

Western  
Association of  
Legal  
Assistants

Summer 1990 Edition

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**JUNE '90 MEMBERS MEETING**

Our last members meeting was held June 22nd at a penthouse suite in the Bayshore Inn. The weather was great and, of course, the view was fantastic.

We had a very good turn-out, probably one of the most well-attended functions in some time. There seemed to be a much more relaxed atmosphere to the group and perhaps this was due to the function being held away from a law office.

We may hold more events outside of offices. Any suggestions or comments would be welcomed by the Program Committee, contact Viviane Dufrane at 685-4321. What about a fall BBQ?

A final note of thanks to Sylvia Kern for negotiating an excellent rate on the suite. We were able to get a corporate rate through Sylvia's previous firm Epstein, Wood, Wong & Logie.

**REPORT ON MEMBERS**

Our membership presently stands at 133 members although 21 legal assistant members and 9 student members are still owing 1990/91 dues. We are pleased to introduce 14 new members who have joined the Association since our Spring 1990 Newsletter:

Tony Bjarnason (L.A.)  
Stacey Cox (Practicum)  
Monique Denvir (L.A.)  
Gail Davies (L.A.)  
Ruth-Ann Eisler (S)  
Christine Fraser (L.A.)  
Catherine Gutcher (L.A.)  
Deidre Nichols (L.A.)  
Jennifer Raguz (L.A.)  
Katherine Robinson (L.A.)  
Jennifer Thompson (L.A.)  
Laura Ann Vogt (L.A.)  
Pattee Stark (L.A.)  
Debra Rowbotham (L.A.)



**OPINIONS ON THE ROLE OF A LITIGATION LEGAL ASSISTANT  
AS GIVEN BY VARIOUS RUSSELL & DuMOULIN LAWYERS**

We hope that this will become a regular submission in our future Newsletters. In this edition we have chosen to elicit the opinions of a few lawyers at Russell & DuMoulin who utilize litigation legal assistants. We hope their comments are insightful to both our student and legal assistant members.

1. **Avon M. Mersey** was admitted to the B.C. Bar in 1974 and is a senior partner at Russell & DuMoulin.

The history of legal assistant use in litigation in our firm dates back to 1981 when the first legal assistant was hired to assist primarily with insurance defence work. In the nine years that have passed, the firm has grown and, with that growth, the number of litigation legal assistants has increased to five, all graduates of Legal Assistant Programs.

I have been fortunate to have worked with one of those legal assistants since 1981. She has specialized in personal injury litigation and a high volume of her work involves defence insurance files. She has physical possession of the files she works on and conduct over the day to day matters concerning the files, in consultation with me. She is responsible for the daily correspondence, (all of which, except for the most basic, is reviewed and signed by myself). She also drafts most pleadings, interlocutory applications and other documents, preliminary and post-discovery reporting letters and settlement offers for my review and signature. She has considerable telephone and personal contact with clients, experts and other counsel and with witnesses in preparation for trial. Although I remain responsible for all aspects of the files, with her assistance I have been able to substantially increase my file load and devote more of my time to the more complicated and rewarding aspects of the practice of law. My time has also been freed for the many administrative duties required of me.

The legal assistants in our department all have secretarial support. Although the provision of secretaries to legal assistants is a not insignificant expense, the type of work done and the responsibility placed on our legal assistants make secretarial support for them essential, in my view.

It is my view that at the very least, a diploma from the



Capilano Legal Assistant Program or equivalent program at one of the other educational bodies in Canada, is essential for anyone aspiring to work as a legal assistant in the area of litigation. Although experience alone can count for many things, our legal assistants are required to understand and deal with points of law, to be able to interpret statutes and to basically handle a file from its opening to its closing. Without the basis of a substantive law education, their ability to perform at the appropriate level would probably be compromised.

2. **Norman K. Trerise** was admitted to the B.C. Bar in 1975 and presently practices both labour law and civil litigation.

I have been working in the personal injury area with the assistance of properly qualified legal assistants for approximately 7 years. In my opinion, utilizing a legal assistant has enabled me to handle several times the file load that I would otherwise be able to deal with. My practice has been to utilize a legal assistant to manage my file load but to always retain control over the file load by ensuring that all correspondence goes out under my signature, that I see all correspondence which comes in on the file, and that I review all documents prepared by the legal assistant.

