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Vice-President's Corner

WALA - Which Direction?

Introduction

In our opinion WALA has reached a crossroad in its development and it must now decide in which direction to go. WALA, we believe, was conceived by some Capilano College graduates from the Legal Assistant programme who wanted recognition for their efforts. The only way to achieve this was to set up an organization to which membership was limited to those who had some form of legal education. It in effect became an organization of Capilano College graduates. Hence, the membership of WALA is largely dependent on the number of graduates coming from the Capilano College Legal Assistant program.

An organization that is dependent for membership in the above way cannot really grow. Its growth is limited to the graduates coming from Capilano College and even then not all graduates join. Thus, its influence is limited.

It is our opinion that, for WALA to have any significant influence with the Law Society of BC, it must open its membership. However, at the same time it must not lose sight of its original goals.

Future changes

Name

Most of the directors agree that the name of WALA should be changed. Three of the possible names suggested by the directors are:

- BC Institute of Legal Assistants
- BC Association of Legal Assistants
- BC Society of Legal Assistants

Membership

It is our view that membership should be expanded, so that we can take advantage of all the things that go with it. This would mean opening up the criteria for membership. It may mean that we would have several levels of membership, for example, similar to the Trial Lawyers Association of BC or the American National Association of Legal Assistants. We have considered the following:

- ways to include graduates of the Vancouver Community College Legal Assistant programme;
- ways to include non-formal educated Legal Assistants who are currently practising;
- ways to include Legal Assistants from the private colleges and other institutions; and
- those with little legal education who have at least 5 to 10 years' experience.

To include the above, we would obviously have to amend our bylaws regarding qualifications.

Qualification

Since we are considering the change to the membership criteria, we also looked at the qualifications, required to become a member of WALA.

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Future

In our view WALA should be proud of what it has done to date. However, for it to continue it must change and it should change soon, otherwise some other organization may step in and leave WALA a thing of the past.

The directors have been working on changing the whole organization and have recommended changes

One day we would like to see our organization become as powerful and influential as the Institute of Legal Executives of England and Wales.

THE INSTITUTE OF LAW CLERKS OF ONTARIO**THE FUTURE OF THE ORGANIZATION OF THE LAW CLERK PROFESSION**

Alison R. Manzer
Cassels Brock & Blackwell

MODERATOR INTRODUCTION

The following is an outline of the comments made by the moderator for the panel on the future of the organization of the law clerk profession, setting the tone for the panel's discussion. These comments were intended to establish the nature and direction of the comments made by the panel, and to assist in the questions received from attendees participating in the program.

1. Massive Change in the Recognition and Regulation of Professions - Health Professions, CGA, etc.

The late 1980's and the early 1990's have seen a massive change in the manner in which the public perceives, and the government regulates, professions and quasi-professions. Many occupations which had previously been considered as occupations, have been recognized as being professional or quasi-professional occupations. Both as a consequence of, and in conjunction with, such recognition, these professions have come under increasing regulation. Regulation has been directed to issues primarily dealing with education, standards of performance, insurance, and responsiveness to public needs. The health professions have seen a massive reorganization in the 1990's, resulting in the introduction of colleges regulating many aspects of the health professions. These have included psychologists,

audiologists and speech language pathologists, physiotherapists, and others. The accountant profession has also seen massive change, with the increasing intrusion of the certified general accountants into territory previously occupied by the chartered accountants. It would be naive to assume that such massive change will bypass the legal profession, and will not affect the future of the legal profession or the role of law clerks in the legal profession.

2. Become Active Participants in Charting Direction

A fundamental mistake which has often been made by quasi-professional and professional groups, is not to become active participants in charting the direction of their profession. Very often, the lack of participation has come from the professional organizations, for example the denturists with the dentists, and the certified general accountants with the chartered accountants, but as often the lack of participation has come in the other direction. Many of the health professions had the nature and direction of their college, and the nature of their regulation, imposed upon them, without much direction or guidance by the persons most directly affected. A failure to become a direct participant in chartering the direction of recognition and regulation of quasi-professionals, is the consequent imposition of regulation which may be unworkable, and detrimental to the development of the profession.

3. Requires the Basis of Strategic Planning - Direction and Role

The emergence of an occupation as a profession or quasi-profession, is not dissimilar to strategic planning in the corporate sense. The guiding forces leading to recognition and regulation, generally the bureaucracy and political arms of government, are often proceeding on a political timetable. But in reality, the recognition of regulation of the profession really requires implementation of strategic planning principles. Strategic planning principles set the fundamental direction and role of the profession once recognized. This can best be done by an active and direct involvement, using strategic planning principles, by the persons who will directly be affected. In this particular case, it would mean the direct and active participation on the part of law clerks, setting the ultimate direction and role of law clerks with the legal profession.

4. First Step - Providing the Means of Determining Direction and Organizing Efforts

It is impossible to take an active participation in any process, without an organized and directed method of doing so. The first step must therefore be establishing the means to determine what direction should be taken for the profession. The second step will be organizing the initiation of these efforts. Failure to do this at an early stage, and prior to government intervention, will result in exclusion from the process. If the law clerks intend to be directly involved in determining their own future, they must take the first step of organizing themselves, determine the direction in which they wish to take on recognition and regulation, and provide the means of organizing their efforts on a concerted basis.

5. Subsequently More Detailed Planning But Need the Infrastructure, Not the Time to Start on Issues of Education, etc.

The next step, both logically and necessarily, after establishing the direction to be taken for the profession, and the initial organization of the efforts to ensure direction and role proceeds in this manner, is to undertake detailed planning. In order to undertake detailed planning, it is necessary for the law clerks to have established an infrastructure. This infrastructure will be necessary in order to determine that there is the appropriate general guidance, and committee organization, to permit the further planning which will be needed after determining general direction for recognition and regulation of the profession. When the strategic planning process is starting, it is not the time to start on specific issues, such as issues of what education is required. At this stage, the law clerks should be spending their time determining who they want to be, and how generally they will get there. The detailed planning at this stage does not involve the specifics of how to accomplish what is to be accomplished, but rather to determine what is to be accomplished. It is also to establish the means by which to make the needs of law clerks known, and to help direct the recognition and regulation of the profession.

6. Are You Going to be Passive Participants - While Lawyers/Paralegal/Politicians Decide?

A failure to provide for a properly integrated approach to the representation of law clerks, will result in others making the decision for you. The paralegals, that is

those persons who are undertaking legal activities without being lawyers, and without the supervision of lawyers, are an active and vocal lobby. Lawyers, are a well-organized lobby group, and will look after their own interests. The politicians are generally reacting to public pressure to increase access to justice. The politicians have not determined, at the present point in time, to make paralegals or law clerks a high priority. Although there have been indications in the past that this would be the case, this has not in fact been borne out, and recent discussions with the Attorney-General's Office indicate that this will not be a high priority in the Province of Ontario. The Province of Alberta is having some consideration to the issue, but most provinces are not determining that this is a priority political issue. Therefore, the time is right for the law clerks to organize themselves, and to be directly involved in the earliest initiation of the recognition and regulation of the profession. A passive participant will have the ideas, thoughts, concepts and regulation, of other impressed on them.

7. Consider Structure - Fragmented or Co-ordinated, Local or Regional or National, Can Ideals be Reconciled?, Relationship to Other Actors

Representation for law clerks, in the initial recognition and regulation of the profession, can be done in a number of ways. It can be done by fragmented, local, regional or interest group, representation. Or it can be done on a co-ordinated basis; co-ordination can either mean co-ordination within separate representation groups, or representation by a single co-ordinated national group. Organization of a co-ordinated group can be on a local, regional, national, or interest group basis. The issue really becomes whether ideals of the various participants in the profession can be reconciled. Also, it will, to some extent, be determined by the relationship of local or regional groups to other actors in the issue. These other actors would be paralegals, lawyers, judiciary and politicians. The structure by which the law clerks should represent themselves must be considered, and considered as early as possible, in the process.

