

Euromoney Legal Media Group



THE BEST OF THE BEST 2004



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Methodology

Welcome to *The Best of the Best* – the only international guide to identify the world's leading practitioners across 12 areas of law.

The 2004 Guide to *The Best of the Best* is the sixth edition of the guide and the 106th in a series of practice area guides designed primarily for individuals who require access to the most elite practitioners in specific areas of law for the purpose of instruction on an international basis.

To ensure the credibility of this publication, Euromoney Legal Media Group commissioned the research department to carry out an in-depth study of experts in the following fields of law: banking, competition and antitrust, corporate governance, energy and natural resources, insolvency and restructuring, litigation, patent, structured finance, tax, information technology, media and telecommunications.

The initial stages of the research involved distributing 30,000 questionnaires to in-house counsel and to private practitioners in over 90 countries. The questionnaires asked leading figures to nominate those lawyers they considered among the most capable in these fields of law. The results were analyzed and screened for firm, network and alliance bias.

Researchers then met with a number of acknowledged leading experts. Their considered views were solicited in a number of interviews held in major legal centres worldwide, including: Los Angeles, San Francisco, New York, Washington DC, London, Paris, Frankfurt, Hong Kong and Singapore.

Using data collated from the returned questionnaires and the interviews, we compiled a preliminary list of individuals who had been most highly recommended in the world. As a final verification, this was discussed with a select group of advisers.

At the culmination of the process we had identified 277 specialists in 12 areas of law. Once nominated, each individual was invited to enhance his or her complimentary listing by publishing a professional biography. Those submitting biographies were encouraged to provide information that would be of particular interest to potential clients. Where professional etiquette permitted, details of notable clients and cases were requested.

Expert Guides regularly includes editorial from leading nominees. This publication is no different and we thank all those lawyers who submitted articles detailing developments in their practice area.

The Guide to *The Best of the Best* is designed to act as an adjunct to traditional sources of opinion on experts in the said fields of law. The guide owes its value to the hundreds of individuals who took the time to complete questionnaires and meet our researchers. Their help is much appreciated.

There is no easy way to quantify the individual qualities of lawyers nor the relative qualities of individuals practising in different jurisdictions. The publication simply reflects the opinions of those private practitioners and clients surveyed and interviewed.

The editorial board would like to congratulate all those lawyers and firms who feature in this guide. They have continued to exceed their clients' expectations.

Sean Müller
Head of research

Canada



Yves Bériault
McCarthy Tétrault

Le Windsor
 1170, rue Peel
 Montréal, QC H3B 4S8
 Canada

Tel: (1) 514 397 4120
 Fax: (1) 514 875 6246
 Email: yberiault@mccarthy.ca
 Website: www.mccarthy.ca

Yves Bériault is a senior partner based in McCarthy Tétrault's Montréal office and is the leader of the firm's Competition Group. He advises a broad range of national and international clients on all aspects of Canadian competition law.

Mr Bériault has been involved in many landmark cases involving competition legislation before all courts and the Competition Tribunal. These cases include *R v Atlantic Sugar Refineries Co Ltd et al*, *Director of Investigation and Research v Bombardier Limitée*, *Director of Investigation and Research v Imperial Oil Limited*, *Director of Investigation and Research v Chrysler Corporation*, *R v Association Québécoise des Pharmaciens Propriétaires et al*, *R v Nova Scotia Pharmaceutical Society et al*, *R v Lafarge Canada Inc et als*, *R v Entreprises PEB et als*, *R v Ueno Fine Chemicals Industry, Ltd* and *Télémedia Radio Inc v Commissioner of Competition*.

For many years, he lectured on competition law at the Université de Montréal's Faculty of Law. Mr Bériault is a frequent guest speaker at many national and international conferences and has authored numerous articles relating to competition law. He has also contributed chapters to various books published on the same topic (*Canadian Competition Law: a Business Guide*, by CJM Flavell, McGraw Hill and "La nouvelle Loi sur la concurrence et la fusion," in *La Nouvelle Loi sur la concurrence*, Les Éditions Yvon Blais Inc). Mr Bériault is co-author with Madeleine Renaud and Yves Comtois of McCarthy Tétrault's Montreal office of *Le Droit de la concurrence au Canada*, Carswell, Montréal, (1999). He is a past chair of the competition law section of the Canadian Bar Association.