Over the 7 years I have essentially dealt with three legal assistants, all of whom have the requisite educational credentials. I have been impressed with the knowledge, dedication, organizational abilities and degree of professionalism exhibited by these three individuals.

My practice has been to allow the legal assistant to manage all aspects of the file with the exception of preparation for and conduct of Discoveries and trial. In particular, this includes preparation of draft pleadings, marshalling of evidence, preparation of Interlocutory applications and marshalling of substantive case law respecting common issues encountered in personal injury matters.

I have no doubt that the increased preoccupation with the economics of the law practice will result in an increase in the utilization of legal assistants generally in the litigation area in the immediate future.



3. Elizabeth B. Lyall was admitted to the B.C. Bar in 1986 and practices primarily in the area of civil litigation. Ms. Lyall chose to respond to questions raised rather than in narrative form.

1. Can a legal assistant be more profitable if he/she has secretarial assistance?

In my view it is imperative for a legal assistant to have secretarial assistance as they produce an equivalent amount if not more paper than lawyers. Without secretarial help the legal assistant would be spending most of her time performing secretarial functions.

(ii) In your opinion, if a litigation legal assistant has a computer terminal does he/she still require secretarial assistance?

I do not have a computer terminal myself and therefore am not necessarily qualified to answer this question. It seems to me, however, that computer terminals are useful when drafting a large document but time consuming when drafting correspondence, etc. Therefore, it would seem that even if a legal assistant had a computer terminal, it would be essential that she have secretarial assistance in order that correspondence, etc. be typed by the secretary.

2. Is education in substantive law necessary?

I would say that an education in substantive law is absolutely necessary. If a legal assistant is going to "run" a file it is essential that she understand the legal implications of the evidence she is collecting. Further, in my own practice, I have found it of invaluable assistance to have a legal assistant who is able to review the law of liability and quantum in personal injury cases.

3. What duties do you feel confident in delegating to a legal assistant?

My experience has been that I feel confident (once I become familiar with the legal assistant) to delegate everything related to a file with the exception of those functions that must be performed by a lawyer. I like to have a working understanding of the file and therefore have correspondence go out under my name and of course I handle the Discoveries and trial. I have found that all other aspects of the file may be competently and



efficiently handled by a legal assistant.

4. Has the quality of your practice improved since you began working with a legal assistant?

The ability to concentrate primarily on the practice of law, by reducing the day to day functions of controlling files, has improved the quality of my practice.

5. Have you been able to increase your file load because of utilizing a legal assistant?

Yes

6. Do you foresee the legal assistant profession growing?

Yes

4. **Robert V. Wickett** was admitted to the B.C. Bar in 1984. His experience in using litigation legal assistants is primarily confined to the day to day management of defence insurance files.

I expect the legal assistant to manage all facets of the file including the following matters:

1. Drafting of pleadings.
2. Gathering documents and producing lists of documents.
3. Obtaining necessary and relevant medical information.
4. Preparing Chambers applications with appropriate supporting material.
5. Initial draft of reporting letters.
6. Drafting and replying to routine correspondence for my review and signature.

Basically legal assistants should be capable of handling day to day conduct of the file reducing my involvement to the review of all correspondence and documents, the conduct of Discoveries, arguing any pre-trial motions, conducting negotiations with respect to settlement, instructing experts, and, if necessary, the conduct of the trial. All other matters with respect to the file should and can be managed by a competent legal assistant under my supervision.



Due to the nature of the work that I expect a legal assistant to do, I feel that secretarial assistance is mandatory. I think it is a waste of time for a legal assistant to be typing his or her own material.

By virtue of the nature of the duties as set out above, the legal assistant must have a good basic grounding in substantive law relating to insurance and personal injury matters.

Assuming that the legal assistant possesses the above-noted qualities and is capable and willing to assume a high level of responsibility, there is no question that my file load can be increased substantially, thereby increasing the profitability to the firm.

5. **Michael D. Murphy** was admitted to the B.C. Bar in 1988 and has utilized litigation legal assistants in Plaintiff and Defendant personal injury matters.