8. Major Components are Present - Here Briefly Their View and Role

The major components necessary to determine the manner in which law clerks wish to present themselves in recognition and regulation of the profession, and the manner in which they continue to undertake their

ongoing lobby efforts, were present at this meeting. The major existing organized groups are represented. The persons having the most significant interest in the issue were there, their very presence indicates their interest, dedication, and willingness to participate. Each of the persons must review their view and role, and should determine how they wish to co-ordinate their involvement in the process.

9. Provide Guidance and Ideas as to the First Step - Your Role and Representation in the Process (Recognize Next - Education, Practice, etc.)

The concept of the session was to provide guidance and ideas as to the first steps. The first steps are to determine how you perceive your role, and to determine how you wish to organize your representation, in the process leading to recognition and regulation of the profession. It is not necessary at this point in time to look to issues such as educational requirements, practice evaluation, insurance and bonding, and other issues. Rather, the first step must be to determine what role is intended for law clerks within the legal profession. Once the role is determined, then it is possible to determine the appropriate means of recognition and regulation. It will be necessary for the law clerks to determine how they wish, on a co-ordinated or disjunctive basis, to determine what that role is to be. At present, working with separate and segregated, representational groups, will likely result in a failure to determine a co-ordinated approach. The idea of the session was to determine whether an effective means of representing the interests of law clerks can be identified.

HISTORY OF THE CANADIAN BAR ASSOCIATION

In looking at the organization of law clerks, it may be useful to review the history of the Canadian Bar Association. The formation of a similar, and what may some day be parallel, organization of lawyers, may be of assistance in determining how to take the first steps. The first step, is always the hardest step, and will be the most determinative of the future of the law clerks as a recognized profession.

These notes, were assembled from a review of historical information maintained by the Canadian Bar Association. It is not intended to be a complete history, but is intended to illustrate the manner in which lawyers organize themselves, initially on a regional, and

ultimately on a national basis. It is intended to illustrate the concepts that the lawyers had in initiating a national, interest-oriented, organization

The preliminary conference, and first meeting, of a Canadian Bar Association, was held in Montreal, in September of 1896. At that meeting, there were present a large number of barristers, representing different provinces, and including delegates from the Law Society of Nova Scotia, the bar of British Columbia, and several local bars. It should be remembered that, on a provincial basis, lawyers are governed, as to matters of insurance, discipline, and educational requirements, by the law societies of those various provinces. The formation of a Canadian Bar Association, was a organization separate and distinct from the organization which governed and regulated the profession.

At that time, in 1896, the Canadian Bar Association was made up of eight provinces, New Brunswick, Nova Scotia, Prince Edward Island, Quebec, Ontario, Manitoba, British Columbia and the Northwest Territories. Representation on the Canadian Bar Association was through a vice-presidential nominee from each of the provinces. There was a national governing council which was composed of the Minister of Justice, the Solicitor General of Canada, the president elected of the Canadian Bar Association, the eight vice-presidents, a secretary and treasurer as ex-officio members, and eight elected members of council. This is, of course, a far cry from the present organization, which has a professional staff, an executive which is composed solely of elected members from the bar membership, and the approximately 500 elected members of council. By 1898, the Canadian Bar Association was on a stronger footing, and at that point in time had achieved reasonable financial success. Unfortunately, after 1898, the Canadian Bar Association appears to have disappeared, and there is no record as to what happened to the Canadian Bar Association between those initial meetings of 1896 to 1898, and the official start of the Canadian Bar Association is 1914. There is therefore little, which is of illustration to the law clerk profession in these initial meetings and the initial formation of the Canadian Bar Association. It is of some interest, however, to note that the initiation of the Canadian Bar Association, stated that its sphere of activity was limited to matters of general importance. It was further stated that the main objectives of the Association are improvement in the law; improvement in the administration of justice; and improvement in the learning and skills of the individual

lawyer. The programs, in the early years, and after the official formation of the Association in 1914, always contained strong elements of legal education.

It is of some interest, to determine what caused the legal profession to determine to form a national association. In the autumn of 1913, the American Bar Association, which had existed for some time, held its meeting in Montreal. At that meeting, Viscount Haldane, delivered an address, which he entitled "The Higher Nationality"

In this address, he gave the vision of a national association of lawyers. This vision caught the imagination of a number of prominent Canadians who were in attendance at that annual meeting. Later in the year, the Minister of Justice visited Winnipeg, and at a dinner held by the Manitoba Bar Association made the suggestion that steps should be taken to organize in Canada an organization similar to the American Bar Association.

The Canadian legal profession at that time was sufficiently influential, and sufficiently small, that the suggestion was able to be rapidly acted upon. The suggestion made created a strong appeal to the late Sir James Aikins, who was then president of the Manitoba Bar Association. Sir James Aikins put himself in communication with prominent members of the bar in different provinces. In February of 1914, a meeting was held in Ottawa, to discuss the possibility of establishing a national voluntary association of lawyers. Prior to that time, no national organization had existed. At this meeting, it was decided to proceed with the organization of such an association. A provisional committee was established at that meeting.

The meeting organized itself such that the letters were signed by the three members of the provisional committee, and these were sent to the officers of the governing bodies of the legal profession in the various provinces, and to officers of any voluntary bar associations which then existed. These letters requested these persons to attend or be represented at an organizational meeting planned for Ottawa in March of 1914. These various persons did attend, and at the meeting representatives of the bars from all of the provinces attended, and the Canadian Bar Association was established. Representation by prominent members of the bar, and the dedication to call upon the profession, resulted in the formation of the Canadian Bar Association. The first annual meeting was held in

Montreal in March of 1916, and the second meeting in June of 1916.

The Association struggled through the time of the First World War, but survived through this period of time. In 1922, for the first time it was decided to hold a meeting on the Pacific coast, this was the test as to whether a national organization had truly been formed. The success of that meeting indicated that it had indeed reached that stage.

The secret of the success of the Canadian Bar Association was the establishment of relationships and mutual confidence among persons who, for the first time, were engaged in common efforts. This took some years to accomplish, but nonetheless a great deal of useful work was accomplished by committees and individual members through the initial years of the organization.

In 1921, the Association, which had prior to that date been an unincorporated body, was incorporated by private act of the Parliament of Canada. At that time, some gifts started to be made to the endowment fund for the Association, including that by Sir James Aikins. It can be seen, that generally it was the will of individuals, and the strength of personality and prominence of the persons involved, who drove the organization forward. Throughout this period of time the work, especially in relation to the annual meetings, was performed entirely by voluntary assistance. At the annual meeting in 1922, the journal, known as The Canadian Bar Review, was established. This legal publication has continued to the present day.

By 1925, the Association was firmly established. In that year, invitation was issued by the President of the Canadian Bar Association to the incorporated governing bodies of the legal profession in the various provinces. Each of these governing bodies sent representatives to discuss the advisability of establishing a permanent organization to deal with various problems of mutual interest, including the problems associated with the various provincial statutes. This led to the formation of the conference of representatives of the governing bodies of the legal profession. This type of activity became the hallmark of the Association, and its representation on statutory issues, and its capability of liaising with the governing legal bodies, were the secret to its success.

By 1933, the organization was fully fledged. At that time, organization by setting up of sections, to discuss

matters of interest to specific groups of members, was adopted. The sections are the groups which recognize the practice specialties and differences in the profession. The sections survive to this date, and exist in both the national organization and at the provincial branch level. At this time, separate branches of the Canadian Bar Association, in each of the provinces, and various committees, were actively ongoing. The organization of the branches, in many of the provinces preceded the establishment of the national body. Committees have been established almost from the beginning of the Canadian Bar Association, and undertook much of the active, ongoing work related to statutory review, and other similar issues. It established, in the early years, an executive committee, comprising various officers and represented by the provincial branches. An executive committee of this nature was established, and the first meeting was convened, in Toronto in 1943.

THE CANADIAN BAR ASSOCIATION TODAY

It may be of interest to understand the view of the Canadian Bar Association, of itself, today. This may give some guidance as to the ultimate goals and aims of the law clerk profession as it achieves recognition and regulation.

