

BENCHERS' DIGEST



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Highlights of the Annual Meeting of the Law Society of Saskatchewan Held June 7, 8 and 9, 2001

The 62nd Annual Meeting of the Law Society of Saskatchewan was held June 7, 8 and 9 in Regina. It was the last one to be held with the social and business events over two days. Falling attendance and lack of invitations from local Bar Associations has led the Benchers to agree to a business only format.

The registration event was held at the MacKenzie Art Gallery where the delegates enjoyed hors d'oeuvres, entertainment and great company in the distinctive setting of the Art Gallery.

The Friday business session featured an address by Chris Axworthy, Q.C., Minister of Justice and Attorney General for Saskatchewan. He spoke about the recent legislation allowing incorporation, LLP's and class actions and outlined the changes to *The Family Property Act* which would give common law and same sex couples similar rights as married couples. His remarks were most appreciated.

Attendees on Friday also heard from Abe Feinstein, Q.C. of Ottawa, President of the Federation of Law

Societies of Canada, and enjoyed a presentation of the Virtual Law Library, www.canlii.org, by Sue Baer, Director of Libraries.

After an afternoon of golf and the science centre, a dinner was held at the Centre of the Arts where senior life memberships were presented to Allan Blakeney, Q.C. and William F. Ready, Q.C. commemorating 50 years membership in the Law Society of Saskatchewan. Mr. Ready was introduced by his son and former partner, Kenneth Ready, Q.C. Dean Beth Bilson introduced Mr. Blakeney, the holder of the Law Foundation Chair at the College of Law.

On Saturday, resolutions regarding amendments to the Court of Appeal tariff and Criminal Law Rules and an increase to the jurisdiction of the Small Claims Court were passed. A resolution proposing an end to the Simplified Procedure Rules in the Court of Queen's Bench was tabled.

The majority of the discussion at the Benchers' Bear Pit Session centered around the defalcation and subsequent disbarment of Daniel

Lamontagne. As is noted in this edition, the members were advised that work is ongoing to review, and possibly revise, trust account requirements and the spot audit program. As well, the members were advised that the Benchers approved the transfer of \$400,000 from the Self-Insurance Fund to the Special Fund.

The CBA Annual Meeting followed. At their Community Service Award luncheon, Paul Bourassa, counsel for The Hill Companies, was recognized for his extensive work with the community. Among other matters, Paul was President of the United Way of Regina for 2 years, and is a member of the Board of the Hospitals Foundation of Regina.

Thanks are extended to the organizing committee consisting of Jackie Brown and Kirsten Logan, and to our sponsors, Greystone Managed Investments Inc., PricewaterhouseCoopers, Saskatchewan Court Reporters Association and TMC Technology Management Corporation.

www.lawsociety.sk.ca

Highlights Of The Meeting Of The Benchers Held June 5, 6 and 7, 2001

Six Month Mobility Rule

As you would have read in the October, 2000 edition of the Benchers' Digest, The Law Society of Saskatchewan has had discussions with the Law Societies in the other Western Provinces to increase lawyers' interjurisdictional mobility, at least in the West. As you will also note, as part of those discussions, The Law Society of Saskatchewan passed the 10-20-12 Rule, which allowed lawyers from other provinces to practice in Saskatchewan for up to 10 matters, taking less than 20 days, in any 12 month period.

The Benchers have now passed amendments to Rules 200 – 208, which implement the 6-12 Rule. This allows members from British Columbia, Alberta and Manitoba to practice for up to 6 months in Saskatchewan on a reciprocal basis. All that is required for lawyers with no discipline or criminal history is a notification to our office of their intention to practice here. See Allan Snell's article elsewhere in this edition.

Federation of Law Societies

The President of the Federation of Law Societies of Canada, Mr. Abe Feinstein, Q.C. of Ottawa, attended Convocation and the Law Society Annual Meeting. The Federation of Law Societies of Canada is the umbrella organization of all Law Societies in Canada, with the exception of Nunavut. The Federation is the organization which presents the highly successful criminal law and family law seminars, and most recently is the driving force behind CanLII, the National Virtual Law Library.

