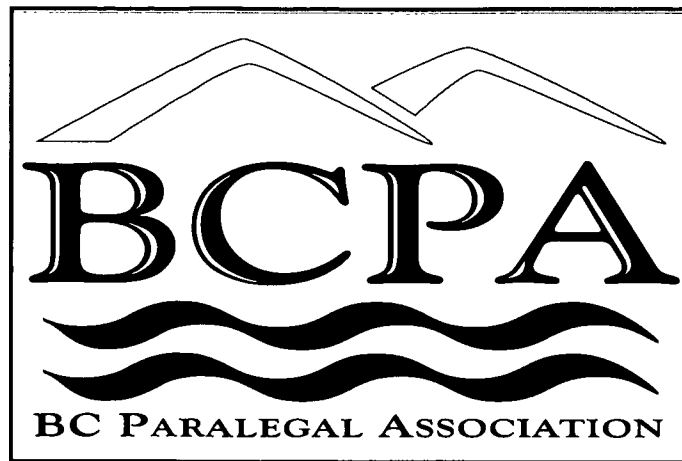


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2007—It's Your Time

Welcome to the first 2007 Edition of the Paralegal Press. As always, we are pleased to provide you with a selection of articles and information designed to spark conversation with your colleagues or assist you in your day to day work life.

The BCPA is very excited about 2007! We had tremendous response to both the Spring and Autumn Dinners in 2006; we are working to make them bigger and better this year. Watch for upcoming details! In addition, we have a new Lunch & Learn Series. This series is an exciting new continuing education initiative for BCPA members; we hope you have an opportunity to take part in one of the sessions. Over the coming months we will be working to offer the sessions via webinar to our members outside of downtown Vancouver.

The annual salary survey is online for 2007. All voting members are encouraged to visit the BCPA website (www.bcparalegalassociation.com) for the link to the online survey. The results will be published in the March edition of the Paralegal Press.

We encourage you to talk to your colleagues about issues of importance to you, raise awareness within your working environment, become involved in your professional development. These are all elements of a successful year for both yourself and your professional association. Strength lies in numbers and the BCPA continues to grow and have a voice in the BC legal community.

The BCPA Board of Directors welcomes your feedback, suggestions, comments regarding all continuing and new initiatives.

We look forward to seeing you again or meeting you for the first time in 2007.



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Capilano College Student Representatives:**Elena Edwards and Lindsay Rayment****WELCOME**

The BCPA would like to welcome each of the new members and
all of our renewing members

Your support is greatly appreciated.

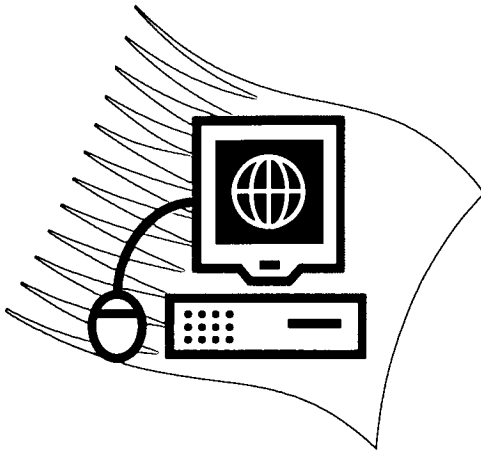
We look forward to meeting you in the future.

NOTICE

The opinions expressed in the *Paralegal Press* are those of the writers and not necessarily those of the BC Paralegal Association (BCPA). BCPA cannot assume liability for errors or omissions.

If you are interested in re-printing any of the articles in this newsletter please contact Christine Uhrmann or Andrea MacDonald.

WEBSITE UPDATE



The 2006 BCPA Salary Survey is now online.

Visit **www.bcparalegalassociation.com** for the link to the 2006 survey. The results will be published in March 2007.

The website re-design is scheduled to be completed by March 1, 2007, watch for exciting new features such as a message board, BCPA Rewards section, and updated newsletter archives.

LUNCH & LEARN SERIES

The BCPA Lunch & Learn Series is a new initiative to provide the BCPA members with continuing legal education and information which you can use in your everyday life.

On January 10, 2007, the BCPA hosted the inaugural session of the Lunch & Learn Series. The first session was a presentation from Jean Chose of David Aplin Recruiting. The first session was a huge success, selling out within the first few days of notice to our members.

The upcoming Lunch & Learn sessions focus on Family Law in March and Insurance Fraud in May. Additional information and registration details will be provided closer to the date of the session.

