

Your In-House Lawyer



Special 5th Anniversary Edition

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Wow, we're five years old!

It is definitely hard to believe that we have grown so much in such a short time. We're five. Already! Who could have thought that getting older would have been such a trip!

We decided five years ago that Jamaica needed yet another law firm, but this time a firm with heart. We practise a 'different' sort of law. We hold our clients at the very core and genuinely get involved in their matters.

Our firm is governed by a set of Core Values that direct not only our thoughts but also our actions. However, the basic *modus operandi* of our firm and of all our team members is client care! Call it a holistic approach if you must, but for us it is simply natural.

This is just a peek into who we are and what we're about, in an attempt for you to get to know our family some more; the family that you are a part of. So go ahead and savour this special anniversary issue that we have enjoyed creating for you.

CONGRATULATIONS!

Special congratulations to our dear friends and colleagues, **law firm delancyhill P.A.** on the establishment of their Broward office in Miramar, Florida, U.S.A. We wish them continued success with the growth of their firm. Contact details: www.delancyhill.com and email info@delancyhill.com.



PARTNERS' MESSAGE

As we continue on the path that we have set for Nicholson Phillips, we find the journey ever more interesting as it is challenging. We are blessed to be doing what we love and so we have as usual we have included some up-dates for your legal awareness. Changes to the Companies Act as well as an exposition of how the law makes us responsible (or not) for our neighbours should prove useful reading.

In deciding to be different, we knew that we would have to challenge some of the areas of practice that do not serve our country well. So, this year we embarked upon our **Real Estate Reform Initiative** in an attempt to address some serious impediments to the efficient operation of our real estate market. We have already hosted two seminars for Realtors® and made a presentation to the Realtors® Association of Jamaica all of which were very well received. The initiative's success depends upon the desire and intention of allied professionals to see positive changes in the way things are done.

In this special edition of *Your In-House Lawyer* we have featured just three of our clients whom we believe have shown the courage and determination to make changes that will better our nation. **Pat Francis, Steadman Fuller and Garth Henry** have in very different ways shown the success that courage to step out and be counted can bring as well as their commitment to national development. In choosing three, we of course excluded others, but we are also happy to serve clients in various sectors including; banking, retail and our several successful developer clients, all of whom in their own way are also contributing to national development.

Finally, our show-stopping event in celebration of our anniversary year, will no doubt be the most memorable as well as different thing that we will do. We have invited internationally acclaimed author, inspirational speaker and life coach **Iyanla Vanzant** to share in our anniversary celebrations and afford Jamaica and the region an opportunity to hear her wisdom. She will join us from 20th-24th July and we are very proud to have her.

We hope you enjoy this special 5th anniversary issue and look forward to more exciting times ahead. Walk Good!

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INTRODUCING IYANLA VANZANT!



In celebration of its fifth anniversary Nicholson Phillips has invited renowned and widely acclaimed author, Life Coach and TV personality Iyanla Vanzant to Jamaica. Her Jamaican visit will begin on Wednesday July 20th and culminate on July 25th, 2005. During her stay Iyanla will engage over a thousand people in a public lecture at the Jamaica Pegasus Hotel on Thursday July 21st. She continues her visit in Ocho Rios by hosting a "Wonder Woman Weekend" from Friday July 22nd until Sunday July 24th at Sunset Jamaica Grande Resort.

Ms. Vanzant is a talk show host, lawyer, motivational speaker and renowned award winning author of 11 books, five of which were New York Times best sellers, including *Acts of Faith*, *One Day My Soul Just Opened Up* and *In the Meantime*. As an ordained minister, Ms. Vanzant's mission is to assist in the empowerment of women and men everywhere.

A regular contributor to the "The Oprah Winfrey Show" and recipient of many awards for her work, the achievements of this extraordinary woman, who through her own life experiences, can relate to the Jamaican and Diaspora populace. She has been a beacon of inspiration and hope to many and it is with pride that Nicholson Phillips will offer Jamaica

and the region especially at this time, the opportunity to interact with her. The events promise to be a unique experience and inspiration to all.

During her Jamaican visit, Ms. Vanzant will be conducting a lunch-hour book signing at Kingston Bookshop's branch in The Springs on Thursday July 21st.

Nicholson Phillips looks forward to the actualisation of our partnership with Iyanla Vanzant and invites you to participate in this event. For those who are not familiar with Iyanla or her work we invite you to obtain a copy of any of her books and attend the public lecture.

Come and bond with like-minded persons in the company of an individual who embraces life changes resulting in empowerment, upliftment and positive actions.

Part proceeds from this event will go towards ably assisting the St. Andrew Parish Church Girl's Home. Nicholson Phillips is proud of the relationship that is being bridged with this worthy institution.

REAL ESTATE REFORM INITIATIVE.

Disillusioned and unhappy with the present state of land laws that make real estate transactions unduly lengthy and costly, earlier this year Nicholson Phillips embarked on a real estate reform initiative. The initiative includes a series of meetings in an effort to contribute to an improved and more efficient real estate transactional marketplace. The main tenets of the initiative can be seen by visiting the firm's web site, but a summary of its main principles are as follows:

1 -The industry should adopt the use of binding standard form agreements for sale.