Mr Bériault appears in the *Guide to the Leading 500 Lawyers in Canada*, the *Canadian Legal Expert Directory* (a guide to the leading law firms and practitioners in Canada), *Chambers Global: The World's Leading Lawyers*, Euromoney's Expert Guides, *Global Counsel 3000* and *International Who's Who of Business Lawyers* as a leading lawyer in the area of competition law.

He obtained his law degree in 1967 from the University of Ottawa where he graduated *summa cum laude*. Mr Bériault also holds degrees in philosophy, arts and economics. He clerked with the Honourable Gérard Fauteux of the Supreme Court of Canada. Mr Bériault is fluently bilingual, both spoken and written. He was called to the Québec bar in 1968.

McCarthy
Tétrault

Canada


Barry B Sookman
McCarthy Tétrault

Box 48, Suite 4700
 TD Bank Tower
 Toronto, ON M5K 1E6
 Canada

Tel: (1) 416 601 7949
 Fax: (1) 416 868 0673
 Email: bsookman@mccarthy.ca
 Website: www.mccarthy.ca

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Barry Sookman is a partner with McCarthy Tétrault. He is the chair of its Internet and Electronic Commerce Group and is the former chair of its Intellectual Property Group. Mr Sookman is one of Canada's foremost authorities in the area of information technology law.

He is the author of the three-volume text entitled *Sookman: Computer Law: Acquiring and Protecting Information Technology* (Carswell 1989 to 1999), and the four-volume text *Sookman: Computer, Internet and Electronic Commerce Law* (Carswell 1999 to 2004). Mr Sookman is also the author of a book entitled *Computer, Internet and Electronic Commerce Terms: Judicial, Legislative and Technical Definitions* (2001 to 2003). He is a contributing author to a number of other books and the author of numerous law review articles dealing with information technology. Mr Sookman is also a frequent speaker on legal issues relating to computer, electronic commerce, internet law and intellectual property.

He was recently described in a Canada-wide survey of information technology lawyers as one of the "leading Toronto lawyers" with strong national reputations for the sophistication of their work. Mr Sookman was also recognized as an authority on internet and electronic commerce law in a recent international directory on the *Who's Who of Internet and Electronic Commerce Lawyers*.

He has extensive experience in providing advice in connection with complex information technology transactions, including joint ventures and other strategic relationships; information technology procurements, such as licensing of software, purchase and sale of systems; and service arrangements, such as software development, system integration and outsourcing transactions. Mr Sookman also provides advice in connection with protecting and exploiting intellectual property and new media products. He has extensive expertise on legal issues relating to privacy and data protection, electronic commerce and the internet.

Mr Sookman is also experienced in intellectual property litigation related to copyright and information technology. For example, he was involved in the following cases: *Gemologists International Inc v Gem Scan International Inc* (1986) 7 CPR 225 (Ont HC) (interlocutory injunction pertaining to infringing computer program); *Nintendo of America Inc v Camerica Corp* (1991) 34 CPR (3d) 193 (Fed TD), affirmed (1991) 31 CPR (3d) 352 (Fed CA) (copyright infringement action involving a computer-based video game device); *Sega Enterprises Ltd v Codemasters Limited* (unreported UK proceeding involving scope of protection for computer programs); *Tariff 22 Proceeding (the Internet Copyright Tariff)* (1999) 1 CPR (4th) 417 (Copyright Board); and *Delrina Corporation v Duncombe* March 1 2002 Ont CA (copyright and trade secret infringement proceedings involving a computer program). Mr Sookman was also co-counsel in two recent Supreme Court of Canada intellectual property appeals: the *Tariff 22 Proceeding (the Internet Copyright Tariff)* and the *CCH v Law Society* case (copyright case for an intervener).

Mr Sookman is a member of the Joint Copyright Committee of the Canadian Bar Association and Patent Trademark Institute of Canada (PTIC). He is a past chair of the Canadian Bar Association – Computer and Computer-related Technology section. Mr Sookman is a member of the Association Littéraire et Artistique Internationale and the Computer Law Association, a member and former director of the Canadian IT Law Association, a member and former member of the executive of the Toronto Computer Lawyers Group and a member of the University of Toronto Faculty of Law Centre for Innovation's Advisory Board.

Mr Sookman is a graduate of Osgoode Hall Law School (1980) and was called to the Ontario Bar in 1982. He holds a BA from Concordia University (Interdisciplinary Studies in Science and Human Affairs) and a Masters in Environmental Studies (MES) degree from York University (1980).