If you have comments or suggestions for the Lunch & Learn Series, please contact Lana Manderscheid at lmanderscheid@wgmlaw.com

NON-LAWYER LEGAL SERVICES - Desirable and Enforceable?

On November 4, 2006, Christine Uhrmann and Jerena Tobiasen were invited to participate in a debate at the Federation of Law Societies of Canada annual conference in Vancouver. The focus of the debate was to have a lively and engaging discussion regarding the distribution of legal services by non-lawyers. The impetus of this debate were the developments in Ontario which saw the passing of new legislation which serve to regulate independent paralegals in that province. For further information on the status of paralegals in Ontario, please visit www.lsuc.on.ca/paralegals/

Jerena and Christine were asked to put together an argument in support of the following position: *With respect to the public interest, the lawyer monopoly or quasi monopoly on legal services is no longer desirable or enforceable.*

The following is the argument developed and presented by Jerena and Christine:

It is in the public's better interest to provide affordable legal services that can be accessed by any member of the public who requires legal services. By removing legal aid and taking into account rising legal fees, a significant portion of the public can no longer afford legal services and are thereby denied access to justice, contrary to the mandate of the Law Society of BC, which is to ensure the provision of legal services to the public.

Certain non-lawyer groups or parties could represent certain interests to the public, provided those groups or parties are appropriately educated, trained, regulated certified and disciplined.

If non-lawyer parties work under the supervision of lawyers then they will be governed by the respective Law Society. If non-lawyer parties are not required to work under the supervision of lawyers then other means of regulation need to be considered. Whether that regulation is monitored and effected by a law society, or governed by specific statute and monitored and effected by their own governing body, is a question to be addressed by the parties involved, depending on various provincial and federal laws and the nature of the legal services to be provided. Consideration must also be given to the degree of responsibility delegated to or permitted to those groups and to what degree their services require insuring. For example, in the case of paralegals who chose to work outside the supervision of lawyers, we would expect governing legislation and a self regulating body in which the law society would have a role of guidance and counsel, but not control.

Making non-lawyer services available to the public that are the result of appropriate education, training, regulation, certification and discipline can result in the provision of low cost, high quality legal service alternatives in certain areas, such as simple wills & estates, simple real estate transactions, incorporations and resulting corporate matters such as annual maintenance, appearances in Small Claims Court or before tribunals, etc. In any event, the provisions of legal services to the public should be regulated to ensure a high quality of legal service, but the regulator need not be a law society.

Traditional values of the legal profession (solicitor/client privilege, confidentiality, insurance, assurance) are in the best interest of the public. However, there is no reason why these values cannot be extended to and adopted by non-lawyers who are appropriately regulated. A common perception amongst non-lawyer service providers is that these values are job protectionist devices and that lawyers should not have the omnipotent control or the sole use of those values in the provision of legal services. If non-lawyers adopt these values and deliver legal services that are appropriately regulated, the public interest will be protected.

Reverting back to the concept of paralegals working under the supervision of lawyers, where concern for the public interest is less severe, services provided by paralegals can, and will be, improved with the implementation of certain standards, including education, training, self regulation, self certification and discipline. Implementing those standards for supervised paralegals will ensure better quality of legal services provided by supervised paralegals and will standardize the caliber of those services within a particular province and throughout Canada. Such standards will also facilitate the efficient relocation of paralegals from one jurisdiction to another, and will at the same time ensure the consistent provision of legal services, with the only variable being any differences in local laws.

Failure to address regulation of non-lawyer legal service providers could, and likely will, place members of the public in jeopardy. For example, in Alberta some graduates of local paralegal study programs look forward to their opportunity following graduation to exercise their entrepreneurial skills by working independently providing legal service directly to the public without any form of regulation, supervision, support or insurance. In order to circumvent the potential disaster that could result in these instances, very serious consideration needs to be given to relaxing the monopolistic position that lawyers have on legal services and to work with interested non lawyer parties to ensure the public has affordable access to justice and protection.

*Jerena Tobiasen and
Christine Uhrmann*

*[please note that the opinions contained herein are those of the authors
and not necessarily shared by the BCPA Board of Directors]*

COMING SOON: Club BCPA



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Toll Free: 1-866-677-8993

WHERE INSIDERS PREFER TO PURCHASE

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By harnessing our collective member buying power, BCPA has negotiated exclusive special member rates and discounts from a variety of merchants ranging from hotels, to professional services, to various online retail providers. These special rates are designed to save BCPA members money on purchases made everyday.

