

The Assistant

B.C. Association of Legal Assistants (BCALA)

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BCALA AND CAP 2004 FALL DINNER

On October 13, 2004 the BCALA and CAP hosted the 2004 Annual Fall Dinner. This year the dinner was held at the beautiful Four Seasons Hotel. The evening started out with a brief welcome and update on the profession from BCALA Directors John Kim, Christine Uhrmann and Samantha Kuypers.

A delicious dinner of grilled salmon was served by the wonderful staff at the Four Seasons. Following dinner, Ryan Purita of Totally Connected Security entertained and informed the crowd by showing how easy it was to hack into a computer using software available on the internet. Ryan also discussed the ways to retrieve information that has been deleted, or so you think, and how obtaining this information can be critical in the outcome of an investigation or legal action.

Ryan's presentation can be downloaded at www.totallyconnectedsecurity.com/BCLegal.zip. We welcome you to peruse the information and contact Ryan if you have any questions or concerns regarding electronic document gathering, or the security of your computer system.

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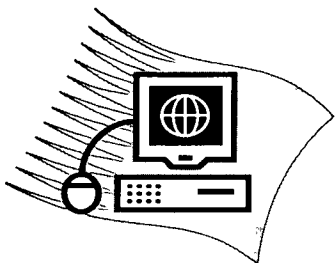
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WWW.BCALA.COM

Next time you are surfing the web, stop by and browse! The salary surveys from 1996 to 2004 are now posted.



The evening ended with a 50/50 draw and handing out a number of lovely door prizes to some lucky guests.

The BCALA and CAP would like to extend their sincere thank you to our volunteers, Shannon Baker and Lisa Evenson, and all of our sponsors, whom without the 2004 dinner would not have been such a success. **THANK YOU!**

Particularly, we would like to thank:

Nicole Bradfield and the staff at Legal Freelance

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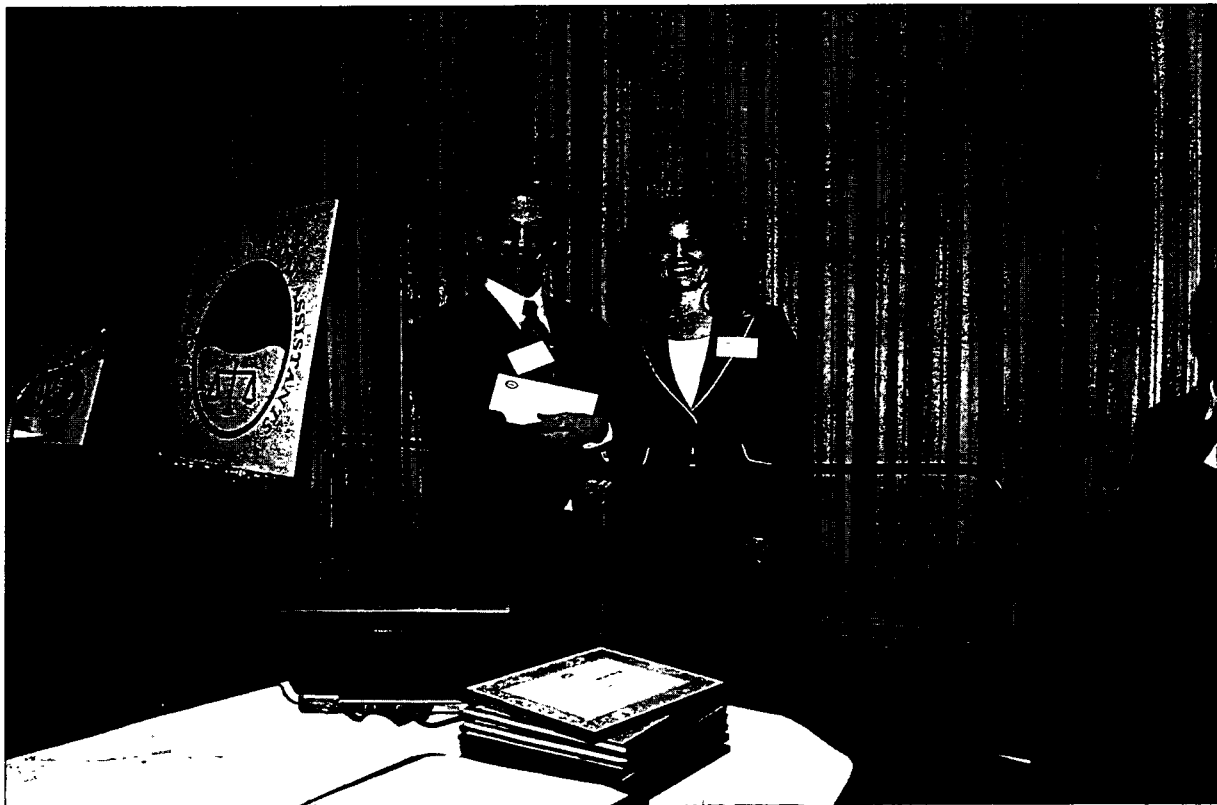


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Christine Uhrmann, BCALA Director, with guest speaker, Ryan Purita of Totally Connected Security.



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BCALA SUB-SECTIONS

BCALA wishes to canvass the interest of its Members in forming and participating in various sub-section groups, specific to an area of law in which Members employed. Examples of the subsections could include conveyancing, real estate, insurance, construction, securities, family, corporate records, personal injury, and many others.