The Federation is at somewhat of a crossroads and Mr. Feinstein and the Board of Directors would like to see the Federation move forward. Unfortunately, because the Board of Directors does not have the authority to act without the support of the Federation delegates, and because the

Law Society of Upper Canada and the Barreau du Quebec often feel they can proceed on their own initiatives without Federation involvement, the Federation often cannot proceed on many worthwhile initiatives. As a result, the Law Societies of Western Canada have proceeded with joint initiatives on their own.

At the Federation Annual Meeting to be held in Saskatoon in August, the delegates will debate the issue of increased authority for the Federation Board of Directors, increased funding to the Federation, and increased involvement by the Federation's national and international issues.

LAND Project

Just prior to Convocation, the Minister of Justice, Chris Axworthy, Q.C., and representatives from the Department of Justice met with representatives from the Law Society and the Canadian Bar Association. Over the years, Mr. Axworthy and his predecessor, John Nilson, Q.C., have been extremely supportive of the position that lawyers should be the only "authorized users" (along with select government employees) of the electronic land titles system. Prior to the meeting, the Law Society had received a letter which suggested that lawyers should not be the sole authorized users. Mr. Popescul and Mr. Grubb expressed their concerns and received a positive response from Mr. Axworthy. It was also pointed out that the Law Society has offered to assist in the training and certification process of lawyers using the electronic system, but has received no response. It was suggested to the Government officials that if the Law Society does not receive the support necessary and lawyers do not become sole authorized users, it will be difficult for the Law Society to justify the cost and time commitments necessary to support full utilization of the system by lawyers.

Self-Insurance Fund

SLIA has been the errors and omissions insurer of Saskatchewan lawyers since September of 1988. Prior to that, the insurance was provided by American Home Assurance Company, with the Law Society responsible for the first \$100,000 of every claim. The last American Home insurance claim was finalized this spring. This left almost \$600,000 remaining in the Self-Insurance Fund (being the fund used to pay the first \$100,000 of all claims).

In light of the Daniel Lamontagne defalcations, the Benchers considered whether the remainder of the Self-Insurance Fund should be paid into the Special Fund, which covers lawyer's defalcations. At the end of 2000, the Special Fund stood at 2.56 million dollars. Actuaries had suggested that the Fund be maintained at a level between 1.5 and 2.5 million dollars. Payment of the Lamontagne defalcation and trustee's fees would bring the Fund balance to 1.7 million dollars, which is at the low end of the recommended level.

The Benchers agreed to transfer \$400,000 of the Self-Insurance Fund to the Special Fund. This will bring the Special Fund to a more comfortable level. The Benchers will consider what to do with the remaining \$200,000 of the Self-Insurance Fund at a later date.

Review of Trust Account Procedures

As a result of the Lamontagne defalcation, it became apparent that the current trust account review and reporting requirements are not necessarily adequate. A review of the spot audit program is already underway by John Allen, C.A., the new Auditor/Inspector. As well, we are taking part in a review of the trust account rules to deal with uniformity in Western Canada. The Law Society staff will be preparing a report for the Benchers in the fall.

Watch for further reports.

Title Insurance

Many members will have already received a letter from First Canadian Title suggesting that the Western Law Societies Conveyancing Protocol is not an effective alternative to title insurance. The Conveyancing Protocol was developed by the Law Societies in order to ensure the integrity of our land titles systems, the

involvement of lawyers in real estate transactions, and the public right to certainty and independent legal advice. Many of you will also be aware of the Bank of Montreal Home Closing Services Program launched in partnership with First Canadian Title, which significantly reduces the role of lawyers in real estate transactions.

In assessing the marketing activities of First Canadian Title or any other title insurance company, members are encouraged to critically examine the options and make their determination on what is best for the client in individual cases.

More information can be obtained from the Law Society offices.

In Memory of

ALLAN MATHIASON passed away suddenly in Saskatoon on May 29, 2001 at the age of 57 years. Mr. Mathison was born in Birch Hills, Saskatchewan and received his education at Crystal Springs School and the University of Saskatchewan, graduating from the College of Law in 1969. Mr. Mathison articulated and practiced law with Justice J.S. Gagne until Mr. Justice Gagne's appointment to the Bench. He was in partnership with Ben Valkenburg ever since. Mr. Mathison was found to have a sympathetic ear and a generous heart.