The Canadian Bar Association, today, represents over 35,000 lawyers, judges, notaries, law teachers and law students, and representation is on a national basis.

The Canadian Bar Association is specifically, by its mission statement and mandate, dedicated to the following purposes: to improve the law, to improve the administration of justice, to promote access to justice, to promote equality in the profession and justice system, to improve the knowledge, skills, ethical standards and well-being of members of the legal profession, to represent the legal profession nationally and internationally, and to promote the interests of members of the Canadian Bar Association.

As presently organized, the Canadian Bar Association advances its objectives through the functions of its sections, committees and task forces. Each of these operates at both the national and branch levels. Membership is voluntary in all provinces except British Columbia and New Brunswick, where there are special arrangements with the law societies which require the members of those law societies to belong to the national association. Approximately two thirds of all practising

lawyers in Canada belong to the Canadian Bar Association

The Canadian Bar Association moved to a national office, staffed by professionals, in the 1960's. The national office of the Canadian Bar Association is located in Ottawa. The staff is approximately 50 members, and the national office provides legislative monitoring and liaison, membership co-ordination, continuing legal education, translation, meeting, co-ordination, accounting, data processing, group insurance, communications, printing, and professional services to its volunteer members. The Canadian Bar Association still operates primarily through the volunteer efforts of its members.

The Canadian Bar Association is guided by its elected council, of approximately 500 members. All policy decisions are made by council, which meets twice a year. Representation of the Canadian Bar Association is through its president, vice-president, and where appropriate and approved by council the section chairman.

There are presently 28 sections of the Canadian Bar Association. These sections are intended to provide a forum for development of individual specialties, and are designed along the lines of legal specialty.

The Canadian Bar Association has established affiliations with several international associations. These include the Commonwealth Bar Association, International Bar Association and the Union Internationale des avocats. In addition, the Canadian Bar Association is undertaking many incentives directly with the American Bar Association.

The only conclusion which can be reached as to the reason for, the manner in which, and success of, the development of a national Canadian Bar Association, is that it comes from the efforts of individuals. Once the vision for the establishment of a national organization was developed by its initiators, the Association was established through the volunteer efforts of its initial leading members. It was necessary to initially determine that a national organization is helpful to the development of the profession. The development of the profession involves the initial recognition of the occupation as a profession, regulation of the profession to ensure appropriate minimum standards of education and practice, and the active participation in the ongoing

development of law affecting the profession. Once this has been decided, the rest follows relatively easily. It takes vision, work, and insightfulness, of individuals. If the profession as a whole has determined that it is willing to move in this fashion, the establishment of the organization will follow. It merely takes dedication, the use of existing models, and time and effort.

By invitation of the Institute of Law Clerks, PATRICIA HUNT ATTENDED CONFERENCE '95 - MANAGING CHANGE and delivered the following opinion on behalf of the Association:

I would like to take the opportunity to remind all concerned that the greatest temptation concerning the evolutionary development of any organization is to gaze myopically into the future . . . to examine rudimentary issues rather than focusing on the macro, more critical issues. Indeed, we must cultivate our thoughts and plans of action based on a well-formed image of the nature and import of a fully-developed, mature national law clerk association. Only with this insight will we be able to comprehend the importance, if not the need, of a national affiliation. We must realize that our profession is really in its formative stages. Those coming after us need us to lay the foundation for the advancement of our profession. A national association could be the vehicle to encourage and nurture this growth. Obviously there will be obstacles in our evolutionary pathway not the least of which will be the resistance by certain parties to relinquishing responsibilities in favour of law clerks. Understandably, the legal profession, as with other professions before them, will struggle with the essence of this issue. We cannot force change. We can only encourage it. The most effective way to do this is to enhance our professional image and provide consistency in our efforts for recognition. Although the maturation of our regional chapters is paramount, regional pressure for change is not as effective as the collective consistent pressure that would be realized from a national affiliation.

At the regional level, we need to promote our profession:

- (a) by increasing public awareness;
- (b) by supporting, developing and maintaining high standards for service and ethics;
- (c) by establishing criteria and standards to determine which persons are qualified to use the title "Law Clerk";

(d) by providing the opportunity for the exchange of information, experience, and opinion through discussion, study and publications;

(e) by carrying on an educational program for the advancement and improvement of its members.

(f) by establishing and maintaining a liaison with the Provincial Bar Association and other groups in the legal community to advance and promote the profession of law clerks; and

(g) by exploring new and innovative means of providing legal services of moderate cost

A national law clerk association would:

(a) constitute a unified voice for our profession across Canada;

(b) coordinate the activities of the regional chapters to help ensure consistency;

(c) aid regional chapters as they struggle with regional problems;

(d) disseminate information with respect to changes in laws in one region that may affect other regions;

(e) maintain a nationwide communications network between law clerks' associations and other members of the legal community;

(f) identify and further goals related to the growth and responsibility; and

(g) keep law clerks informed of all activities.

Obviously a national affiliation would not only support but loan credence to our profession.

NEW TREASURER APPOINTED

Dianne Bond has graciously offered to fill our vacant seat as Treasurer.

BENCHERS BACK OFF PLAN TO CERTIFY LEGAL ASSISTANTS

(Reproduced with permission from the *Benchers' Bulletin* January-February, 1995 issue)

The Benchers have decided that the Law Society will not pursue a plan to certify legal assistants in B.C.

Over the past five years a Legal Assistant Certification Committee -- with the participation and cooperation of many legal assistants -- has worked towards a certification program, undertaking empirical research on the role and functions of legal assistants in B.C. law firms: see April-May, 1992 *Benchers' Bulletin*. But,

before mapping out detailed options for certification, the Committee sought guidance from the Benchers in February on their commitment to the project.

The Benchers initiated the legal assistant certification program in 1989, at the recommendation of the Paralegalism Subcommittee. Some of the reasons for certification, discussed again by the Benchers on February 3, include:

- ensuring legal assistants are qualified and practise ethically;
- providing affordable legal services to the public and keeping law firms competitive;
- discouraging legal assistants from engaging in unauthorized practice; and
- assisting law firms in hiring legal assistants.

Since implementation of a more structured governance model at the Law Society over the last year, the Benchers routinely review their policy objectives.

The Benchers reviewed legal assistant certification in this context. While highly supportive of legal assistants and their value to law firms and clients, the Benchers were not satisfied that they could support a legal assistant certification program.

The Benchers instead asked Competency Department staff to bring back "a series of such options as may be identified to educate the profession on the recognition and use of legal assistants."

Though the Law Society will not proceed with certification, several Benchers recognized that legal assistants in B.C. may be motivated to develop a certification program separately to seek recognition of their qualifications and enhance their professional status.

LAW SOCIETY UPDATE

By Linda Donaldson

On April 6, 1995 several members of WALA, CALA and other interested persons met, by invitation, with Maureen F. Fitzgerald, Policy and Research Lawyer for the Law Society. Ms. Fitzgerald was on the Certification of Legal Assistants Committee which has recently disbanded. The

invitation was extended to anyone but limited to 5 or 6 from each group.

The meeting was for the purposes of gathering ideas and giving suggestions to Ms. Fitzgerald to assist her to "bring to the Benchers a series of such options as may be identified to educate the profession on the appropriate recognition and use of legal assistants" It was a round table discussion with insightful comments from the participants. The group was made up of members of the two local legal assistant associations, the co-ordinators from the Capilano and Vancouver Community Colleges, a representative from ICBC Special Counsel's office, and a law firm consultant

All participants felt that there is a definite need to educate lawyers on the merits of using legal assistants as well as proper usage and delegation. Suggestions to achieve this goal included, more CLE's with the lawyer / legal assistant team (for lawyers, not just support staff), education of law students starting at law school and continuing at PLTC, seminars for both lawyers and legal administrators to encourage use of legal assistants, educating the public as to the merits of a law firm using legal assistants and re-drafting the Law Society's Professional Conduct Handbook Part G - Ruling 11 on Legal Assistants. The re-drafting of the Ruling 11 could include a definition of legal assistant and better description of what legal assistants do, eliminating the usage of the title "legal assistant" for mere promotional and billing purposes.