I have worked with two litigation legal assistants, both of whom are very competent and accordingly, I am able to delegate conduct of files to them although I review all incoming correspondence and sign all outgoing correspondence. This allows me ultimate control over the file. I often seek their opinion with respect to matters they are more familiar with throughout conduct of the files. This allows me to concentrate my efforts on other matters and issues I should be dealing with. That legal assistants can take conduct of a file allows me to expand and increase my practice.

Further, the fact that legal assistants are required to have a working knowledge of substantive law in various areas is of great assistance. As the legal assistants are trained to research the law it allows me to forgo having to concentrate my efforts on the more substantive aspects of the file.

In my view the use of competent legal assistants provides for a more cost efficient and organized practice of law.



## FIRM SPOTLIGHT - EPSTEIN WOOD WONG & LOGIE

The firm Epstein Wood Wong & Logie (the merged firms of Kincaid Epstein Logie and Wood Wong Wexler & Maerov as of December, 1989) is located at 650-1500 West Georgia Street in the Wang building.

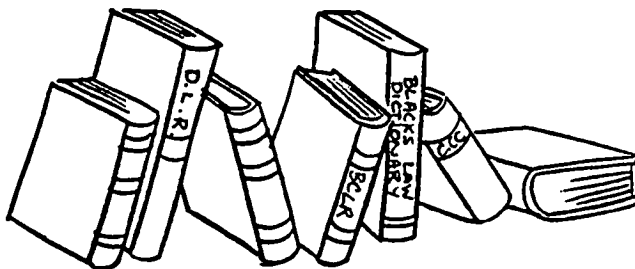
The firm consists of 11 lawyers that specialize in such areas as Corporate/Commercial, Real Estate and Litigation. Viviane Dufrane, one of our directors, is the firm's only legal assistant. Viviane does mostly ICBC Personal Injury work and her job involves: opening files, all ICBC procedural work, drafting pleadings, list of documents, quantum assessments and witness interviews.

Since the firm is small in size the staff get to know each other very well. The firm has a baseball team called the Epstein Woodchuckers that play every Wednesday. The firm also has an annual barbecue on Bowen Island which is hosted by the senior partner.

As a legal assistant, Viviane partakes in the firm's annual golf tournament. This year it is to be held at the Richmond Golf and Country Club and is followed by dinner. Viviane is also invited to attend the annual firm retreat attended by all lawyers.

Epstein Wood Wong & Logie treats its staff very well. Benefits include: medical, dental and extended health. Viviane is entitled to three weeks holidays and a bonus at Christmas time. Overtime is rarely required.

In general, the firm is busy and the legal assistant's job is varied. The atmosphere, however, is relaxed and friendly.

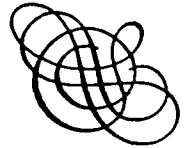


### SEMINARS

In our Spring 1990 Issue the possibility of WALA organizing seminars was discussed. We would still like to hear from members with suggestions. In the meantime, if you have any comments regarding the following proposals, please let us know:

- ICBC Practice Tips
- Summary of Economic Litigation Rule
- Overview of recent Bad Faith law
- Discussion with a lawyer and legal assistant re how they work together.

Again, please let's hear from you!!!!



## LAWYERS ASSISTANCE

At special request we include a summary of a new program available to the legal community. The Lawyers' Assistance Committee was developed to provide aide to legal support staff and lawyers alike. Please display the attached brochure in a prominent place in your firm, such as your coffee room bulletin board.

It is not news that the disease of chemical dependency affects a substantial number of members of the legal profession. Neither is it news that people are often at a loss for effective ways to help those around them who are suffering from the effects of the disease. What is news is that there is now a program designed to help those individuals and others affected by their impairment. Because nothing was previously available to facilitate the early arrest and treatment of the disease in our profession, the Lawyers' Assistance Committee was formed by a group of concerned practitioners. The Committee exists independent of the Law Society and has absolutely no disciplinary purpose. It exists, rather, as a confidential service to intervene and provide follow-up assistance. The intervention approach has been highly successful in addressing a similar problem existing in the Medical profession. Since 1974, the activities of the B.C. Impaired Physicians Program has resulted in 83% of the doctors subjected to interventions maintaining their sobriety five years after the fact. Those familiar with the often dismal statistics in the field of chemical dependency will appreciate that this success rate is nothing short of phenomenal.