Mr. Mathison is survived by his wife, Sharon, and his children, Andrew and Jennifer.



HUGH MILTON KETCHESON, Q.C. passed away peacefully after a long and courageous struggle on June 22, 2001 at the age of 73. Mr. Ketcheson spent his youth in Saskatoon, where he graduated from the University of Saskatchewan's College of Law in 1950. Mr. Ketcheson moved to Regina where he worked for the Provincial Department of Justice in 1952, and served the Province as Deputy Attorney General before being named a Judge of the Provincial Court, Small Claims Division, in 1983. Mr. Ketcheson retired to Victoria, British Columbia in 1995.

Mr. Ketcheson is survived by his wife, Marion, daughters Maureen and Meaghan, his grandchildren, and Marion's children Bill, Doug, Karen and their families.



JAMES JOHNSTON KERR, Q.C. passed away on June 30, 2001. Mr. Kerr was born and brought up on the prairies of Asquith, where he developed his life-long attachment to the land. Mr. Kerr graduated in Arts and Law in 1938 under Dean Cronkite and completed his articles at the Regina law firm of MacPherson, Milliken, Leslie & Tyerman. Early in his career, he served overseas with the Canadian Army, and upon discharge in 1946, he set up a private law practice in the Town of Grenfell. Mr. Kerr was active on the Council of the Canadian Bar Association, serving on the Judiciary Committee of that body, and was appointed Queen's Counsel in 1968. In 1989 he was presented with a Senior Life Membership in the Law Society of Saskatchewan and was still active at his Grenfell office in association with the Regina firm, Rendek McCrank.

Mr. Cruickshank is survived by his loving wife, Jeanie.

Money Laundering

Bill C-22 dealing with money laundering and intending to replace current proceeds of crime legislation, received Royal assent in June, 2001. It will be fully enacted, along with its Regulations, in September, 2001.

The Law Society, all other Law Societies in Canada including the Federation of Law Societies, the Canadian Bar Association and other provincial and national groups, such as the Saskatchewan Trial Lawyers Association, have all expressed grave concerns at the unreasonable infringement upon solicitor and client confidentiality and privilege inherent in the legislation and its regulations. Further representations will be made to the Federal Government.

Nonetheless, members must be familiar with the requirements prior to the September effective date. The following is not intended as a step-by-step guide, but rather as notice to the membership so that individuals can begin to take steps to prepare for implementation.

Section 31 of the Regulations applies to lawyers and provide that other than monies received in respect of professional fees, disbursements, expenses or bail, all transactions involving cash of \$10,000 or more must be reported to FINTRAC. The Act specifically excludes from the reporting requirements any solicitor/client privileged information.

However, oftentimes what is or is not privileged information is difficult to define with confidence. There is a real danger that given the penalties for non-reporting, that lawyers may feel obliged to err on the side of caution concerning their own liability. This is doubly dangerous because the Act provides that the client must not be advised

that any reporting has been made.

In addition to large cash transactions, the Act provides for a reporting to FINTRAC of "suspicious transactions". FINTRAC has published Guideline 2 (www.fintrack.gc.ca/en/static/guidelines/2suspicioustransactionreporting.htm) which includes such things as "client appears to have accounts with several financial institutions in one area", "client provides doubtful or vague information" and "client inordinately delays presenting corporate documents".

In addition to the general indicators, FINTRAC has also published specific indicators for lawyers, such as "client requests anonymity", "client refuses to discuss the business purpose of the transaction" or "client is reluctant to discuss his or her financial affairs".

Members should also be aware of the Regulations, Sections 7 and 9, which deal with third party determination. These sections may well require banks or financial institutions to obtain information respecting individual clients for whom the lawyer holds money in trust from the lawyer.

Lawyers involved in large cash transactions must ascertain identity of the client by reference to a birth certificate, driver's license, provincial health insurance card, passport or similar document other than a social insurance card. Furthermore, again pursuant to Section 7, lawyers would be required to take reasonable measures to ensure that the client is not acting on behalf of a third party.

