

The Assistant

B.C. Association of Legal Assistants (BCALA)

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PARALEGALISM IN CANADA Charting the Course of a Profession – We are Definitely on the Map!

By Patricia Tunstall, President CAP - Address given during the 24th Annual Cap Conference in Vancouver, May 2004.

I was always drawn to law but never knew there was such a thing as a “paralegal” until I was in a law firm working as a legal secretary. That’s where it all began for me, 17 years ago, working with the people who created our department.

Of course things have changed. A lot of people still have very vague ideas about what a paralegal does, so it is up to us to educate them, but there are some definite signs that we’ve come a long way. For example, in law firms, paralegals organize and deliver in-house training to new lawyers and articling students.

Lawyers know paralegals make dollar sense in the delivery of legal services. Why, nowadays, even clients know that; they instruct law firms to assign paralegals to specific tasks, not lawyers. Have you heard of the Dupont Legal Model? It is a model for many large corporations, even in Canada.

In most Canadian provinces, there are comprehensive college level paralegal programs taught. Humber College in Ontario offers a Bachelor of Applied Arts degree in paralegal studies.

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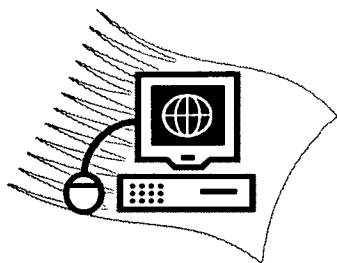
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In the Fall of 2003, the BCALA Board of Directors unveiled the newly designed website. The new website offers the Directors the opportunity to organize and respond to member requests and update information.

Over the next few months the website will offer the members to view past issues of *The Assistant* and the salary surveys.

We invite you visit the new site and provide us with your feedback.



PARALEGALISM IN CANADA (CONTINUED)

Paralegals in every region of Canada sit on advisory committees of such colleges. Paralegals are regularly consulted by government Ministries of Education regarding program content. An Ontario paralegal is currently a lay bencher of the Law Society of Upper Canada.

Yes, these days, paralegals are everywhere.

We are a young but truly thriving profession. Paralegals enjoy one of the highest employment rates and one of the highest average earnings in Canada for technical, paraprofessional or skilled worker occupations. Litigation costs are rising at the same time as is demand for access to the legal system, creating increased opportunities for paralegals.

The exciting thing about being a part of a young profession is that you and I can help shape it and make it better — that is a prospect that excites me a lot.

Cross Country Status of Paralegals

In 2002, the Canadian Federation of Law Societies, whose mission is in part, “to identify and study matters of essential concern to the legal profession”, recognized the importance of paralegal regulation, not simply for reasons of public protection but in the interests of the legal profession. Immigration consultants and patent agents were included with paralegals and their regulation was identified as a concern to the legal profession. A working group was struck to study the impact of any proposed regulatory measures on the legal profession, on the independence of the bar, on the protection of the public and on the authority of Law Societies to regulate the legal profession within their respective provinces.

In October 2002, the Federation applauded the Minister of Citizenship and Immigration’s intention to establish a new advisory committee to regulate non-lawyer immigration consultants who appear before immigration agencies and tribunals. The Canadian Bar Association co-chaired the advisory committee.

If you take a look at the Canadian Bar Association website, you will see that paralegals figure in the first two items listed as *Emerging Professional Issues*, namely, the Future of the Legal Profession and Delivery of Service to Clients.

I have attempted to obtain statistics with respect to the number of paralegals across Canada, however I was only able to obtain information regarding the number of practicing lawyers and have extrapolated from those figures — Ontario (36%), Quebec (37%), British Columbia (12%) and Albert (10%) - these 4 provinces account for over 90% of practice in Canada.

ALBERTA

The Alberta Association of Professional Paralegals (“AAPP”), was created in 1981 and have a current membership of over 300 paralegals. The President of the AAPP, Mr. Roger O’Donnell, has informed me that a major endeavour is underway to register the paralegal profession under an Albert statute known as the *Professional and Occupational Registration Act* (“POARA”). The goals of the application for registration are:

- A) Certification – under the POARA, only individuals who are certified will be able to use the title “Paralegal” to describe their position.
- B) Self-Regulation – the AAPP will become the regulatory body responsible for the conduct and competency of its paralegal members and will have the power to ensure a standard of service to the public.