We look forward to hearing from anyone who has any thoughts on the re-drafting of Ruling 11.

TASK FORCE REPORT

MAY 24, 1995

Submitted by Jerena Laursen

Last October, I sent out a notice to our membership that read, in part:

"I need at least ten legal assistants to form a task force with me. If you are interested in the promotion of paralegalism and have the time and energy to devote to that task, join me.

We will consider aspects of certification and methods of promoting the legal assistant profession. The work will, at times, be hard, challenging and demanding."

By mid November, I had assembled a group of individuals who, indeed, responded to that need. The group consisted of members and non members: graduates of Capilano College and non-graduates; some with education in substantive law; some with experience; some with both education and experience; all legal assistants with a keen interest in the future of their profession.

While the primary issue addressed by the Task Force was of certification of legal assistants, we also addressed other issues such as the implementation of certification, a need for a governing body and administration of that body, a need to educate not only lawyers, but government agencies, clients, and the general public on how to utilize the services of legal assistants. We also talked about freelancing, self-employment, insurance, title protection and legislation.

We had focus. We did research. We assembled information. We were creating a proposal to present to the legal assistant profession.

Then came "the letter from The Law Society": the letter dated February 21, 1995 stating that the "Benchers decided not to continue with the work of the Certification of Legal Assistants Committee".

This letter changed the focus of the Task Force considerably. The proposal that we were assembling weighed heavily on the implementation of certification.

During the few Task Force meetings following that letter, the group looked at other options and considered other approaches to utilize in the formation of a proposal. While the consensus of the group was that a strong unification of legal assistants will be required in order to achieve the recognition and community support our profession seeks, we were unable to focus on a specific criteria that would motivate the Task Force to continue.

By the last meeting, I had decided to put to the group a discussion of whether the Task Force should continue, refocus or dissolve. Two people telephoned to say they could not make the meeting; only two people showed up, one of which was me. I had my answer.

Effective the first of May, I have resigned as Chair of the Task Force have suspended any further work.

Please note, however, that the Task Force is not yet dissolved. That decision will be left to the Board of Directors. If someone else has an interest in continuing, some of the members are still interested in continuing with the work.

SILENCED BY 8,000 LAWYERS - A KELOWNA WOMAN CLAIMS SHE WAS BULLIED BY THE LAW SOCIETY OF B.C.

By Jerry Collins (Reproduced with permission from the February 13, 1995 edition of the *British Columbia Report*)

Kelowna legal secretary and business woman Verna Friesen has a lawyer joke she'd like to share with the rest of the province. She says the thunder-like sound you might have heard last month was not an earthquake or the weather. It was a good portion of British Columbia's lawyers running for cover when she asked them to represent her in a civil suit the Law Society of British Columbia has launched against her.

When the law society accused her of practising law without a licence, Mrs. Friesen sought representation from 27 lawyers. All 27 turned her down. Almost half were honest enough to tell her they simply didn't want to take on the body that governs B.C.'s lawyers and looks out for their professional interests. Six said the matter was outside their firm's practice of law, while another six said their schedule was full. One Vancouver lawyer said it was too far for him to travel, one said it would cost her too much, while another told her he couldn't take on the case because his grandmother was ill.

To Mrs. Friesen, the suit is a perfect example of why the public has the impression most lawyers are only looking out for their personal, selfish interests. Not only could she not secure a lawyer to represent her, the law society bullied and intimidated her once proceedings began. (Two representatives of the society - treasurer Grant Burnyeat and secretary Bryan Ralph -- did not return calls from B.C. Report.)

Mrs. Friesen's troubles began late last year when a private detective, posing as a friendly Calgarian, asked her to draw up a will. She obliged. In her business, clients fill in the blanks of a computer program that facilitates divorce papers, builders' liens and other basic legal documents. Similar "templates" and guides can be found in stationary stores.



The Power of Teamwork...

...and the better the team, the stronger the power!

Alouette has a professional team of registry agents who can provide precise and powerful tools for your company's growth. We have electronic access to the latest and most complete information about land titles, companies, personal property, motor vehicles, taxes, and more.

We're quick, efficient and accurate. And our flexibility provides another source of strength.

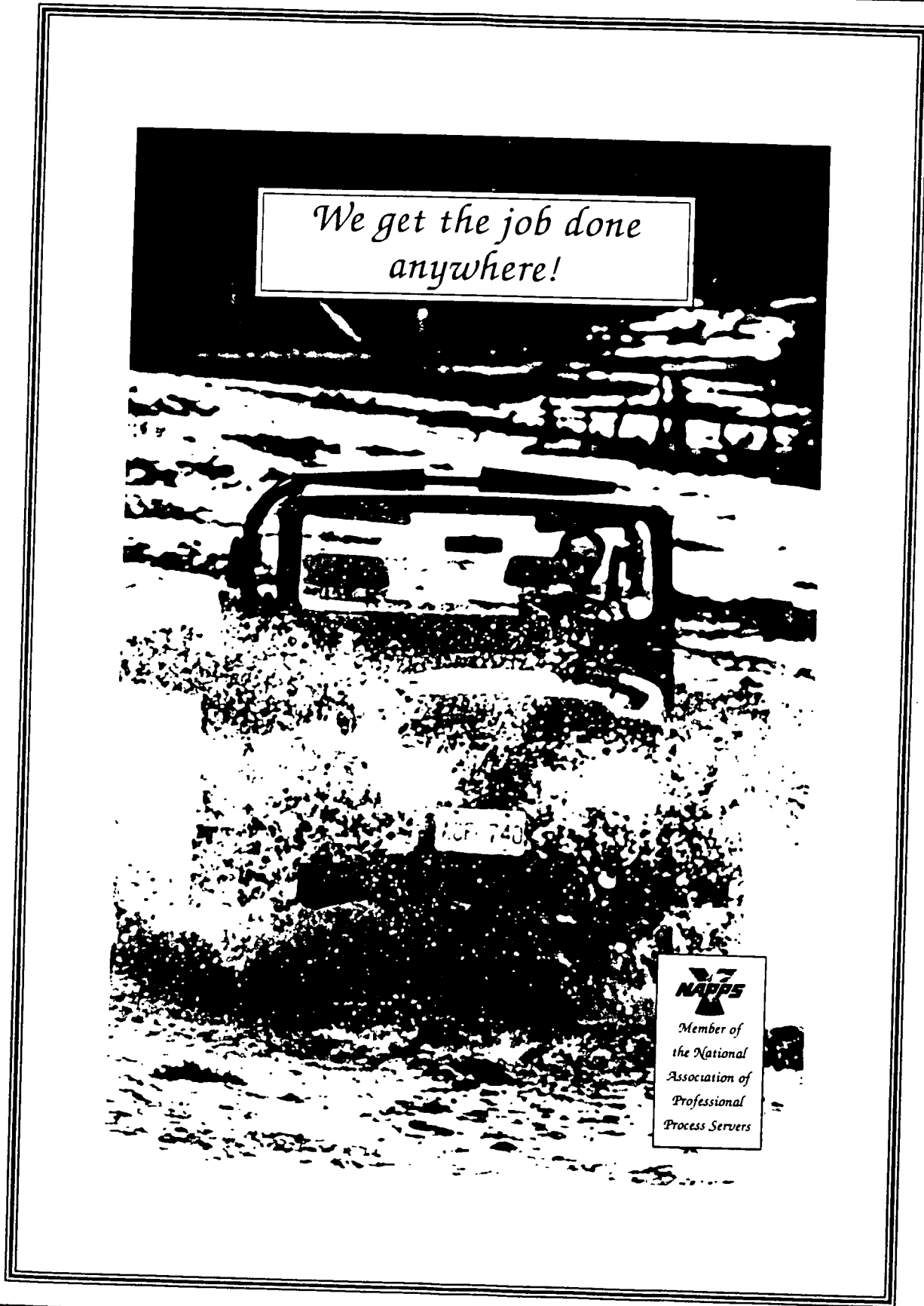
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(Continued from Page 9)

During the visit, the law society's agent -- Surrey private detective Larry Gaudette, who use the name Steve Rossman -- asked what has meant by the word "hotpotch" in the program. "I had no idea what the word meant," recalls Mrs. Friesen. "He asked me and I jokingly said "maybe it has something to do with loans after you're dead, I don't know."