2 - A much greater role for and recognition given to members of the Realtors® Association.

3 - Enhancement of the laws in relation to deposits and earnest monies, especially in relation to the issue of interest.

4 - Across the board use of pre-qualification finance approvals.

5 - Vendors should be requested to place their property in a state of legal readiness to sell.

So far Nicholson Phillips has hosted two in-house presentations to realtors, and intend to conclude the presentations later this year with other interested groups. Lorna Phillips has met with Minister Dean Peart M.P. Minister of Land and Environment and some other members of his ministry with a view to providing a commentary on the proposals for planning and environmental law reform. A committee of co-professionals will spearhead the recommendations for changes to be made within the industry.



Lorna Phillips, Managing Partner Nicholson Phillips (right), addresses a group of Realtors® at a seminar held on May 3, 2005 at the offices of Nicholson Phillips.

**PAT FRANCIS –
MAXIMIZING HER
MOMENT!**

*Heal the world
Make it a better place
For you and for me
And the entire human race
There are people dying
If you care enough
For the living
Make a better place
For you and for me*

When this Michael Jackson song filled the airwaves back in 1992 Pat Francis was busy moving into a new church space in Toronto, Canada as her Bible study meetings, which started in her basement grew into a small congregation and eventually mushroomed. Now Head Pastor at Kingdom Covenant Centre in Mississauga, Canada she is responsible for upwards of 3,000 members of her congregation. Who would have thought that this dynamo who began her career as a radiologist after completing studies at the University of the West Indies, Mona would end up directing one of the most influential worldwide Christian ministries?

Pat is not only a visionary but also a newsmaker and risk taker. She was made popular within the Canadian court system by working with a team of lawyers to convince the Canadian Court to stop sentencing youth to prison and instead, sentence them to church! She willingly proclaimed “sentence them to me” thus taking responsibility for these misdirected young people. There were those who thought she was literally mad, but she stepped out in faith with God steering and today many of the young people whom she rescued have graduated from tertiary institutions and are successful

both financially and spiritually. She inverted their feelings of hurt and lack of self-esteem by showing them love. Not just human love but also divine love and the importance of not seeking love but acknowledging that of God and finding love within themselves.



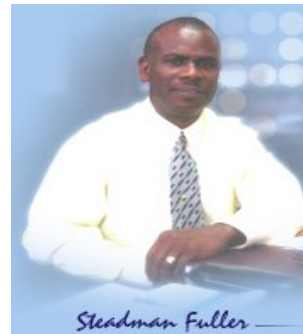
Pat has definitely not forgotten her roots. This year Pat Francis Ministries has embarked on a mammoth medical mission. Dubbed “Healing the Nations” Pat Francis proposes to bring a contingent of 150 professionals including physicians, paediatricians, dentists, nurses, counsellors and evangelists to Jamaica between July 20th and 23rd. She has definitely been a living testament of assisting in making the world a better place.

The medical mission is simply one aspect of her Jamaican visit. Her Ministry has titled their visit “Transformation Jamaica” and from July 19th to the 23rd Pat Francis Ministries and Kingdom Covenant Ministries have vowed to impact upon the Jamaican populous by washing us in the Word. The week of activities will culminate with a grand Gospel rally at Emancipation Park.

**STEADMAN FULLER -
BUILDING JAMAICA’S
FUTURE**

From as early as 1973 Steadman Fuller has been assisting to build Jamaica’s future. He spent two years as a classroom teacher after which he assumed a managerial position at Kingston Bookshop where he spent the last 22 years not only ascending to the company’s highest post, that of CEO, but also growing Kingston Bookshop into the highly lucrative business that it is now.

From his days as a young teacher, the development of Jamaica via the effectual moulding of its youth has always been at the forefront of his mind. “As a young educator, I felt that my contribution towards educating the nation could go beyond my efforts at the chalkboard. Involvement in the operations of the Kingston bookshop provided that opportunity.”



Now Mr. Fuller has embarked on yet another initiative that will benefit the country. With the support of the Kingston restoration Committee (KRC), Mr. Fuller has spearheaded a building project. This will see the transformation of a dilapidated two-storey building on the corner of King Street and Love Lane into the Head Office of Kingston Bookshop as well as a resource

and after school centre for inner-city youth. The overall goal of the various KRC projects is to enhance the quality of life of the residents of Kingston's inner-city via the execution of community regeneration policies.

**GARTH HENRY –
BEYOND THE
ORDINARY**

When the topic of Caribbean healthcare arises for discussion, there are those who believe that overseas purveyors are better than those found within the Caribbean. However according to the World Health Organization the Caribbean cumulatively ranks in the top 50 of best healthcare providers worldwide. Actually Dominica is ahead of the United States with Cuba closely at its heels. However in order to propel the region's health care system into higher rankings greater research is integral.



Garth Henry a Trinidadian-born Oncologist has spent the last 20 years working for world-renowned pharmaceutical companies. This has afforded him with the opportunity to travel worldwide to supervise clinical operations and data management and drug research facilities.

