Strong, Legal Counsel, Workplace Health, Safety and Compensation Commission, Robert LeGrow, Residential Tenancies Division, John Moore, Department of Municipal and Provincial Affairs, and Pauline Butler and Sandy Hounsell of the Sheriff's Office. The Committee extends its gratitude to these presenters for their practical and insightful presentations.

The CLE Committee was very fortunate to welcome renowned Toronto criminal lawyer, Alan Gold, Q.C., to the Province on January 21, 2000. Mr. Gold's presentation, entitled "Experts and Expert Evidence" and "Effective Use of Legal Technology", addressed issues such as the utility

and unreliability of expert evidence and "junk science" in Canadian law. Mr. Gold also took the participants through an Internet demonstration, visiting some of his preferred legal research websites.

A CLE seminar was offered during the Mid-Winter meeting of the CBA, Newfoundland Branch, at the Holiday Inn, Corner Brook, Newfoundland, February 10-11, 2000. This seminar, entitled "Enhancing Your Appeal: Practice Before Appellate Courts", focused on the newly enacted Rule 57, of the Rules of the Supreme Court, 1986 and featured presentations on appellate advocacy, including insights on obtaining leave to appeal in the Supreme Court of Canada. The Honourable Mr. Justice J. Derek Green of the Supreme Court of Newfoundland, Court of Appeal, provided a comprehensive written summary of the amendments to Rule 57, and in his presentation, gave an overview of the amendments, highlighting those of particular importance to practitioners.

The National President of the Canadian Bar Association, Eugene Meehan Q.C., of Lang Michener, Ottawa provided tips on obtaining leave to appeal in the Supreme Court of Canada, paying particular attention to written advocacy. Nick Avis, of Avis & King in Corner Brook, shared his strategies in preparing for an appeal, providing tips for both oral and written advocacy presentations. An abridged version of this seminar was presented in St. John's on February 9th which featured the presentations of Mr. Justice Green and Eugene Meehan, Q.C.

By the time this issue of *Squid Pro Quo* goes to print, an Advocacy Skills Seminar will have taken place. This seminar will be conducted by four lawyers from the Ontario Centre for Advocacy Training, and is slated for February 25, 2000 at the Masonic Hall. This seminar, also "sold out", features a "learn by doing" method of instruction. A synopsis of this session will follow in the next edition of *Squid Pro Quo*. The Committee is currently finalizing the details of upcoming CLE seminars for the late Winter/early Spring.



CLE Seminar, January 21, 2000 - Experts and Expert Evidence

Presenter Alan Gold, Q.C., (second from left) with David Eaton, the Hon. Judge David Orr and Robert Sinclair, Q.C.

The CLE Committee wishes to thank all the presenters for the 1999 / 2000 season; without your generosity and efforts, CLE would not exist. Thank you to all those who attended CLE seminars and provided invaluable feedback and suggestions.

The Committee welcomes your input and invites you to contact the Committee members at any time of the year with your thoughts and ideas for future programs. The other members of the CLE Committee for 1999/2000 are Maureen Ryan, Law Society Co-Chair, Gerlinde van Driel, Brock Myles and Patricia Pope, representing the CBA, Jeffrey Keefe, Bill English and Peter Ringrose on behalf of the Law Society of Newfoundland, and Frank O'Brien, Director of Legal Education, Law Society of Newfoundland.



Mid-Winter Meeting CLE Seminar

Presenters: The Hon. J. Derek Green, Nicholas Avis, Eugene Meehan, Q.C.



Participants in the recent **CLE Seminar on "Mediation Skills Training and Interest Based Negotiation for Lawyers"** which was held on November 8 & 9, 1999, at Littledale Conference Centre, pause for a group photo.

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Case Law Updates

Geoff Aylward



Wheaton v Palmer

1998 St. J. 3184, 19991220, 96 p

Orsborn, J.

Brown, QC; T. Rowe

Evidence, Correspondence to obtain information in aid of settlement Limitations, Extension by confirmation of action

Wheaton was injured in a motor vehicle accident on May 15, 1996 but a Statement of Claim did not issue until August 10, 1998. She argued that the cause of action had been confirmed so as to extend the limitation period by reason of correspondence from the adjuster for the insurer. The Court found the action was statute barred.

Held: A limitation period creates a substantive right in a defendant to be free from claims made stale by the passage of a prescribed time. Clarity and certainty are predominant factors when interpreting a provision which restarts the limitation clock. Given the serious consequences to the defendant of finding that the he/she has confirmed a cause of action, the analysis should be careful and thorough, and should not be quick to brand as an acknowledgement that which may be doubtfully so. The question of acknowledgement is a defendant-based analysis within the parameters of the *Act*. Quite apart from this doctrine, either promissory estoppel or waiver may assist a plaintiff prejudiced by the expiration of a limitation period because of the actions of a defendant.