That information was entered into Mr. Gaudette's affidavit as evidence that she provided advice to a client, but what happened next really got her into trouble. After chatting with Mrs. Friesen for a while, Mr. Guadette asked whether the will needed to be notarized or simply witnessed. "I told him his will didn't need to be notarized," she says. "But that's not legal advice, that's public information. So what they're saying is in order for anyone to have a will done you need to have legal advice given."

On the surface the 8,000 member law society has little to fear from Mrs. Friesen, who runs a one-woman legal-services office from the basement of her home. At the time the law society brought its suit against her, her enterprise was called Lawyer Alternative Services. By the time the dust settled and the matter was resolved out of court late last month, she had agreed to change the name to one that didn't use the term lawyer. She now works under the banner Paperworks Unlimited Secretarial Services and had to pay \$700 to change the logo on her letterhead and re-register the firm.

The law society also frowned upon her relatively low rates. It was concerned that, at \$35 an hour, she might be undercutting some Kelowna's law firms.

"They made it clear I'd not cross that line," she says. "I don't know where they come off telling me what I can and can't charge."

Mrs. Friesen, 40, has had previous misfortune with the legal industry. Before venturing out on her own, she was a legal secretary. Last year she quit over the "putrid" wages and long hours. She says despite three orders from the labour relations board to her former employer, she still hasn't received her last month's pay.

Fed up with working for others, she set up shop in her basement. But before she did, Mrs. Friesen wrote to the law society outlining her plans. The law society wrote

back saying what she planned was all right as long as she didn't provide any legal advice.

But what exactly constitutes legal advice was never made clear and was not made any clearer in the course of the lawsuit. She says that after she was sued she repeatedly asked the law society to spell out for her exactly how she broke the rules. But her requests were ignored. All she received from the society was a copy of the professionals' act, the society's international governing document.

Not finding a lawyer to represent her meant that the case itself didn't cost her anything. In addition to changing her company's name, she agreed to no longer provide legal advice. Facing the unlimited resources of the law society, she says she had no choice but to sign the cease-and-desist order. But Mrs. Friesen remains unbowed. "This is a farce," she says. "I'm no threat to anybody because I don't do what a lawyer does."

The constitutional implications of the case -- in particular her not being able to secure legal representation -- have attracted the attention of the B.C. Civil Liberties Association, which contacted her after she appeared on CBC Radio's *Daybreak* program. But a spokesman for the association says he cannot discuss cases under consideration.

MEMBERSHIP CHAIRMAN'S REPORT

By Jeanne Kennon, Membership Chairman

Hi! I am pleased to report that our membership currently stands at 50 Legal Assistant members and 28 Student Members with 2 Honourary members. (Total 80 members)

Let's keep those membership applications coming in. ALSO IT IS TIME TO RENEW YOUR MEMBERSHIP FOR THE 1995-1996 YEAR, IF YOU HAVE NOT ALREADY DONE SO. IF YOU NEED A RENEWAL FORM, PLEASE CONTACT ME AT 434-2476.

We are pleased to welcome the following new members:

Shondrea Aasman (Student), Kelly Stomberg (Student)
Sheri Dugger (Student), Jackie Wong (Student)
Marina King (Student), Sylvia Kern (Legal Assistant)

And a special welcome to our new member from Kelowna: Crystal Ratzlaff (Legal Assistant)

LEGAL ASSISTANTS ON THE NET

By Linda Donaldson

What's on the Internet for legal assistants? In addition to the vast amount of general legal information, the National Federation of Paralegal Associations has created a site. The NFPA's home page includes networking, information on paralegal / legal assistant education and programs, access to resumes and an area to post resumes (although it is an American association, apparently some Canadian legal assistant associations are members), and job postings. There is vast amount of information which is of interest to legal assistants.

The networking area allows you to post a comment or question to a user group selected from a list of user groups. If you are interested in contacting the NFPA site, its address is [HTTP://www.paralegal.org](http://www.paralegal.org)

COMPUTER CORNER

Tip #1

More Line-Spacing Commands to the Keyboard. Assign {DISPLAY OFF} {Format} 161 {Exit} {Exit} to Ctrl-Q and {DISPLAY OFF} {Format} 162 {Exit} {Exit} to Ctrl-W. Then when you want a document single-spaced, press Ctrl-Q, or if you need it double-spaced, press Ctrl-W.

Tip #2

Quickly Save a Document and Exit. Press (Ctrl-F10) to define the macro. At the Define Macro: prompt, press Alt-X and (Enter). Type "Save and Exit" and press (Enter). Press (F7), Y, (Filename), Y.

Tip #3

Move and Copy Fast. Choose the text to be moved and press Ctrl-Del. Then move your cursor to the desired position and press <Enter>.

Tip #4

Search WordPerfect Files by Date. Press F5 and (Enter) to call up a list of files in the current directory. Then press 9 and f (for find), press 5 or C (for conditions) press 3 for d (for date) and type the starting date you want searched, press (Enter) and type the ending date. Then press (Enter) twice

Tip #5

Generate Legal Symbols. Depending on your printer's capabilities, you can generate a (**copyright sign) by pressing Ctrl and "v" at the same time, and then typing +.23 and press (Enter)

Tip #6

Enhance Your Menus. Change WordPerfect's default menus to pull-downs. Select Setup (Shift-F1), Display (2), Menu Options (4). Then answer yes to the following choices: Alt Key Selects Pull-Down Menu, Menu Bar Separator Line, Menu Bar Remains Visible. Then use the Alt key to invoke menu functions.

TIPS AND TIMESAVERS

Keeping Witness Files Under Control

(From *Legal Assistant Today* July/August, 1993 Edition.
- By Corinne M. Richardson and AnnMarie Flanigan)

A good discovery and fact control tool is to create individual witness files as discovery progresses. Maintain the files in a three-ring litigation notebook in alphabetical order. Write their phone numbers on the outside of the file and include any important information in the file such as deposition, indices, testimony discrepancies, specific facts or evidence you wish to bring out with the witness, etc. If you maintain the witness files diligently throughout discovery, you will avoid frantic pre-trial organization.

Exhibit Your Calendar

(From *Legal Assistant Today* July/August, 1993 Edition.
- By Michele P. Minske)

When preparing exhibits for deposition of a witness or for trial, suggest to the attorney that he or she mark as an exhibit a copy of the calendar for the subject year(s). (It

is best to use a yearly calendar so that it will fit onto one 8 1/2 X 11 page). I have found the calendar particularly helpful in lawsuits involving multiple witnesses and for assembling a timeline of events or meetings.

BF's

By Lee Ann Windall

When working on personal injury files that need to be brought forward on a frequent and regular basis it saves frustration and time to write the new BF date right on the file folder (I do it on the Correspondence file because that is the file we deal with the most but whichever you chose be consistent.) I then just write down the file name on my calendar. Every day before I sit down to start my work I get together all the files that are to be BF's that day.

CAPILANO COLLEGE

By Marian Cragg

Thirty-one top-notch students are completing the 2-year Legal Assistant Program at Capilano College this year. The students are all busy writing papers, studying for finals and hunting for practicum positions. First years are also busy and many of them will soon be out looking for summer jobs.

Graduation was May 25th this year. We have 28 Legal Assistant Certificate graduates and 12 Legal Assistant Diploma graduates. A hearty congratulations to all these graduates. We are well aware of the commitments and sacrifices many of these students have made to graduate.