The AAPP’s application has not yet been filed, but the groundwork has been laid over the past few years and significant steps have been taken by the AAPP. These steps include amending the Association’s by-laws and undertaking a membership drive, even changing the name of their Association by preferring the use of “paralegal” over “legal assistant”.

There will be a consultation process involving all stakeholders, the Law Society of Alberta, as well as educational institutions and law firms. The Certification of Paralegals Subcommittee of the Law Society of Alberta appears to favour a regulatory scheme to certifying paralegals in the interests of public protection, however, it remains to be seen whether the Law Society would assume the role of the regulator.

SASKATCHEWAN AND MANITOBA

There are fewer paralegals in Saskatchewan and Manitoba. Two Saskatchewan paralegals, who work with the Saskatchewan Provincial Government, are also on the Board of Directors of the Canadian Association of Paralegals.

Currently, there is a move to determine the actual number of paralegals in both of these provinces and assess the possibility of forming provincial associations.

Presently, there is only one educational facility in Saskatchewan which offers a Legal Assistant Program. Due to the small numbers there is no move to certification or regulation at this time.

ONTARIO

There are approximately 1000 to 1500 supervised and independent paralegals in Ontario, with several professional associations.

In April 2002, a paper was released entitled “Consultation Document on a Proposed Regulatory Framework”. This document was jointly prepared by the Professional Paralegal Association of Ontario (“PPAO”), which primarily represents independent paralegals, together with various Ontario law associations. The paper called for the creation of a standing committee composed of benchers and paralegals in order to establish standards for the accreditation and licensing of paralegals; as well as to make policy decisions on a code of conduct, regulatory fees, and continuing education. Unfortunately, due to a lack of support on all sides, there was no momentum and the move to regulation halted.

At the end of January 2004, the Attorney General of Ontario, the Honourable Michael J. Bryant, addressed a Convocation of the Law Society of Upper Canada and asked its members if they were willing to take responsibility for paralegal regulation. In an overwhelming vote of 42 to 2, in favour of the AG’s proposal, the Law Society moved in principle to seek a regulatory role over paralegals. The Law Society proposes to perform the entire regulatory function, with the goal of self funding regulatory model of paralegals within the Law Society. A Paralegal Task Force was created to assist the Ministry of the Attorney General, and legislation could be put forward in Ontario before the end of 2004.



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PARALEGALISM IN CANADA (continued from page 3)

QUEBEC

Some years ago, a provincial association for paralegals was established. However, membership was restricted to persons who graduated with a college degree. The Quebec Association no longer exists and the void is filled by the Canadian Association of Paralegals ("CAP"), who sees its largest membership base in Quebec. Therefore, CAP serves to fulfill the role of a provincial and national organization.

The CAP education committee has reviewed the possible formation of a Professional Order for paralegals under the legislation known as the Professional Code; the Quebec Bar and Chambre des notaires operate under the same legislation. Such an Order would self govern, such that the educational and professional standards would be set and the profession would have the power to enforce these standards.

Until such time as a Professional Order is formed, CAP continues to provide continuing education and to advance the paralegal profession in Quebec.

MARITIMES AND THE TERRITORIES

The paralegal profession is alive in these regions of Canada, despite being small. The majority of the paralegals are employed by law firms, with few working in government and private industry. At the present time, there are no regional Associations. The local colleges offer paralegal programs with a highly regarded two year co-op program in Newfoundland. Additionally, there have been discussions with the Nova Scotia Barrister's Society regarding professional recognition and continuing education for paralegals, however, there is no current move towards regulation.