Section 71 of the Regulations designate what is required for a "compliance regime". This includes the appointment of a compliance officer, development of policies and

procedures, a review as if often necessary of the policies and procedures to test their effectiveness, and an ongoing employee compliance training program.

The Act can be found at www.fintrac.gc.ca/en/static/theact.htm. The Regulations can be found at www.fintrac.gc.ca/newse01/data/01-0161e.html.

Members are encouraged to read both the Act and the Regulations. It must be emphasized that this is not only a criminal lawyer concern, any lawyer might conceivably be involved in a large cash transaction or a suspicious transaction and must be aware of the possible consequences and requirements. Some lawyers may wish to make it a policy to advise all clients immediately upon being retained, of the provisions of the Act and Regulations, particularly as, if record keeping or reporting becomes an issue at a later time, it will not be possible to advise the clients then.

As noted above, the Law Society has very serious concerns with respect to this legislation. In the Benchers' view, it seriously undermines the solicitor/client relationship, not only with respect to confidentiality and privilege, but by making lawyers a part of the investigative arm of the regulatory agency. The whole concept of independent legal representation and counsel is jeopardized. The role of a lawyer standing between the client and the awesome power of the State is weakened. Members are encouraged to draw their own conclusion and if they have concerns similar to those expressed by the various legal organizations mentioned above, to communicate these concerns to their MP's and encourage others to do so.

Western Mobility

The four Western Provinces, British Columbia, Alberta, Manitoba and Saskatchewan, have all recently passed rules allowing lawyers in reciprocating jurisdictions to practice on a temporary basis for up to 6 months in any 12 month period. The rules in each jurisdiction are almost identical, although there are some minor differences.

The history of interjurisdictional practice regulation in Canada has been long and complex. The protocol of 1994 (signed by most Law Societies of Canada) was a difficult document and was in fact not implemented in most jurisdictions. In the winter of 2000, the Western Law Societies decided to do a review of the philosophy behind the easing of restrictions on interjurisdictional practice and on the implementation scheme contained in the protocol. All were agreed that lawyers could be, and in fact, were trusted to practice within their spheres of knowledge and competence.

Why then have rules which, for example, impose requirements such as the hiring of local counsel in areas that

were deemed to be "jurisdiction-specific" where this might not be necessary and would inevitably increase the costs to the client? It was agreed that the maintenance of standards and the protection of the public could be achieved by less complicated measures.

The simplified interjurisdictional practice regime which was agreed upon assumes that lawyers will conduct themselves as properly in host jurisdictions as they do in their own. Generally, the preconditions for practice in another jurisdiction in Western Canada without a permit are as follows:

- (a) the maintenance of professional liability insurance applicable to practice in the host jurisdiction;
- (b) the maintenance of defalcation coverage applicable to practice in the host jurisdiction;
- (c) the absence of any current criminal or discipline proceedings;
- (d) the absence of any criminal or discipline record;
- (e) the absence of any current practice conditions; and
- (f) in Saskatchewan, a visiting lawyer is required to notify the Law

Society in writing of his or her intention to practice.

All practicing lawyers in good standing in Saskatchewan will comply at least with the first two preconditions.

Members who do not comply with these preconditions may still apply for a permit to practice. Visiting lawyers may not hold themselves out as being able to practice in the host jurisdiction, except as a visiting lawyer. Further, visiting lawyers may not maintain a trust account in the host jurisdiction.

Saskatchewan Rules 200 – 209 (recently circulated) govern interjurisdictional practice in this province. Members wishing to practice in Manitoba, Alberta or British Columbia on a temporary basis should be familiar with the rules of those Provinces. They may be found at www.lawsociety.bc.ca; www.lawsocietyalberta.com; and www.lawsociety.mb.ca. It should be noted that the 6 month rule is at present only applicable in the West.