Seventy-five students attended the first of two information meeting for the Fall 1995 intake. It is always a difficult task narrowing these students down to the thirty-five seats available.

Work is continuing on the applied degree proposal with the Open Learning Agency. A survey has been included in your WALA newsletter. Please complete and return but photocopy the survey if you know of another Capilano College Legal Assistant in your firm and have them complete the survey. Also, if the lawyers employing you have not seen the survey, please have them complete it. We need the support of the legal community.

NOTE:

It is imperative that we fill out and return these surveys. This is another hurdle that we must overcome in order to make a step forward in the degree proposal. Therefore, we need your support and help in filling out and returning these surveys.

ALTOS TWO - FROM PACIFIC COAST TITLE SEARCH (Re-Produced with Permission)

The Lower Mainland LTO joined the Victoria and Kamloops offices in the new computer format in April, 1995. The majority of changes directly affect LTO staff in data entry and internal registration functions. The conversion took place over the Easter long weekend.

B.C. Online users will note changes in the title style and the retrieval of some information from Land Titles Branch. A fuller discussion of the relevant changes is available on the B.C. Online Bulletin Board (for those of you who do not have B.C. Online please contact Laurie Allinson of Pacific Coast).

The changes for Pacific Coast Title as your agent will be minimal: some procedures in submitting documents through the cashiers will be modified as well as methods of inquiry of information from Land Title staff.

Of special note, Land Title Branch is introducing "Client numbers" for professional clients who deal with the LTO on a regular basis. The Branch is hopeful that use of these numbers on applications will provide greater efficiencies in processing documents and state of title certificates. For information or applications for obtaining a client number please contact Bryan Anderson in our office (520-3361) or the Land Title Office (660-8141).

For any further information please do not hesitate to contact our office in New Westminster @ 520-3361.

STATE OF TITLE APPLICATIONS

Once the Altos 2 system comes into being on April 18, 1995, State of Title Applications will no longer receive the running number which they are presently given.

State of Title inquiries post Altos 2 will be done by referring to the title number of the property. Therefore we wish to inform you that when you receive your State

of title request copy back there will no longer be an STC number on it.

As the Altos 2 system will rely on the title number it is now required that the title number(s) be noted on each and every State of Title Certificate in the same area as the legal description, whether it is filed with documentation or independently.

At the present time no policy has been set as to the handling of independent State of Title Certificates. As a matter of control we ask that you provide Pacific Coast with one original and a copy of every State of Title Certificate, the copy returned to you will be your assurance that the request has been filed. IF there is no copy submitted we will make one and charge accordingly.

We will keep you informed as to any other procedural changes arising once the Altos 2 system is up and running, any questions do not hesitate to contact our office @: 520-3361 or the Land Title Office @: 660-8141.

PACIFIC PRESS LTD.

Jerena Laursen, our past president, has drafted a letter which was approved by the Directors to be sent to Pacific Press regarding the advertisement of legal assistant positions in the Classified section of the newspapers. We hope to persuade Pacific Press to make a new classification in which employment for legal assistants can be placed so that such positions do not end up in the secretarial sections. This letter will be sent shortly and we will keep you updated as to any progress we make.

COURT OF APPEAL PRACTICE DIRECTIVES

On February 15, 1995 the Chief Justice of B.C. distributed twelve new Practice Directives. Any one who does any work in the Court of Appeal should make sure that they have received a copy and read through it thoroughly. If you have not received a copy you can get one from your agent.

PPR LIBRARY

By Paul Mendes of West Coast Title Search

"Do you know what a PPR Library is?" It is a computer service that allows storage and retrieval of commonly used general collateral descriptions. Each entry is given

a file reference designated by you. After the first time, whenever you wish to use a particular general collateral descriptions in a PPR registration, you quote it's reference number and it will be inserted directly into your remote registration. This allows for quick and accurate PPR registrations.

With a PPR Library, you maintain control over the collateral descriptions you want stored. You will be able to proof and approve the final entry into the library and the description can be amended or updated at any time. You can even tailor your remote registration by combining collateral descriptions, adding specific descriptions, such as one or more legal descriptions, or vessel names, etc.

If you have never used our PPR Library, you will find the experience to be fast, accurate and inexpensive. There are no storage fees and no update fees. To find out more about PPR Library services contact Sheila Mitchell at West Coast Title Search in Victoria, 1-8--667-7767.

WHAT STEPPING INTO A LEADERSHIP ROLE MEANS?

By Anne Sproul, paralegal in San Francisco, Member of the Board of Directors of the San Francisco Association of Legal Assistants and was the Region 1 Director for the National Federation of Paralegal Associations for 1991-1992 (Winter 1994 National Paralegal Reporter)

Through the years, views of what leadership is and who can exercise it have changed considerably. Leadership is the pivotal force behind any successful organization and growing profession. Strong leadership is essential to individual organizations, to the entire profession in order to develop vision, and to develop strategy for realizing that vision. Vision cannot be established by edict or by the exercise of power or coercion. It is an act of persuasion, of creating the organization, and right for members of that profession. Leaders are obligated to provide and maintain momentum to sustain that vision. The vision is not to be offered once and allowed to fade away. It must be repeated and reinforced time and time again. It must be incorporated into long range strategic planning and constantly be evaluated for possible change in light of new circumstances.

A leader's ability to communicate is necessary for teaching leadership skills to others and for learning how to be an effective leader. It is the method by which

people bridge the gaps formed by a growing association and profession. It enables the leader to stay in touch, build trust, ask for help, monitor performance, and share vision. Dishonest or careless communication tells us much about the individuals involved in our leadership. Only through good communication can we learn the needs and concerns of the members of our profession. Good communication allows leaders to respond to the demands placed on them and to carry out their responsibilities. There may be no single thing more important in achieving meaningful and fulfilling working relationships than to learn and practice the art of communication. Leaders are only as effective as the ideas they can communicate.

Another quality of leadership is effectiveness. We trust people who are predictable, whose positions are known to us and who are accountable for their actions. Effectiveness comes through enabling others to reach their potential, both personally and professionally. An effective leader also needs to discover and develop new leaders.

It has been said time and time again that leadership skills are a matter of birth - leaders are born, not made. But leadership is not genetic. Leadership is the marshalling of skills possessed by a majority but used only by a minority. It is a skill that can be learned by anyone, taught to everyone, denied to no one. Our profession calls out for leadership at every level and in all its component organizations and associations. The search is on - accept the challenge!!

ADMINISTRATIVE CHANGES IN SHIP REGISTRIES

By Rita Scott, Manager of the Vancouver Office of Alouette Search Services Ltd.

The administration of Ports of Registry in B.C. transferred to the Canadian Coast Guard April 1, 1995. This change is administrative and does not affect any current procedures for Registered Vessels. Ships retain the same registration numbers and markings, and the same forms are used for transactions.

Licensed Vessels (i.e. those with "K" numbers) will remain under the jurisdiction of Canada Customs. The records and the issuing of licences will stay in their current locations in these cities: Vancouver (13K),

Victoria (14K), Prince Rupert (10K), Courtney (30K), Nanaimo (6K), and Port Alberni (25 K)

On Vancouver Island, the 3 existing Ships Registries were consolidated into one located in Victoria. All the registered vessel Ship Records from Nanaimo and Port Alberni were transferred to Victoria on March 31, 1995. At that time the Victoria Ships Registry also moved into the Coast Guard building located at 25 Huron Street, Victoria B.C. V8V 4V9, telephone (604)480-2653, fax (604)388-0270

The Registered Vessel records for Prince Rupert were relocated to the Coast Guard base at Seal Cove in Prince Rupert

There will be no site relocation in Ports of Registry in B.C. from five to three - Vancouver, Victoria, and Prince Rupert - for Registered Vessels.

For any further information regarding Ships Registry searches or registrations, please feel free to call the experts at Alouette Search Services Ltd at our Vancouver Office at 257-1850.