As a valued member, you are entitled to take advantage of this program and encouraged to use the program for all of your shopping needs.

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*Merchants and offers are subject to change and availability. Reference club website for up to date information.

THE DIRECTOR'S CHAIR

In our continuing series on the BCPA Directors, we introduce you to Lana Manderscheid.



My name is Lana Manderscheid and I am a graduate of the Capilano College Paralegal Diploma Program. I have been working as a paralegal for approximately 4 years and presently work at Watson Goepel Maledy LLP. I work primarily in Disability Litigation, as well as Employment Law and Personal Injury Litigation. In addition to working on a variety of interesting files with a team of intelligent people, I am also involved in marketing. I continue to learn a tremendous amount on a daily basis.

My interest in law started when I was in high school. My uncle is a lawyer on the Queens Bench in Edmonton, Alberta, and his work in law inspired me to pursue a legal career. After graduation I attended Capilano College in the University Transfer Program and wasn't sure where I was headed, until I discovered the Paralegal Diploma Program. This program seemed to have all the components I wanted to have an exciting legal career. After graduation I struggled to find a great job with everything I was looking for, and just when I was ready to give up, I discovered my current job; It was like a breath of fresh air.

In addition to my work as a Paralegal, I have been working with the City of Vancouver part time for 9 years as an Ice Skating Instructor. One job is just not enough.

Somehow I managed to find some more spare time, so last year I contacted the BCPA with an interest in volunteering. Somehow in the midst of my inquiry, I found myself committed to a Director role on the Board of Directors. Along with my duties on the Board, I accepted the task of organizing the Lunch & Learn program. The Lunch & Learn program is a new initiative of the BCPA to provide continuing education to paralegals in the Vancouver area, and as the program grows throughout the province with the use of webinar technology. The implementation of the Lunch & Learn program has been challenging. I am very pleased that the program has been such a success.

When, and where, I find more spare time, I play volleyball all year round and co-ed softball in the Spring. Believe it or not, I still manage to get a full eight hours of sleep a night.

The BCPA has helped me gain a better understanding of the Paralegal profession and what we, as Paralegals, aspire to be. My involvement with the BCPA and the Board of Directors has been an exciting and personally rewarding experience. I look forward to working with the Board and its members in the future.

If you have any comments or suggestions for Lana with respect to the Lunch & Learn Series, please contact her at lmanderscheid@wgmlaw.com



The BCPA has grown considerably in the past five years, and that success is attributable to the time and energy of dedicated volunteers!

As a new year begins, the BCPA is asking its members to consider devoting a small amount of time on a monthly basis to one of the BCPA existing or developing committees.

Opportunities for our members exist in the following areas:

Membership, Recruiting Committee

Marketing Committee

Education Committee

Newsletter/Website Committee

Social Committee

If you are creative, energetic and like to work with a dynamic group of people please contact the BCPA at info@bcparalegalassociation.com re: **line Volunteer**

One of the directors will be happy to meet with to discuss your ideas!

THE CLIENT/PARALEGAL RELATIONSHIP: EDUCATING CLIENTS AND YOUR LAWYER

There are several ways you can be active in your role as a paralegal. In this article, I will outline issues that may arise and the ways in which you can assist clients to understand your role in the effective management of their legal matter.

Issue: Client does not realize that they are being charged when they speak to the paralegal until they receive their first bill.

In the firm where I work, each client is presented with a Retainer Agreement. This agreement outlines, among other details, the lawyer's hourly rate and the paralegal's hourly rate. There are times when a client will telephone or attend our office after receiving their first bill to question why they were charged for the paralegal's time on their file.

The concern that I have encountered involves two main issues. First, the lawyer presenting the Retainer Agreement to the client and second, the client meeting the paralegal. Generally, the lawyer will either present the Retainer Agreement to the client, ask the client to read and sign it or the Retainer Agreement will be mailed to the client after the initial meeting and then returned, signed, to our office by the client.

While all clients have good intentions, they are often focused on their case and the "game plan" strategies for their file. As such, they simply sign the agreement, relate to the lawyer that they have read it and the Retainer Agreement goes into the file. The lawyer will ask the client if they have read the Retainer Agreement and it is helpful if the lawyer reviews the agreement with the client, including the portion reflecting the paralegal's hourly rate.