BRITISH COLUMBIA

The BC Association of Legal Assistants was created in 1979, then known as the Western Association of Legal Assistants ("WALA"), currently the BCALA has over 300 members and continues to grow. In the early 1990's the topic of certification and regulation was hot. Unfortunately, by 1994 the Law Society abandoned the idea of being the certifying body. In 1997, the BCALA made an application for title protection under the *Society Act*, unfortunately this was unsuccessful. However, the Association has not abandoned this idea and will reassess the process as the membership continues to grow. In 2003 a Paralegal Task Force was formed to again assess the status of paralegals in British Columbia and to determine the need for a regulatory body. The support for this process was overwhelming, however, in January 2004, the Law Society voted against being the regulatory body for BC paralegals. It did vote on reassessing the scope of work for a paralegal as set out in Chapter 12 of the Professional Conduct Handbook.

The BCALA continues to move forward with certification and regulation. Following the April 2004 AGM, a name reservation was submitted by the Board of Directors, to be voted on at an upcoming Special General Meeting. In addition, the BCALA continues to work with the local colleges, other legal associations, and legal service providers to increase the profile of the profession. The BCALA publishes a quarterly newsletter to inform its members and encourage networking amongst the membership which spans a vast province.

CONCLUSION

Paralegals in Canada are on the brink of professional recognition in many parts of Canada. The increased demand for efficient and cost effective legal services will only prove to raise the profile of the paralegal profession. However, this is not the only way to increase public awareness, it is also necessary for paralegals to support their local associations, associations that are working hard to move the profession forward. Together, the paralegals in Canada are a formidable professional force. I encourage each of you to get involved.

Patricia Tunstall, the current President of CAP was raised in Victoria, B.C. Today she lives in Montreal and works in the corporate services department of McCarthy Tetrault LLP.

24TH ANNUAL CONFERENCE OF THE CANADIAN ASSOCIATION OF PARALEGALS

On May 12, 2004, the Canadian Association of Paralegals (CAP) held its 24th annual conference in Vancouver – for the very first time. The BC Association of Legal Assistants (BCALA) co-hosted this exciting event, and Dye & Durham Company Inc., generously participated as the Conference's premium sponsor.

The Conference was attended by paralegals, law clerks, and legal assistants, as well as lawyers, articling students, and students enrolled in local paralegal programs. Sponsorship included businesses that provide support to the legal community, including title agents, suppliers, recruitment agencies and educational facilities. Many participants traveled from other provinces.

The theme of our Conference this year was "the Path to Excellence: Knowledge, Communication, Professionalism. The purpose was to raise paralegals' level of knowledge about legal practices, and the paralegal profession by providing a synopsis of key issues. It was also an opportunity to learn more about increasing the profile of the profession within the legal community and what paralegals might do to enhance and enable access to justice.

In order to meet the challenge faces by paralegals, who work hard to keep up with the winds of change blowing through B.C.'s legal community, a synopsis of the key issues of those changes was delivered by three panels of speakers.

THE FIRST PANEL discussed current issues affecting the practice of corporate law. John Lundell, Q.C., Partner of Lawson Lundell, reviewed practice changes resulting from the implementation, on March 29, 2004, of the *B.C. Business Corporation Act*. John Powell, Registrar, Corporate and Personal Property Registry, discussed the impact of that Act on his office, and introduced Corporate Online. Richard Shaw, Director of Corporations Canada, introduced, among other things, a new partnership between his office and John Powell's office. Andrew Nathansen, Partner of Fasken Martineau DuMoulin, discussed the impact that the new Act will have on litigation.

THE SECOND PANEL consisted of Ron Usher, staff lawyer with the Law Society of B.C. and CEO of Juricet Services Inc., spoke about e-filing. Bradley Freedman, Partner of Borden Ladner Gervais LLP, spoke about managing electronic documents in a legal practice. James Bond, Associate of Lang Michener, spoke about the new *Privacy Act*. Derek LaCroix, Executive Director of the Lawyers Assistance Program (LAP), shared information about LAP and how it can assist legal support staff.

THE THIRD PANEL presented a discussion of paralegalism, both in B.C. and across Canada. The speakers included Brian Wallace, Q.C., Partner of Lawson Lundell; Patricia Tunstall, Paralegal with McCarthy Tetrault LLP, and President/Director of the Canadian Association of Paralegals; and John Kim, Paralegal with MacNeill Law, and President/Director of the BC Association of Legal Assistants.