A cause of action in negligence consists of a negligent act by the defendant which causes the plaintiff to suffer injury. An acknowledgement of a cause of action in respect of personal injury must include an acknowledgement of all of the elements of the cause of action. Specifically, the defendant must acknowledge liability for the accident, that the plaintiff has suffered some compensable personal injury as a result and that the defendant is liable to the plaintiff for the compensable personal injury. Differences over quantum do not affect whether a cause of action has been acknowledged. A cause of action for personal injury is distinct from a cause of action for property damage.

Payments for a medical report or other investigations of the claim are not payments constituting a confirmation "in respect of the cause of action" under s. 16(1)(b), Limitations Act. A confirmation must be given to the person or agent of the person having the benefit of the cause of action. (The

phrase "through whom he claims" refers to predecessors in entitlement or to a person—such as a guardian ad litem—authorized to conduct a proceeding on behalf of a plaintiff.)

It was not necessary for the purpose of this case to decide whether a payment which would otherwise engage s. 16(1)(b) would be inadmissible to prove a confirmation by reason of s. 26, *Automobile Insurance Act*.

The payment by the insurer to a doctor for a medical report was not a payment made in respect of the cause of action.

If litigation is in process or within contemplation—or if a communication is made with the express or implied intention that it will not be disclosed to the court if the matter is not resolved prior to trial—then the privilege will attach if the information or request conveyed relates to a potential settlement. Generally, the phrase "without prejudice" will evidence such intention. But the intention may also be implied.

These policy considerations may not apply to acknowledgements. An acknowledgement or payment is an unequivocal confirmation of the plaintiff's entitlement to a remedy; there is nothing settlement-oriented about an acknowledgement or payment that is a confirmation. An acknowledgement of a cause of action is not necessary for the purpose of negotiating a settlement.

Five letters marked "without prejudice" were sent by the adjuster seeking details of the claim. Similar letters followed which were not so marked. The entire correspondence was not admissible.

Had the correspondence been admissible it would not have sufficed as an acknowledgement of the cause of action. The letters were only repeated requests for information. An acknowledgement is a unilateral act by the defendant declaring the legal entitlement of the plaintiff. Accordingly, the understanding and response of the recipient is irrelevant to the determination of whether or not a document constitutes an acknowledgement. The wording of an acknowledgement should demonstrate to the objective reader, aware of the circumstances known to both parties, a clear intention to deliberately validate or confirm the cause of action.

Report on Resolutions 2000 Mid-Winter Meeting - Brandon, Manitoba

CARRIED	TABLED TO HALIFAX
00-01-M Racial Equality in the Legal Profession <i>Amended</i>	00-04-M National Charities & Non-Profit Law Section
00-02-M Nominating Committee	00-07-M Federal Court Facilities
00-03-M CCCA on Annual Conference Organizing Committees	00-08-M Conflict of Interest
00-05-M Time Limits on Debate of Resolutions	
00-06-M Federal Legal Aid Legislation <i>Amended</i>	
00-09-M Consumer Price Index	
00-10-M Membership Committee Mandate	
00-11-M Public Sector Lawyers Extension of Reduced Fees Pilot Project	
00-12-M Location of 2004 Annual Meeting	
00-13-M International Development Committee	

The Annual Meeting is scheduled to take place in Halifax, Nova Scotia from August 19-23, 2000.
The next Mid-Winter Meeting is scheduled to take place in Mont Ste-Anne, Quebec on February 16-18, 2001



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Today, the global environment is wide open, brimming with exciting investment opportunities previously inaccessible to North Americans. The abundance of emerging global markets is a great incentive for expanding your investment horizons. An important point to keep in mind when considering whether to invest globally is that as much as you diversify your portfolio within the Canadian market, Canada represents only 3% of the global market capitalization. To completely ignore the opportunities of foreign investment, means limiting yourself to a minimal share of the market in its entirety.

Although many investors consider the idea of global investing with some trepidation, this is often because they anticipate a greater degree of risk. This is not necessarily the case. As with any investment decision, risk can be managed through proven strategies, such as diversification or asset allocation. Global investing, when undertaken with a certain degree of caution and knowledge, can be very beneficial to your overall portfolio performance. Diversifying internationally may actually help you reduce risk, because your portfolio is not concentrated in one country.

Why Invest Globally?

Apart from reducing the effect of the vagaries of markets in a single economy by diversifying your portfolio, investing globally offers the investor a number of further advantages.