It is important that the lawyer, whenever possible, introduces the paralegal to the client in the same meeting as presenting the Retainer Agreement. This allows the client to draw a correlation between the terms of the agreement, including those terms concerning fees for a paralegal's time, and your role as an important participant in the file.

It does not take long for the client to come to the realization that getting to know the paralegal(s) working on their file is an efficient, less expensive means of staying actively involved in their file. This realization is a result of two things: (1) the lawyer introducing the paralegal to a client, whenever possible, at the initial meeting and describing the tasks that the paralegal performs; and (2) the client telephones the office and very quickly learns that the paralegal is often less difficult to reach than their lawyer, due to the lawyer's attendance at court hearings, office and out-of-office appointments. Their reliance on the paralegal will be cemented or deterred by the paralegal's knowledge, or lack thereof, of their file materials.

As a paralegal, if you are charged with inputting the information into the Retainer Agreement for each client, it is important to ensure that the client reads the Retainer Agreement and that you encourage the client to ask you questions. While the ultimate responsibility for the client's understanding of the Retainer Agreement rests with the lawyer, it will make your job easier when communicating with the client. In this way, you may wish to request that you, whenever possible, attend the initial meeting with the client and the lawyer or at least attend a portion of the meeting.

It is helpful to the efficient and effective management of the file if your role is clearly explained to the client.

It is also important to note that *Sliman, Stander & Co. v. Hamvai* [2006] B.C.J. No. 254, is a Supreme Court of British Columbia case that highlighted not only the necessity and effectiveness of Retainer Agreements but also the necessity of communicating to the client, in writing, the hourly rate of the assistant to the lawyer. While the clients in *Sliman* believed they had fair representation, they were disputing the cost of such representation. In *Sliman*, Master Keighley, at paragraph 7 stated:

This is... a case in which a retainer agreement would have been of significant assistance, not only in the resolution of the issues before me but in promoting an understanding on the part of the client as to the potential cost of litigation and the manner in which they were to be charged. I am in the absence of a retainer agreement, empowered to fix a fair fee in accordance with the criteria specified in section 71 of the Legal Profession Act. In the absence of a retainer agreement there is no basis upon which to charge separately for the services of [the assistant].

Sliman highlights the necessity of Retainer Agreements but also the necessity of detailing the paralegal / assistant's hourly rate so that the client is informed from the commencement of their file with the law firm.

Issue: The client does not understand what your job is.

I have encountered clients who ask the receptionist to speak with me simply to leave a message for the lawyer. They do not recognize my role as an integral part of their file.

Your lawyer can assist greatly in relaying your job duties to the client as well as your importance to the network of the firm and to the effective management of their client file. Further, if a client telephones me to leave a message for the lawyer, I will often listen to the message they wish to leave and then offer assistance, whenever possible. The more I am able to assist a client and impress upon them that I am aware of the details of their file, the more likely they are to entrust me with their requests for action on their file, insofar as legal advice is not required.

Issue: There are clients who do not understand client confidentiality extends to all staff members of a law firm.

I am sure this belief is common in other law practices; however, I have noticed the attitude is quite prevalent with family law files. I believe this is largely due to the sensitive nature of family files, including issues concerning children, family assets, domestic abuse, adultery and cultural issues. Further, it is helpful if your lawyer explains to clients that client file confidentiality extends to all employees of the law firm. This will put the client at ease when speaking with you regarding the intimate details of their file.

There are several ways to communicate to clients that the confidentiality they entrust to their lawyer extends to you. By understanding this, the client is able to work with you to manage their file in an efficient manner. It is in the client's best interests that you understand the file and it is in the lawyer's best interests to relay to the client that you are competent and willing to work on a client's file. I believe the paralegal and lawyer are a team and the paralegal and client are also a team. I am fortunate that I work with a lawyer who often refers to me as a member of his "team" in the presence of clients. He clearly communicates to clients that I will be working with him and the client for the progression of the client file.

It is important to note that how you communicate with a client regarding their file will either result in confidence from the client or a lack thereof. For example, a paralegal should know the main details of the file from the lawyer or from reading the file prior to contacting the client. If the client feels that they must explain their whole file to you when you contact them or they contact you, they are less likely to be willing to communicate with you or are less likely to take you seriously in your role as a paralegal.