EMPLOYMENT OPPORTUNITY

Fox, Morgan & Company is looking for a junior legal assistant with a minimum of one year's work experience in personal injury. This is a new position available immediately. Of particular importance is someone who is self-motivated, enjoys the client contact aspect of a personal injury practice and likes to work in a team environment.

Please feel free to call Christine Tough if you have any questions. Resumes can be directed to her at Fox, Morgan & Company - Suite 200 Granville Square, 200 Granville Street, Vancouver, B.C., V6C 1S4
TEL 669-3441 FAX 669-9005.

A DAY IN THE LIFE OF.....

B.C. MEDICAL LEGAL SUPPORT SERVICES INC.
By Helen Wood

I'm delighted to have been asked to share my unique employment with members of WALA.

By way of background, I was born and raised in Montreal, and was employed as a Registered Nurse at the

Royal Victoria Hospital in Montreal for five years in the Surgical Intensive Care Unit and on a general surgery ward. I then spent eight years working in the Intensive Care and Neuro Services Units at Royal Inland Hospital in Kamloops, B.C., at the same time taking advantage of the excellent skiing at Tod Mountain.

In 1989, after a long look in the mirror, and the realization that I didn't want to be doing shift work forever, I discovered the legal assistant profession "by accident", and entered the Legal Assistant Program at Capilano College, graduating in 1992. I completed my practicum followed by a six month contract at the Law Society.

In the summer of 1993, I decided to combine my 13 years of medical background with my base of legal knowledge and create my own employment. Thus, B.C. Medical Legal Litigation Support Services Inc. was born.

My day typically starts at 8 a.m. Depending on what my current files involve, I may spend the day in the office at my computer, at one of the medical libraries in search of literature on a particular issue, or on the telephone looking for expert witnesses, or discussing issues in a file with a lawyer or Legal Assistant. I often work a few hours in the evening, rarely take a full weekend off, and have also been known to work all night to get a file finished. While I sometimes have the opportunity to take time off during the week, my productivity dictates my income, so the work has to be done when it comes in. As well, less stimulating tasks such as billing, accounting (another learning experience), pursuing outstanding accounts, GST, banking, and marketing have to be kept up. I am also currently in the process of setting up a newsletter which I expect to publish in the fall.

While the assistance I offer is open to any type of medical legal work, my work to date has mainly involved transcribing illegible clinical records, analysing and creating chronologies of years worth of clinical records and medical reports, and finding expert witnesses. I have also assisted in the preparation of questions for Examination for Discovery and cross-examination. As well as the Lower Mainland, my client base covers northern B.C., the Cariboo, and the Okanagan, on both Plaintiff and defence files.

My medical background is invaluable in spotting new medical legal issues and identifying alternative clinical explanations. For example, a recent file involved

identifying symptoms of chronic fatigue syndrome which existed for years prior to an MVA, but had never been identified as such. My report was of great assistance to the defence in proving that this was not a new condition as the Plaintiff claimed.

Each day at work is different and that's one of the reasons this job suits me. I enjoy the challenge of a lengthy file and being able to share my expertise, while at the same time expanding both my medical and legal knowledge on a mixture of personal injury, insurance, and medical malpractice files. It's a bonus to learn and be paid for it! I have also made numerous contacts in both the medical and legal fields, as well as cultivated new friends.

While self-employment is not for everyone, the intellectual stimulation, flexibility and variety this job allows me outweighs the financial insecurities and social sacrifices.

I'd be happy to talk to any one of you who feels that I may be of assistance on a file. I can be reached at B C Medical Legal Litigation Support Services Inc by phone at (604)980-3624 or by fax at (604)980-3652.

ARLYN PERSONNEL

By Arlene Pelrine

Your editor has indicated to us an interest expressed by some WALA members in acquiring basic guideline information on using an employment agency in your "job search".

As clearly set forth in the *Employment Standards Act*, under which all employment agencies must be registered, no fee is payable by any individual registering with any agency. Furthermore, no agency is entitled to ask an individual restrict their registration to only that particular agency.

In selecting an agency, you should ensure that you are dealing with individuals who are conversant with the legal job market and who understands what legal assistants do.

At ARLYN we are well informed and knowledgeable in the area that interests you. We do not ask legal assistants to take our clerical and technical tests. We treat resumes with the respect due them, never forwarding one without permission.

As we understand the legal assistant salary levels are of interest to all members, and as a result of the ongoing interviews we conduct, we are able to average and generalize as follows:

- Post practicum salaries \$27,600 - \$30,000 yr.
(first 1 - 2 years)
- 2 - 5 year salaries \$32,400 - \$39,600 yr.
- 6 years and up salaries \$40,800 - \$54,000 yr.

If we can be of service to you, please contact me or my partner, Mary McGillis.

**COMMENTS FROM THE PAST PRESIDENT
PRESENTED TO THE BOARD OF DIRECTORS
OF THE WESTERN ASSOCIATION OF LEGAL
ASSISTANTS ON MAY 24, 1995**

Submitted by Jerena Laursen

Following the Task Force Report, I would like to add these comments:

First, I feel that generally the profession is depressed and frustrated. For years, we have been suffering from the controversy involving the issues of education and experience. Now the hope we had for unity through certification has been struck a fatal blow.

Second, I believe that if our profession is going to survive we must unite. We need a governing body. We need a constitution and a code of ethics. We need title protection and a job description. Prejudices and narrow thinking must end. We need to be broadminded and all encompassing.

I also believe that a formal governing body that

provides for a grandfathering protocol;

controls a universal educational requirement that is not so stringent the goals are unattainable and yet asks each legal assistant to challenge his or her personal metal;

administers a code of ethics and enforces that code

will be the only way that the legal assistant profession will succeed in this Province.

The ground work has been done. The tools exist. We can do it if we work together.

Third, I believe that to obtain ultimate unity occupation protection through legislation is necessary. I have investigated and researched this possibility. Legislation will work, but not without people. Lots of people.

As this Association stands now, I do not believe it is an entity capable of achieving the unity required. I also do not believe there is any entity right now that could accomplish such a feat. Sadly, I do not believe there is any strength in the profession to do anything right now.

Legal Assistants in this Province have the opportunity to be a strong, respected profession. There is a place for us; there is a need for us. But, as long as we remain scattered, with no professional self-respect, nothing will come of this profession. The legal assistant profession has so much potential, and yet few want to do anything about it.

Until enough of us unite together to announce to the public that we are here, we will not be.

As William Arthur Ward said,

If you can imagine it,
You can achieve it.

If you can dream it,
You can become it.

I believe it is time we use our imagination and dream the same dream. Together, we can become whatever we seek to achieve. I believe our goal is a profession that can stand on its own, and be respected by all.

NETWORKING FOLLOW-UP

By Jeanne Kennon and Karen Chang

Thank you to all those who have expressed an interest in a follow-up session. Plans are under way for a second networking seminar in June with a wine and cheese format. If you are interested in attending, please contact Jeanne Kennon by leaving a message at 434-2476.

Many thanks for the continued support of Alouette Search Services Ltd., CCNS Corporate Services, Pacific Coast Title Search Ltd., and West Coast Title Search Ltd.

ARBITRATION THE LATEST TREND

By Michael Harrison (Re-Produced with permission from the *Burnaby News* April 12, 1995 Edition)

Have you experienced the frustration of a court case that drags on and on, with delays and adjournments? Have you had a judgment that satisfies none of the parties? Did it get appealed, causing further delay? Did the cost in time, fees and other expenses weigh the value of the settlement?

If so, you are not alone! So instead of going to court more and more businesses are agreeing to submit their disputes to final and binding arbitration. They find that the appointment of a qualified arbitrator is a faster and less expensive way to settle their differences. Moreover, an appeal is less likely to upset or delay settlement.

You may be surprised to learn that judges and lawyers are actively encouraging the use of arbitration in order to remove from already crowded court calendars those cases which are amendable to settlement by this means.