E. M. CULLITON SCHOLARSHIP

The E. M. Culliton Scholarship has been awarded to Ms Rae Mitten, a recent graduate of the College of Law of the University of Saskatchewan, and Mr. Matthew Lewans, a lawyer who practices with Scharfstein Gibbins Walen & Fisher in Saskatoon. Ms. Mitten's academic endeavour is an LL.M. at the College of Law, University of Saskatchewan. Her thesis project will be fetal alcohol conditions and their implication on the criminal justice system.. Mr. Lewans has accepted an offer as a Bachelor of Civil Law student at the University of Oxford. His thesis project will be research of "Justice, Crime and the Penal System".

The E. M. Culliton Scholarship Endowment was established in the name of the former Chief Justice of Saskatchewan in 1981 and is awarded to graduates of the College of Law of the University of Saskatchewan or to practicing members of the Law Society of Saskatchewan for the pursuit of graduate studies in criminal law at a recognized institution. The recipient of the scholarship is selected on the basis of exceptional academic record, research potential and on the basis of exceptional service to the practice of law in the Province of Saskatchewan.

Queens' Counsel

Queen's Counsel appointments are made by the Cabinet with the judiciary, the Law Society and the Canadian Bar Association providing input. In the fall, the Benchers will be considering eligible members whose names may be put forward to the joint committee which will, in turn, present a restricted list of recommended lawyers to the Minister of Justice, the Honourable Chris Axworthy, Q.C. Members are invited to submit to the Law Society the names of lawyers whose recognized legal ability, service to the profession and to the public in Saskatchewan, warrant their consideration to the joint committee.

Court of Appeal Sentencing Digest

Criminal practitioners will be interested in the new database being launched by the Library in September 2001. The Library has been working in cooperation with the Saskatchewan Court of Appeal, on converting the Court of Appeal Sentencing Digest into a fully searchable database. The new database will appear in the Judges' section and Members' section of the web site.

The Sentencing Digest originated in 1982 with a request by the Chief Justice to issue a new service for the Court of Appeal. A unique service to Canadian legal literature, the Sentencing Digest contains digests of all sentencing appeals before the Saskatchewan Court of Appeal, whether or not there are written reasons issued. Shirley Hurnard, the librarian for the Court of Appeal, began writing the Sentencing Digest in 1982. She continued writing the digests until her retirement in 2000. The new librarian, Ann Marie Melvey, has taken over the job of synthesizing the activity of the Court of Appeal in their sentencing appeals.

Through years of developing and refining the Sentencing Digest, a format was created which is ideal for a database. The Library has taken that format and placed it into a database that uses the same search commands as the other databases on the Law Society's web site.

In creating the database, the Library has added a few fields to make searching easier and has standardized some terms that may have alternate spellings. The same preferred spelling of terms used in our DIGEST database are used in the Sentencing Digest database. For example, the drug "marijuana" in our digests is spelled with a "j" and not an "h". "Marihuana" is the spelling used in the federal legislation but in common law cases, "marijuana" has been used more frequently. Every time the term "marijuana" is used in any digest field, the "j" is used. However, if "marihuana" forms part of a proper name of a federal regulation, it will appear using the "h", as it is a title and should not be changed. Consult the online help section for the database to

get a clearer understanding of searching successfully. Fields for the age and sex of the accused were added to make combining these concepts in a search much easier for the user. When written reasons are issued, the record will link to a full-text copy of the judgment in a printable format. (Adobe Acrobat is required)

The database is being launched with data dating back to 1999. The Library will continue to add the new digests as they are received from the Court, while working backwards in time to provide more depth for research. Full implementation back to 1982 is estimated at taking about one year. Launch date of the database is scheduled for September 26, 2001.

I would like to thank Marlene Rodie, Shirley Hurnard, Donna Daniels, Ann Marie Melvey, and Chief Justice Bayda of the Court of Appeal for their cooperation in allowing us to provide another research database for the judiciary and for our members.

Susan Baer

Criminal Code Bulk Purchase Program

The Library began a bulk purchase program for *Martin's Criminal Code* for our members. The Library is targeting small firms and sole practitioners, so that they will be able to take advantage of bulk buying and therefore they can save money. Thank you to all who responded to our flyer asking if members are interested in the program. We have received requests for approximately 66 codes from members across the province.