Attendees were also treated to some fun! Thanks to the generosity of sponsors, attendees had an opportunity to win amazing prizes, which were given away throughout the day, including a phenomenal grand prize valued at over \$500.00, won by Tai Phem Trong.

The conclusion of the three panel discussion was followed by a cocktail break, during which the grand prize was awarded, and a scrumptious dinner, served by the capable staff of the Pan Pacific Hotel. Following dinner, attendees heard the Honourable Geoffrey Plant, Attorney General of BC and Minister Responsible for Treaty Negotiations deliver his keynote address: *Access to Justice*.

On behalf of CAP and the Conference Committee, we would like to thank each of the generous sponsors, dedicated volunteers and illustrious speakers. The challenges set by the Conference theme: The Path to Excellence: Knowledge, Communication, Professionalism, were not only met, but exceeded! By all reports, the Conference was a great success.

By Jerena Tobiasen, paralegal, Director of CAP & BCALA, and Conference Chair

OCTOBER 13, 2004

**YOU ARE INVITED TO THE BCALA & CAP
ANNUAL FALL DINNER**

We are excited to announce this year's dinner, with a new venue and a dynamic speaker.

A scrumptious dinner of wild salmon will be followed by an entertaining and informative presentation by Mr. Ryan Durita, of Totally Connected Security, all served at the spectacular Four Seasons Hotel.

Ryan Durita, has over 15 years of computer network security training. In addition to showing us how to protect our personal computers, Mr. Durita will provide valuable information on electronic document gathering.

The Annual Fall Dinner will commence at 5:30 with cocktails, with dinner served at 6:30, followed by our guest speaker and a host of wonderful door prizes.

The BCALA, along with our co-hosts CAP, are very excited to provide to the paralegal community and our members this wonderful annual event.

For further information on registering for the dinner please visit our website at www.bcala.com



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IN MEMORIAM

The BCALA Board of Directors would like to extend their deepest sympathies to fellow director, Patricia Terlecki, whose father recently passed away.

On May 27, 2004 the legal community lost a friend. Cynthia Ching was young and beautiful and the sweetest person you would ever meet. This is how she remains in the minds and hearts of all those who knew and loved her. Knowing her and loving her went hand in hand because if you knew her, you loved her. She was not yet 30 years old when, surrounded by family and friends, she left this earth due to complications from a severe burn.

I first met Cynthia at Capilano College when we were both enrolled in the Legal Assistant Program. As our time at Cap College continued our circle of friends grew and soon a group of us were spending time together regularly. We gathered for birthdays, baby showers, wedding showers, weddings, rollerblading adventures, game nights, barbecues and more than one night on the town. She was always smiling and laughing. She had the sweetest disposition and was a beautiful person, both inside and out, with beautiful hair, sparkly eyes and an easy smile.



There are so many memorable things about Cynthia that I could not possibly list them all here. One thing you learned about Cynthia very quickly was that her favorite color was orange. She had orange clothes, orange shoes and the word 'orange' in her email address. I think that for a lot of people, the color orange will always bring fond memories of Cyn flooding back. At various functions, we also learned first hand that Cyn was a good cook. She was known for her cookies and spinach dip at potlucks and while in Whistler with our Cap College class, she taught a few of us how to make a tasty stir-fry.

While in Australia she displayed a gift that I did not know she possessed, she was a gifted storyteller. Her email stories from Australia were witty and touching. When I read one of Cynthia's emails, I stopped what I was doing, read every word and looked at the pictures associated with the email. She described the local wildlife (both four-legged and two-legged) as well as the adventures she shared with her sister while Down Under in such a way that her stories came to life with each line I read. She was living her dream and sharing it with her friends with rich, rewarding stories. I saved all her emails from Australia and will treasure them forever. I know I am not alone when I say that Cynthia was a beautiful, gentle, loyal person who truly blessed my life and I will miss and remember her always.

By Andrea MacDonald and Jennifer Mitchell

The Assistant always welcomes your announcements, memorials, special events, anecdotes. Please forward material you would like printed in the Assistant to Christine Uhrmann, Newsletter Editor via email at cru_bcala@yahoo.ca.