

CTLA Editor's Column

I dedicate this farewell column as CTLA editor of the *TTL* to my good friend, **Martha J. Payne**. Martha exemplifies all that is excellent about TLA: she is compassionate, intelligent, and courageous.

Martha's compassion is the first quality I noticed.

When I was a brand new member of TLA in 2010, I figured I knew transportation law in Canada. I had worked with expert Canadian transportation lawyers (Dean Saul and Catherine Pawluch) and had enjoyed the benefit of working for a large international firm's transportation clients.

However, Martha taught me that international transportation laws are complex and pervasive: she taught me that an aspiring transportation attorney must strive to learn about international transportation laws if one intends to simply contribute to simple dinner conversation amongst TLA Members. It was not *what* she taught me that impressed me, however, it was the *way* she taught me the lesson.

Judge for yourself.

I first met Martha in San Diego, and she invited me to join several attorneys for a lovely dinner. In the midst of dinner (enjoying my first taste of Sancerre), I was asked if I knew the difference between a broker and a freight forwarder. I opened my mouth to answer—and found I literally had nothing to say.

I asked myself: there's a difference?

I panicked, wondering how I could be so completely ignorant when I had worked with such distinguished mentors. For one of the few times in my career, I was at a loss for words: my mind was blank. And then I ignored the key rule for a lawyer (say nothing when you do not know the answer) and started to fumble out a rambling answer that would have clearly displayed my fundamental lack of understanding of the difference to people with significant expertise.

Suddenly, Martha stepped into the conversation and grandly explained that while there may be no difference in Canada, there are defined and legal differences in the U.S. The conversation continued, and I realized I had been saved from speaking about a

topic of which I knew nothing, in a crowd of experts. She taught me a lesson, and educated me at the same time.

I resolved right there to do two action items: become friends with Martha, and to learn about U.S. transportation law.

The second quality I noticed and admire in my friend, is Martha's intelligence.

I have Canadianized several of Martha's contracts, and Martha's agreements are succinct, pithy and clear—every word—every term contributes to the meaningfulness of the agreement.

However, I know that others enjoy Martha's friendship and her intelligence too. Many senior TLA members have told me that they were personally encouraged by Martha to join the TLA, decades ago, when she was the Senior Attorney at Consolidated Freight.

Apparently, Martha insisted that her external attorneys would be the best, the brightest, and the most knowledgeable about transportation law: joining TLA was a prerequisite for CF's outside counsel to gain the most current knowledge.

(I have even heard that early in his career, Eric Zalud worked hard to gain Martha's favour, so that she would retain him as her external Counsel. Now they work together at Benesch.)

Finally, Martha is a courageous woman: I am not referring to her ability to accurately shoot raccoons, nor that she loves living in Lincoln City, Oregon where the gusts of wind exceed the speed limit, and the driftwood consists of entire redwood trees—I am referring to her groundbreaking work as Senior Attorney for Consolidated Freightways—and her representation of U.S. carriers on the National Law Centre for the Inter-American Free Trade Sub-Committee on Uniform Liability Regime.

I marvel that while our Prime Minister seeks to save NAFTA today—I know that my friend Martha worked years

ago on its genesis. Having a friend in the international transportation industry is wonderful: but when that friend has the courage to help found NAFTA, and to break down barriers to be one of the few women in the room where it



Heather C. Devine

"There is nothing on this earth more to be prized than true friendship."

— Thomas Aquinas

happens—then it means that you are friends with a giant.

In honour of Martha's contribution to NAFTA, I ask you to read the first article on the current NAFTA renegotiations; I hope you enjoy "NAFTA Renegotiations: A Tense Start, Then Progress" contributed by **Kevin Capuzzi** and **Paul Obszanski**; we then move to a domestic focus

with **Matti Lemmens** and **Brett Nguyen** who review the "Due Diligence Defence for Vehicle Emissions Standards in Canada", and finally **Marie-France Béland** and **Bin Zeng** explain: "Aircraft Financing: The Mandatory Declaration Under the Cape Town Convention and Its Impact on Secured Creditors".



(top left) Heather Devine and Martha Payne
(top right) Martha Payne and Leonard (Len) Kofkin
(bottom left) Hillary Booth, Martha Payne and Kathleen Jeffries
(bottom right) Martha Payne and Pamela Johnston