We received more requests for copies of *Martin's Criminal Code* than we did for *Tremear's Criminal Code*. The bulk purchase program will only include requests for copies of *Martin's Criminal Code*. Members will receive

a larger discount if we have more than 100 codes on our standing order. At this writing, orders have been placed for 2002 Codes. *Martin's Criminal Code* is usually issued in late August of each year. By press time, those firms enrolled in the program should be receiving their Codes. The savings per Code are expected to be about \$10. The Library will issue an invoice and your firm will pay the Library. You should not receive an invoice from the publisher.

If your firm would like to be included in the bulk purchasing program for next year, please use the form in the members' section under "Criminal Code Bulk Program". Or, phone the Library in Regina to say

you are interested in being included in the bulk purchasing program. We will contact you to confirm your request. In June before the Codes are issued, we will contact the publisher to review the details of our bulk standing order and to cancel your standing order with them. Since the publisher issues occasional supplements when changes to the Code occur, you should not cancel your standing order until June in order to continue to receive the supplements. The Library staff will be in touch with you in June to confirm your request for a standing order.

Contact the Library in Regina at 569-8020 or 1-877-989-4999.

Legal Web-Cites

By Peta Bates

Traditional print legal directories are now augmented by updated online versions which offer sophisticated searching techniques. Three Canadian and several international directories are reviewed in this column.

Canadian Law List

<http://www.canadianlawlist.com/>

Canada Law Book's venerable index of lawyers, law firms, judges and government departments in Canada has been in print since 1855. The annual print publication is also available as a CD-ROM product but the most current format is the free online version on Canada Law Book's web site which is updated monthly. The "easy search" tab at the top of the page opens a search template for searching by first or last name, city or province. Other tabs on this page offer templates to search for law firms or government departments. The enhanced search capabilities of the online product allow searches by area of practice, or, using the "advanced search" template, by postal code, telephone number or fax number. The Help screens show how to search for initials or spelling variations. Search results for lawyers who have paid for an enhanced listing include a live link to their email address and law firm web site.

LEXPERT®

<http://www.lexpert.ca/>

The publisher, Silrun Information Services Inc., bills this Canadian legal expert directory as the "guide to the leading 500 lawyers in Canada". These experts in various practice areas are selected by surveys of their peers and "informed users of legal services". Each practice area contains a definition of the area and a summary of recent developments in the field written by a practitioner. These summaries provide a useful overview of the law and could be the most valuable part of this web site. The summaries are followed by an explanation of how the expert practitioners were chosen and a brief biography of each lawyer arranged geographically by region. There is also an index of professional firms which gives a summary of each firm's practice and a link to their web site. The search engine for the web site is still under construction.

Martindale-Hubbell Lawyer Locator – Canada

<http://www.martindale.com/php/canada/Lawyer.php3>

The Martindale-Hubbell Lawyer Locator – Canada is a subset of the larger international database. There are four search templates designed to search for individual lawyers, law firms, corporate law departments and areas of practice. Practice areas can be narrowed by using the "more specific terms" link to see a list of subfields but many of these links did

not work and it was simpler to type in the term. Searches can also be made more specific by the addition of search criteria such as law school attended, firm size and language spoken. Search results may include practice areas, biographies, memberships, live links to web sites and email and "rating information" about a lawyer's legal ability and general-ethical standards.

The Bar Directory (U.K.)

<http://www.sweetandmaxwell.co.uk/bardirectory/website/>

Published by the General Council of the Bar and Sweet & Maxwell this online directory is part of the printed official directory of barristers and chambers in England and Wales. Search for barristers in independent practice by name, chambers name, practice area, town or language spoken.

Legal 500 Series (International Centre for Commercial Law)

<http://www.icclaw.com/>

These guides recommend law firms involved in commercial legal practice in the United Kingdom, Europe, the Middle East, Asia-Pacific and the United States. Editorial selection is based on submissions from law firms, interviews with lawyers and recommendations from clients. Information for each country includes the legal market, the economic market, recommended firms by area of practice, law firm directories and web sites, a chart of major firms by size, billing practices and summaries of commercial law developments.