The idea being that on a more informal level, Members could get together to exchange and discuss issues relevant to their area of practice.

If you are interested in participating in a subsection, please contact Lisa Evenson at levenson@hgelaw.com or Christine Uhrmann at cru@cwilson.com.

2004 SALARY SURVEYS ARE NOW OUT

Please take a few minutes to complete and return the only comprehensive salary survey in BC for the paralegal profession.

The results will be published in Feb/Mar 2005.

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AND
A HAPPY NEW YEAR





Margot Spence and Donna Phillips of CAP College



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Lisa Evenson selling 50/50 tickets



Rita Scott of Dye & Durham and winner, Jacqueline Urchuck



Valerie Fuller of CAP with Cori Compton



Betty Garbut of Legal Freelance with winner, Wendy Fleming

FAIRPLAY FOR PARALEGALS

An increasing number of people who need assistance with routine or relatively simple legal matters are consulting a paralegal, rather than a lawyer. In most cases, paralegals provide their services at a fraction of the fees charged by lawyers.

Studies, some commissioned by the Ontario government, found high levels of consumer satisfaction with paralegals' services. Nevertheless, there is general agreement within the paralegal and legal communities that paralegals must be regulated, like lawyers, engineers, accountants and doctors, in order to protect the public against fraudulent or incompetent practitioners. Regulation would create minimum competency standards, require the matching of competencies with specific areas of practice, and create a complaints and disciplinary process along with a compensation fund for aggrieved clients.

The current issue is not whether paralegals should be regulated, but how they should be regulated.

Two major studies were commissioned by the Ontario government on the regulation of paralegals. One was headed by Dr. Ron Ianni (who was then president of the University of Windsor), the other by a former Justice of the Supreme Court of Canada, the Honourable Peter de C. Cory. Both recommended regulation, but not in such a way that the public's access to paralegals would be impaired.

Ianni and Cory rejected out-of-hand regulation of paralegals by the Law Society of Upper Canada, which is the regulatory body for Ontario's lawyers. Cory was emphatic that "it is of fundamental importance that paralegals be independent both from the Law Society of Upper Canada and the Province of Ontario." The law society itself initially acknowledged the potential for a conflict of interest because paralegals compete with lawyers. The Manitoba Law Reform Commission and even the Canadian Bar Association have opposed regulation of paralegals and lawyers by the same body. The majority of paralegals agree, fearing that regulation by the law society will mean that they are regulated in the best interests of the legal profession, rather than in the public interest and in the interests of their own profession.

It came as a total surprise, therefore, when on Jan. 22, 2004 Ontario's Attorney-General, Michael Bryant, announced that he had decided that paralegals should be regulated by the Law Society of Upper Canada. Mr. Bryant, who is himself a lawyer, rejected regulation by an independent body as recommended by Ianni and Cory because, in his view:

"It is not in the public interest, it is not in the interest of [the legal profession] and I do not believe it is ultimately in the interest of paralegals either."

That the Attorney-General made this U-turn having been in office for a scant three months and in the face of the expert studies is astounding. It is equally astounding that he even considered the best interests of his own profession in reaching this conclusion.

Since this announcement, the law society's approach has justified concerns. It considered it unnecessary to consult with the paralegal community until the Ontario government suggested it do so. Input from paralegals was not requested by the law society when it released its proposal in May, 2004. And further, the law society's proposal suggests that only part of the paralegal profession is to be regulated, thereby effectively eliminating the unregulated section of the profession.

The Attorney-General appears to have been persuaded that the provision of legal services, and therefore its regulation, is a unitary undertaking. But the Canadian Institute of Chartered Accountants does not regulate certified general accountants. Architects do not regulate interior designers.

"Dentistry," which some might think of as a unitary profession, actually consists of multiple professions including dental hygienists and denturists, each of which has its own regulatory body. Competition among professions within the same sector is clearly healthy, and ultimately benefits the consumer in terms of quality and cost of services.

Paralegals want an independent regulator in Ontario. Nevertheless, they recognize that there must be co-ordination with the law society in order to ensure reasonable consistency between the regulation of lawyers and the regulation of paralegals. For example, both Ianni and Cory propose that the law society provide advice in establishing the regulatory framework for paralegals. Representatives of the law society could be appointed to the governing board of the paralegal regulatory body, and the government could also require consultations with the law society over any regulations put forward by the paralegal regulatory body.

The Ontario government has been presented with a major opportunity to, in Cory's words, "extend access to justice and to ensure the protection of the public." Paralegals and many of their clients are convinced that regulation by the law society won't achieve that objective. Some form of independent regulation will.

Originally published in the National Post on October 26, 2004. Permission to reprint obtained from the authors, Stephen H. Parker is president of the Professional Paralegal Association of Ontario. Elizabeth Feltham is president of the Paralegal Society of Ontario.

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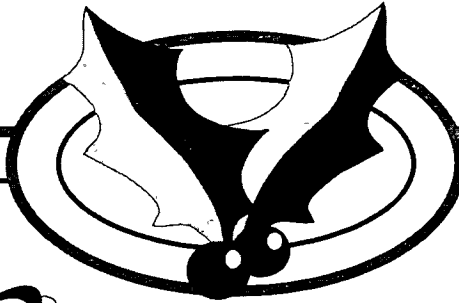
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