He has recently launched GPH Caribbean Clinical Trial Services Inc. (GPH), which at present is

the premier clinical research organization in the West Indies. Mr. Henry has already forged links with the Sickle Cell Research Unit at the University of the West Indies, Mona to conduct clinical trials for sickle cell drugs.

The clinical trial process can be simple as it can be extremely complicated. It involves the recruitment of volunteers who will have particular drugs administered to them for a particular time, during which blood samples will be taken and vitals monitored to note the effectiveness, or lack thereof, of the drug in treating particular illnesses. The process can take from a few hours or overnight to weeks.

Garth Henry is excited about using his extensive knowledge about different world cultures coupled with his extensive background working as a Director of Clinical Operations for Pfizer to assist in the developing of the multifacetedness of Jamaica's healthcare system.

**NICHOLSON PHILLIPS
– A GREAT WORK
ENVIROMENT!**

At Nicholson Phillips we strive to provide a wholesome and comfortable atmosphere that is not only conducive for work but also for existing. There are members of the Nicholson Phillips team who view going to the office as going to their second home. It is a second home, not because of the time spent there, but rather the level of comfort that is present as well as the inter-personal interaction among team members that is akin to a family relationship.

One recent intern, Michelle-Ann Williams upon completion of her internship said in a communication to the Firm, "Let me say how blessed and privileged I am to have had the opportunity to work in your wonderful firm." She continued by saying, "Your open-door policy is one of the best characteristics of your Firm. The staff was always polite, pleasant and helpful. Actually they were great! I learnt so much from them."

Nicholson Phillips is always on the lookout for talented, hard-working and ambitious candidates to complement and build our team. Candidates have to be committed to the practice of law and possess imitable morals. Our Firm comprises committed attorneys, legal assistants and support staff. There are excellent opportunities for professional and career development and personal growth. Interested applicants are invited to send resumes to Ms. Lorna Phillips, Managing Partner at lorna@nicholsonphillips.com.



Partners Lorna Phillips and Manley Nicholson (centre) surrounded by Team Members of Nicholson Phillips, Attorneys-at-Law.

REAL ESTATE REFORMS IN PROGRESS

What You Should Know

- A Developer's manual is currently in progress. It is proposed that it will contain all that developers and their advisors need to know about the regulatory processes that govern the implementation of development schemes.
- An integrated approach to environment and planning law is proposed and a new law is suggested that will streamline the application process. A number of meetings have been held with the affected agencies and legislation is proposed for later this year, however, not everyone is in agreement with this novel approach.
- A Commission of strata corporations that will regulate the functioning of strata corporations is proposed. In addition, a Strata Tribunal will hear matters brought before it that touch and concern the business of Strata Corporations.
- Jamaica National Building Society and First Caribbean Bank are to introduce an on-line facility to obtain pre-qualification finance approvals for the acquisition of home loans.

THE CARIBBEAN SINGLE MARKET ECONOMY

Recently there has been much media flurry about the Caribbean Single Market Economy (CSME), with regards to its purpose and benefits. For some the CSME is still a hazy issue,

thus its *modus operandi* will be simplified and explained in this column.

The CSME has a mandate that is analogous to that of the European Union (EU) and North-American Free Trade Agreement (NAFTA). The CSME is a significant developmental step for the region that was initiated by the introduction of CARICOM (the Caribbean Community). With the introduction of the CSME, the focus shifts from simply providing for free trade among member states towards creating a space for competitive production for both the intra-regional and external markets within a single economic area.



Like the EU the CSME proposes the free movement of people for particular kinds of employment, study, trade of goods or entrepreneurship. The absence of total free movement of labour is perhaps the biggest flaw in the Caribbean Single Market. This is driven by nationalistic fears that 'immigrants' will overrun 'native' communities. With respect to the trade of goods and services, like NAFTA there will be stringent quality control of the aforementioned. Hence the CSME has established the Caribbean Regional Organisation for Standards and Quality, which will enforce international standards of production. There are valid concerns, however, regarding the effectiveness of less

economically stable member states within the purview of the CSME.

The fact is whether it is the EU vis à vis the CSME, there will be weaker states. Their place ought not be overshadowed by those states which are more financially sound, as the private sectors of the entire community working in tandem, should strengthen and effect growth in all Caribbean economies. These private sectors ought to produce, because the CSME will strengthen the productive capacity of the private sector. This of course remains to be seen.

At present the Caribbean has already seen the effects of the CSME with the establishment of the Caribbean Court of Justice (CCJ). The CCJ is vital to the longevity of the CSME, as it will ensure that an environment of economic stability and legal certainty will be maintained.

The Caribbean Community can look forward to a boon that will be created by the CSME. Although the Bahamas has declined the invitation to be involved in the CSME at this time and the dire political and economic situation in Haiti has prevented this nation's inclusion, the CSME will in time benefit all 15-member states in areas relating to environment, commerce and technology. There are likely to be problems, but time, good will and commitment will work them out.