

FRONT PAGE

Changing business law a 'no-brainer,' says Liberal

BY STEVE BARTLETT

THE TELEGRAM

It's

obvious, the Liberal Justice critic says, government should update a law preventing a St. John's man from representing his business in court.

"If you can defend yourself in a murder case, surely you ought to be able to defend the corporation that you are responsible for having created and are the absolute sole shareholder of," Kelvin Parsons says.

"Why not allow you to speak for that corporation? This seems to me to be a no-brainer now, and we should get more advanced and allow it to happen. Unless there is some reason that I'm overlooking, but it seems to me to be obvious that we should allow it."

Businessman Brent Rockwood's plight was raised in a Telegram article last month.

The Kilbride man has been trying to change rule 5.07 (2) since 2002, after he filed a statement of claim in Supreme Court against the province and the Business Development Bank of Canada (BDC).

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PROVINCIAL

Sent e-mails to all 48 MHAs seeking support

sbartlett@thetelegram.com

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He took the legal action after the bank foreclosed the mortgage on a Harbour Grace property he was leasing to the province in that community.

He sought damages from government for breaking the lease and from the BDC for the foreclosure.

Unable to afford a lawyer, Rockwood tried representing his company, Leyson Holdings, but learned he couldn't because of Rule 5.07 (2). It requires that a business be represented by a barrister.

He has caught in a legal web ever since.

Representing himself, he won a Charter of Rights challenge to have the law overturned, but then saw the decision reversed in an appeal by the province.

Rockwood then applied to have the court override Rule 5.07(2). That attempt was also unsuccessful and Rockwood's only recourse was convincing the House of Assembly to change the legislation.

He e-mailed all 48 of the province's MHAs in December and appears to be getting some support.

"We as an opposition think the government should go down that path," says Parsons, a lawyer and former Liberal Justice minister.

"There's no justifiable reason for it. And if there is, justice should be able to show what the reasons are."

He says the party will write the Department of Justice to express support for Rockwood's request.

It will also ask if government agrees Rule 5.07(2) should change and, if so, how soon can it happen. Parsons thinks it could be done quickly.

"You wouldn't have to wait until the fall session to do it," he says.

"We've passed lots of legislation, especially housekeeping stuff of this nature, in the spring sitting, even though that is usually the budget sitting. It shouldn't be that complicated."

A spokesman says the Department of Justice has asked the Law Society of Newfoundland and Labrador, which governs lawyers in the province, to review Rockwood's concerns and provide feedback.

If the House of Assembly changed Rule 5.07(2), the law society's act would have to be altered as well.

Newfoundland and Labrador is one of the only provinces in Canada that doesn't permit individuals to represent a corporation in court.