

CURRENT
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MINER



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CURRENT ISSUES
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*To our families and friends: our time
spent in writing is their time too.*

Preface

This book may be somewhat unique, in that it is a collection of articles written entirely by legal practitioners. Traditionally, legal writing has generally been the domain of the academic, even though both the practising and the academic lawyer are concerned with determining the current state of the law. Having made this determination, however, the practitioner is mainly concerned with the immediate application of the law in particular circumstances, whereas the academic is concerned with the analysis of the general results of its application and with proposals for change where those results are considered unsatisfactory. The practitioner and the academic share the need to know the current status of the law, even though each may use that knowledge for a different purpose. This book is intended to provide a source of knowledge of the current state of the law in a number of areas that impact on business in Canada.

The book's primary objective is to provide the practising corporate/commercial lawyer with a convenient source of law and practice in areas that, while generally being considered part of business law, are in themselves specialties, and in areas of business law in which there have been recent important changes or developments. Each article provides a survey of its topical area, together with highlights of recent changes or developments. Sources for a more detailed consideration of specific issues are indicated in footnotes and bibliographies.

The book's secondary objective is to provide a valuable source of legal information to businessmen and their non-legal advisors. An attempt has been made by each contributor to write in a style that can be read and understood by non-legally trained persons with an interest in business law. Exceptions to general rules, qualifications and legal jargon have generally been relegated to footnotes. As a result, businessmen and their non-legal advisors will find the book useful in gaining a general understanding of particular areas of business law. This in turn should assist them in dealing with and making more productive use of legal advisors.

Finally, because of the variety of the topics covered by the articles, it is hoped that the book will provide a single source of the current state of the law and practice in these areas which may serve as a useful introduction to these subjects for students of law or business.

As indicated by the scope of subjects covered in the book, the contributors practise in a diverse range of legal specialties. Some are in private practice with smaller specialized firms, others with some of the largest firms in the country. Still others are members of the law departments of Canada's

largest industrial, insurance and financial institutions. This diversity of practice environments brings a variety of perspectives and opinions to the articles.

Whether or not the book is successful in meeting its objectives, it is hoped that it will encourage more practitioners to take the time and make the effort to write for publication. Publication of the practitioner's perspective is important not only for its value in assisting others in the practice of law, but also as a means of identifying problematic areas in need of both caution in practice and consideration for reform. And, through the self discipline imposed by writing for publication, both the writer and reader become better, more thoughtful, practitioners.

The task of coordinating the efforts of the 17 contributors, all of whom have active and demanding practices, has been interesting, challenging and enjoyable. Without exception, each contributor responded enthusiastically and punctually to the editor's suggestions for revisions. My sincere thanks to each of them for their conscientious and dedicated efforts. To the extent this book is successful in making a useful contribution to Canadian legal literature, the credit for that success is deservedly all theirs.

Thanks are also due to the Carswell Company Limited and its editorial staff for their assistance and encouragement in this project. A special thanks to my secretary, Wanda Holmes, for her dedicated and patient efforts in coordinating and organizing the voluminous correspondence with the contributors.

Richard B. Miner
Toronto, 1985

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