There are several key steps that have to be taken to make arbitration work. First, your company and the party you contract with (such as a customer, supplier and sub-contractor) need to have agreed that they will submit any disputes to arbitration, rather than to the courts. A simple clause to this effect may be written in to their contract. Even if it is not, when a dispute does arise the parties may enter into an agreement to submit it to arbitration. This could be an oral agreement, but perhaps a written one would be better - and prevent another dispute!

Once you have agreed to arbitrate a dispute the Commercial Arbitration Act may govern. You need to agree on who will arbitrate your dispute and under what rules it will be conducted. Two choices are Rules of the British Columbia Arbitration and Mediation Institute or Domestic Commercial Arbitration Rules of Procedure of the British Columbia International Commercial Arbitration Centre.

Other statutes, such as the *Condominium Act*, have their own arbitration provisions under which the parties also may agree on a single arbitrator to settle disputes.

The Boards of Trades Act provides that boards of trade and chambers of commerce may set up three-person boards of arbitration which "have power to arbitrate on,

and make their award in, any commercial case or difference that is voluntarily referred to them by the parties concerned." and sets out rules for their conduct.

The choice of an arbitrator or arbitrators is a very important one to consider. Unlike the courts, where you do not get to choose your judge, you may agree that you want your dispute settled by a particular arbitrator who is impartial and has expert knowledge about your field of business. If you cannot find or agree upon such a person, the institute or the centre will help you find and appoint him or her if necessary.

Once you are agreed on an arbitrator, one or both parties may approach him or her and ask if he is prepared to arbitrate your dispute. He will undoubtedly ask a few questions before agreeing to do so. In cases where the parties agree between themselves, or the institute appoints an arbitrator, the essential agreement on rules may be left to a preliminary meeting (or conference call).

While the rule of law still governs, using arbitration to settle technical and money issues under a contract can be faster than going to court - and time, as the saying goes, is money. The process is designed to get the parties together - figuratively as well as literally - and could well lead to an agreed settlement. It may also cost less in terms of legal fees and other expenses, although you have to pay the arbitrator while you don't pay judges (except through your taxes).

The Commercial Arbitration Act, Boards of Trade Act and other Acts provide that an arbitration award is final and binding on the parties. It can be enforced by the courts but is not subject to appeal because one party did not like the award. The grounds to have it set aside are limited and quite specific, including arbitral error. However, an appeal may be made on a question of law. Unlike court decisions, arbitration awards are not published; arbitration is a private process and the details of your business remain confidential.

So commercial arbitration can be fast, fair and final. Whether it's for you or not depends on your dispute.

[Michael Harrison, F.I.C.B., F. Inst. D., is president of Management Consultants International, and Dean Emeritus of the School of Business at BCIT. He graduated in engineering, business administration, and banking and is a member of the Institute of Directors and the BC Arbitration and Mediation Institute.]

**TREND: ADVERTISING NON-LEGAL
CERTIFICATIONS PROTECTED BY FIRST
AMENDMENT**

By Unknown Source

The United States Supreme Court recently ruled that the listing of non-legal certifications in a lawyer advertising is protected by the First Amendment. The case involved a sole practitioner in Florida who, in addition to being a tax lawyer, is a certified financial planner and a certified public accountant. In her telephone directory listings, business cards, and letterhead, she placed the initials JD, CPA and FP after her name.

The Florida Board of Accountancy charged her with false and misleading advertising, claiming that the practice of listing the certifications traded on her CPA license and implied the existence of a financial planning specialty. The Board also argued that its advertising rules limit the use of the CPA designation to actual accounting practitioners. The Florida District Court of Appeals for the First District later affirmed the decision.

In overturning the ruling, the Supreme Court held that the licenses and achievements are truthful and that Florida could not ban the advertisement of the lawyer's other certifications. The court wrote that the Board of Accountancy failed to show that anyone could have been misled or harmed by the communications.

**MISSING HEIRS: PUT YOURSELF IN THEIR
SHOES - A follow up**

C. Timothy Rodenbush is President of International Genealogical Search Inc. Since 1967, he has been exclusively involved in the non-percentage based search business, providing professional services to law firms and financial institutions in the United States, Canada, and many countries around the world. His background includes extensive business management of worldwide genealogical research for trust and estate matters.

Over the years, Mr. Rodenbush has written a number of articles published in leading magazines in the banking and trust/estates industries on subject matter relating to the fiduciary aspects of locating missing heirs. Mr. Rodenbush attends numerous banking industry and state bar conferences as an exhibitor, providing advice and direction on complex heir search matters to trust officers and attorneys.

For more information, please call Suzanne B Rodenbush
294-1811

PLAIN LANGUAGE SOCIETY

(Reproduced from a recent flyer)

Renew your Plain Language Society membership today
and get great members' benefits

As a member you will

- Receive a quarterly newsletter
- Qualify for a listing in the directory
- Be notified about any events and seminars the Plain Language Society offers.
- Get a discount on entry fees.
- Be part of a network of some of the best plain language minds in B.C.

Your support is important to us As a member,

You will add your voice to the list of plain language practitioners and affiliate organizations who are committed to promoting plain language.

- You will be part of a strong membership that shows our commitment to plain language when we ask organizations and government to support plain language projects.
- Be part of a director of plain language services offered by members of the Plain Language Society.

The Plain Language Society is publishing a directory of members and services being listed is a great way to get the word out about your area of plain language expertise.

We will make this publication available to people and organizations who contact us looking for plain language practitioners, and we'll also market it to appropriate audiences.

Each listing costs \$20 which covers printing costs. Several Plain Language Society members are donating their skills to produce the booklet. Each person listed will receive four complimentary copies.

For more information on joining the Plain Language Society or being listed in their Directory please call them at 682-3119.

CALENDAR OF EVENTS

DATE	TIME	LOCATION REGISTER @ 893-2162	COURSE
Jun 02/95	9:00 - 4:30 p.m.	Vancouver Renaissance Hotel. 1133 W. Hastings	Legal Research & Analysis
Jun 09/95	8:30 - 4:45 p.m.	Four Seasons Hotel. 791 W. Georgia	Computer Law Institute
Jun 09 & 10/95	9:00 - 4:15 p.m.	Robson Square Conference Centre. 800 Robson Street	Legal Technology - 3rd Annual Conference and Expo
Jun 20/95	8:15 - 4:00 p.m.	Holiday Inn Vancouver Centre. 711 W. Broadway	The Indispensable Assistant
Jun 21 & 22/95	TBA	Waterfront Centre Hotel. 900 Canada Place	The ABC's of Family Practice
Jun 22/95	9:00 - 4:00 p.m.	Vancouver Renaissance Hotel. 1133 West Hastings Street	Drafting Commercial Agreements
Jun 27/95	8:15 - 4:00 p.m.	Holiday Inn Vancouver Centre. 711 W. Broadway	Multiple Projects, Objectives and Deadlines
Jun 28/95	5:30 - 7:00 p.m.	Richards Buell Sutton. 300- 1111 Melville St.	Director's Meeting
Jul 13/95	8:15 - 4:00 p.m.	Sheraton Landmark Hotel and Conference Centre. 1400 Robson Street	Management Skills for Administrative Assistants and Support Staff
Jul 13, 14 & 15/95	2 1/2 Days	Vancouver Renaissance Hotel. 1133 W. Hastings	Family Law Conference
Jul 26/95	5:30 - 7:00 p.m.	Richards Buell Sutton, 300-1111 Melville St.	Director's Meeting

WALA REPRESENTATIVES

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Cap College 2nd Yr	Carolyn Christianson	Home No 739-3330
Cap. College Eve.	Michelle Robertson	c/o The Law Society 845 Cambie St., Van., BC V6B 4Z9 Tel: 443-5753 Fax: 669-5232
Douglas College Eve.	Clarice Walaska	c/o Box 1139, Suite 108-4800 Kingsway Bby., BC V5H 2C0 Tel: 438-2302 Fax 438-0737

MEMBERSHIPS EXPIRE JUNE 1 - PLEASE RENEW WHEN DUE

Voting Legal Assistant \$50 Non-Voting Student \$15

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