For instance, the investor can potentially increase overall returns by taking advantage of high growth economies. Developed markets on average are estimated to grow 2.71% from now to the year 2003, dull in comparison to the 5.8% estimated growth of emerging markets. (Source: *Flemming, Investment*)

As well, the investor can achieve greater diversification by having access to such a wide scope of markets. This gives the investor the opportunity to select companies in different positions within the growth cycle, ranging from emerging markets to well-established ones. For example, the automotive industry is well-established in North America, but is still relatively new in some markets. Global investing just gives you more choices; you can choose whether to invest in a mature company, like Ford, or in a younger company like Hyundai.

Access to international markets also gives you the opportunity to invest in industries that are not available domesti-

cally, such as the successful biotechnology industry. The number of blue chip companies outside North America has grown dramatically in the last 20 years.

Another advantage is that the global investor avoids relying solely on the domestic economy. World economies do not all work in "sync". When a particular economy is in recession, it is inevitable that some other economies around the world will be simultaneously expanding, providing investing opportunities the prudent investor would not want to forgo. A strong performance in one country may help cushion your portfolio from a mediocre performance in another.

The potential to reduce short-term fluctuations is another attractive reason to consider investing globally. If your portfolio is made up of securities from different nations that are not influenced by the same variable, the chances of simultaneous portfolio declines are visibly reduced.

Due to complexities and sheer number of foreign markets, a degree of caution should be exercised when investing globally. In order to build a well-proportioned, strong global portfolio, it is advantageous to be familiar with foreign markets. The guidance of a Financial Consultant can be valuable when you are considering investing globally.

The simplest, most cost-effective way for a less seasoned foreign investor to participate in world markets is to invest in mutual funds. The most apparent advantage is that mutual funds offer you the benefit of expert management and advice from professional analysts with unique experience in a particular market. With over 300 foreign funds available to Canadian investors including Bond Funds, Equity Funds and Emerging Market Funds, investors lacking the time or expertise to properly manage a diversified global portfolio are still able to participate in both established and emerging global markets.

Globalization continues at an astonishing speed providing those who want them with opportunities for unparalleled growth and prosperity, as well as with access to some of the world's most profitable industries. Experience indicated that investing internationally presents tremendous opportunities for portfolio diversification, risk reduction and potentially superior returns. With the help of a Financial Consultant, you can take part in the wealth of opportunities that are available across the globe.

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People and Places

Sheilagh Murphy



Noel Clarke*, formerly of *Poole, Althouse, Clarke, Thompson & Thomas*, has taken a position with Canadian Helicopters in St. John's.

Edward Conway, formerly of Newfoundland Legal Aid Commission has taken a position with the Honourable George Baker's staff in Ottawa.

Katherine Crosbie, formerly of the Workplace Health, Safety, and Compensation Commission, has taken a position as Legal Counsel with Legislative Council.

Mike Drover, formerly of *Bruce & Company*, has opened his own practice.

The Honourable George Furey, Q.C.*, of *O'Brien and Associates*, was appointed to the Senate of Canada in August 1999.

Mark Kennedy, formerly of *Browne, Fitzgerald, Kennedy*, has taken a position as Corporate Counsel with Full Tilt Design.

McInnes Cooper & Robertson and *Chalker, Green & Rowe* have merged and formed the law firm entitled **McInnes Cooper**.

Dwanda Newman*, formerly of *Patterson, Palmer, Hunt, Murphy*, has taken a position with the Workplace Health, Safety, and Compensation Commission.

O'Brien Furey Smith is now known as **O'Brien and Associates**. Members of the firm include The Honourable George Furey, QC, Gerald O'Brien, QC, Jamie Martin, Felix Collins and Lauren Chafe.

Sheila Osborne-Brown*, formerly of *Barry, Walsh & Associates*, has joined *Benson Myles*.

Ronald Parsons*, **John Ennis** and **Annette Scott**, formerly of *Parsons, Rose* have formed a law firm entitled **Parsons, Ennis, Scott**.

Linda Rose, Q.C.*, formerly of *Parsons Rose* and **Jacqueline Brazil***, formerly of *Heywood Kennedy Belbin*, have formed a law firm entitled **Rose & Brazil**.

Jamie Smith*, formerly of *O'Brien Furey Smith*, and **Bernard Coffey**, formerly with Special Prosecution's Office Department of Justice, have established a law firm entitled **Smith, Coffey**.

Ellen Turpin*, formerly of *Chalker Green & Rowe*, has opened her own practice.

Jason Walsh*, formerly of *Benson Myles*, has taken a position with Canadian Foreign Service Institute in Hull, Quebec.

Ray Whalen, Q.C., formerly of *White, Ottenheimer & Baker* has taken a position with Guigne Inc.

Rod Zdebiak*, is now a partner with *Stewart McKelvey Stirling Scales*.

* indicates CBA member

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Paul Burgess	Sheila Osborne-Brown
Janis Byrne	Robert Pittman
Anne Fagan	Robert Stack
William Goodridge	Norman Whalen, QC
Lois Hoegg	Robert Whalen

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