Martindale-Hubbell Lawyer Locator (U.S. and International)

<http://lawyers.martindale.com/Executable/Lawyer.php3>

The annual print Martindale-Hubbell Law Directory published by Reed Elsevier is now 26 volumes and includes entries for lawyers in 170 countries. The Lawyer Locator is the online equivalent of the print directory. Search criteria include all those in the Canadian directory as well as the ability to locate U.S. law faculty by the courses they teach.

West Legal Directory (U.S. and International)

<http://directory.findlaw.com/>

The West Legal Directory located on the FindLaw.com web site provides profiles of lawyers and law firms in the United States and other countries. Search for lawyers by name, location or practice area. The "other searches" template looks for government or corporate lawyers or international counsel. The lawyer profiles include representative clients and cases, published works, honours and affiliations.

Laprairie elected President of Federation

Maurice O. Laprairie, Q.C. of Regina was elected as president of the Federation of Law Societies of Canada at its annual meeting held in Saskatoon in August of this year. Laprairie is a senior partner at MacPherson Leslie & Tyerman practising litigation out of their Regina office. He is a former bencher (1994-00) and president of the Law Society of Saskatchewan (1998, 1999). He is only the third Saskatchewan lawyer to have been elected to this position. Mr. Justice G. H. M. Armstrong and Mr. Justice R. D. Laing are both former presidents.

The Federation is the umbrella organization of all provincial and territorial Law Societies in Canada. It is currently composed of membership from 13 of the 14 Law Societies in Canada. "The Law Society of Nunavut was only recently formed. We had a representative of that Law Society attend our Saskatoon meeting and we hope to have them join the Federation in the next short while" said Laprairie.

One of the Federation's focuses this year will be the mobility of lawyers in Canada and in North America. Laprairie commented, "In the last few years there has been tremendous change in this area, particularly in Western Canada. We have gone from Law Societies who jealously guarded their provincial borders to the current broad minded generation who recognise that

mobility of lawyers is in the interest of the public and the profession." The western Law Societies have agreed in principle to allow the mobility of lawyers between those provinces for up to six months in any one-year period. Ontario has very recently passed rules allowing members of every other Canadian Law Society to practice in that province for up to 10 matters totalling no more than 20 days in a 12 month time period. The 10-20-12 rule, as it has come to be known, is currently in effect in the western provinces. A slightly more restrictive form of the 10-20-12 rule is in effect in most other provinces.

The Federation was responsible for forming and launching the Canadian Legal Information Institute (CANLII). CANLII operates a website - canlii.org whose ultimate goal is to provide all the statute and case law available from all federal, provincial and territorial levels free to all users of the internet. The website has only been operational on a start up basis and last month alone it registered several million hits.

"The lawyers of Canada have been financing this project to date as they will be a prime user of it but because it is a free service we have had tremendous co-operation and support from every level of government in Canada" said Laprairie. Laprairie made special mention of the Government of Saskatchewan who recently agreed to link its recently announced

"Freelaw" to CANLII when it begins operating this fall.

The Federation also operates the National Criminal Law and Family Law continuing legal education programs which are widely recognized as the best in Canada. The Federation sponsored its first continuing legal education program in 1974 in Halifax on the topic of "Refresher Course on Criminal Procedure." The National Criminal Law Program has run continuously on an annual basis since that time. The Federation's first National Family Law Program was held in Toronto in 1978. In 1988 the National Family Law Program was held in Montreal, beginning its regular cycle of alternate year programming.

The Federation continually addresses a number of other issues associated with the legal profession in Canada including MDPs, GATS and the WTO, copyright of legal materials, legal aid, mobility and regulation of lawyers in Canada and internationally. In addition the Federation makes representations to the federal government on legislation such as the proposed money laundering and anti-gang legislation. Further, the Federation also becomes involved in interventions before the courts as they have in the Lavallee case (27852) and White case (28144) which both deal with section 488.1 of the Criminal Code. (seizure of documents)

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The Law Society of Saskatchewan
1100, 2500 Victoria Avenue
Regina, Saskatchewan
Canada S4P 3X2
Telephone (306) 569-8242
Fax (306) 352-2989
e-mail: reception@lawsociety.sk.ca