Before I meet with or telephone a client, I review their file for information specific to the meeting or telephone conference. For example, if I will be speaking with a client with respect to responding to correspondence from opposing counsel regarding our client's children, I do not meet with or telephone the client without first knowing the names and ages of the client's children. I also make myself aware of the children's living arrangements, for example, are they living with our client or the other party? If I refer to our client's children as "the children of the marriage" this invokes an imper-

sonal and detached attitude towards our client and their file with us. Likewise, in our civil litigation files, I will not communicate with a client without first making myself aware of the main details of their client, including the location and/or property that is the subject of the dispute. A client should not be put in a position of having to explain such details to you after they have already had their initial meeting with the lawyer and, in some cases, you.

Issue: Empowering your Clients in Your Role as a Paralegal

There are often opportunities to “educate” a client. Just as the client may not wish to be billed for each time they telephone the paralegal with a question, the paralegal does not want to be disturbed unnecessarily. Encourage clients to collect their questions and telephone you or the lawyer with a list of questions. This efficiency tactic can be relayed by you or the lawyer. Further, you may wish to empower your client to be involved in their legal action by requesting that they perform some functions such as organizing documents or filling out forms. Many of these tasks can be done by the client alone or working with the paralegal. I have had situations where clients have provided massive amounts of documents, some of which are irrelevant and may include many handwritten (perhaps illegible) notes of the client, and the client requests that I “go through them”. This is a valuable situation wherein I, in my role as a paralegal, can educate the client with respect to taking an active role in their file by assisting in its organization. Further, there are forms involved in family law files, such as Vital Statistics forms for a name change or registration of birth. These forms require personal information, and in some cases, fingerprints of the client, and a client may wish to be informed that he or she will be billed for your time if you complete these forms. Clients may wish to complete these forms on their own or with your assistance rather than leaving them with you to complete.

Educating your Lawyer - Conclusion

Your role and participation in a client file is greatly affected and controlled by the lawyer(s) you work for and his or her office policies. You may be in a position where a lawyer does not quite understand the role of a paralegal beyond that of performing secretarial and clerical duties. This is a great opportunity to educate your lawyer in what you can do! You may wish to present your lawyer with a written outline of the duties you can perform. I have prepared and presented such an outline to a previous employer and was surprised to learn that my lawyer at the time did not realize the tasks that I had been trained, through education and work experience, to perform. I was subsequently entrusted with more challenging, and thus rewarding, work.

My lawyer and I are a team and we often work together with clients. In the event that you do not have an active role in meeting with a client or you do not have an opportunity to meet with your lawyer on a regular basis to discuss client files, and you are not comfortable presenting a written outline to the lawyer, you may wish to speak to your lawyer and request a greater involvement. A lawyer will likely respect your initiative and, if you wish, grant you more independence, wherever possible, on client files.

*Submitted by:
Andrea MacDonald
Paralegal
SVS Lawyers*



Arcprint & Imaging, a division of American Reprographics Company, a US\$600 million publicly-traded NYSE (ARP) corporation, is looking for a

Litigation Support Manager

to join our facilities in Vancouver.

Our primary business is providing Document Management, Distribution & Logistics, and Print-On-Demand Services from over 250 locations in Canada and the U.S.

Job Purpose Responsible for all Technical Assistance, Client Training, Staff Training, Client Software Support for Document Scanning & Software product activities. Establish and maintain relationships with clients and service existing customer accounts.

Requirements Our preferred candidate will have a minimum of 5 years litigation experience as well as a minimum 2 years working with Summation and other Litigation Support Software. Familiar with the new BC Practice Directive on Electronic Discovery of Documents July 1, 2006. The potential candidate will also be detail oriented, highly organized and a self starter who can work in a leadership role with little supervision.

Job Description

- Support Sales Team in completing sales cycle for Scanning opportunities into Litigation Support Software (LSS) applications into the legal and other markets.
- Provide advice and support to assist achievement of penetration into key Sales Objectives.
- Work closely with Production personnel to ensure successful completion of scanning work incorporating Litigation Support Software into the final product deliverable to clients.
- Provide on-site technical support to Clients when uploading Summation Case Binders into their database. Provide troubleshooting to Summation and other Litigation Support Software.
- Participate in Trade Shows to promote services.
- Respond to client and office calls in a timely manner.
- Self motivated.
- Good presentation skills.
- Extensive working knowledge of the Legal Market and Legal office processes, procedures and operations.
- Extensive knowledge of Summation Software & competitive Litigation Support Software applications.
- Willing to be trained as a Certified Summation Trainer.
- Support other operations with Summation Technical support (& competitive Litigation Support Software applications) on an as needed basis.

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