If you know of someone who needs help or if you want to learn more about the program and/or the problem, call the L.A.C. at 522-1343. There is someone available to take calls on a 24 hour basis.

It is to be hoped that the committee will be able to help reduce instances where good people have undergone needless loneliness, despair and suffering because the others in their lives who mattered did not know what to do or how to do it.





## NEW WALA SPONSORED LEGAL ASSISTANT PLACEMENT SERVICE

In the Spring Newsletter, reference was made to establishment of a new "legal assistant placement service" and the expectation that this service would in operation by sometime this summer. Of course, most if not all members of WALA are aware of the background of this matter and the fact that this new service has been under consideration and discussion for some time. In fact, talks on this subject were first initiated in September of 1989 between the President of WALA, Terry Wilson, and Stephen Nash, the principal of The Counsel Network, which is a personnel consulting firm specializing exclusively in the placement of lawyers. It is one of only two or three legal search firms in Canada and the only such firm operated by a lawyer. Recently this service has been endorsed by the member services committee of the Canadian Bar Association (B.C. Branch).

The purpose of the initial discussions was to explore establishment of a WALA endorsed placement service specializing exclusively in the recruitment of legal assistants. It was envisioned that this service would operate as a separate division of The Counsel Network and, in consideration of endorsement by WALA, would place only legal assistant candidates who are members of WALA in good standing or who are able to become members by the date of hire. In other words, membership in WALA would be a precondition to placement by the service. Of course, additional benefits would also flow from association with this service including increased information regarding legal assistant job openings and career opportunities, financial contribution and, perhaps most significantly, increased promotion and awareness of legal assistants as independent professionals.

Since those initial discussions, and after a number of further meetings, information sessions, discussions and negotiations, an agreement has been formalized! Consequently, WALA, in association with The Counsel Network, is pleased to introduce:

### THE LEGAL ASSISTANT NETWORK

Effective August 1, 1990, The Legal Assistant Network will commence operations specializing exclusively in the recruitment of member legal assistants for full time and temporary/part time legal assistant positions as offered by client employers. This new service will be operated by Mr. Nash as a division of "The Legal Search Group" at 400-698 Seymour Street, Vancouver, B.C. V6B 3K6 telephone 640-7198/fax 662-7934. Details regarding the mechanics of the service and its operations will be provided to members on a continuing basis. In the meantime, members may register with the service or obtain further information by contacting Mr. Nash directly at 640-7198 or 240-8210 (cellular). Please note, this service operates on a strictly confidential basis and there is no cost, risk or obligation to any member who registers.



SALARY SURVEY

Our salary survey results have finally been compiled. Twenty-six responses were received which represents approximately 1/3 of the Association's working legal assistants. We have once again attached to this newsletter our salary survey form and ask that if you have not already completed a survey please do so and we shall update our survey results in our upcoming newsletter. The surveys are anonymous so there is really no reason not to complete one.

With the exception of two respondents all survey results were received by litigation legal assistants. We have therefore chosen to simply categorize all respondents together. As well we have enumerated each response individually rather than giving a range of salary levels for a particular level of experience. We thought that by doing so would have hidden the fact that someone at a lower salary in fact works only 4 days per week or has considerable benefits.

We trust all will find our results of interest and once again ask that all persons who have not yet responded please take a few minutes to complete the attached survey.

Each salary represents one response.

Practicum Salaries

PRE '85	1986	1987	1988	1989	1990
\$1,000	\$1,400		\$1,200	\$1,100	\$1,600
500	2,250		2,400	2,416	1,100
1,950			1,900		
1,200			1,100		
1,400			1,550		
1,100			1,800		
1,200					

6 mo. to 1 Year of Experience

<u>Firm Size</u>	<u>Salary Monthly</u>	<u>Benefits</u>
1 - 10	\$1,500	- Nil
	1,600	- small firm in New Westminster
	2,100	- 1 1/2 hr. lunch, 2/3 med, dental,

	2,400	- life ins. and ext. health - 100% med, den, life ins. and LTD
25 - 50	2,800	- 100% med, den, 1 mo. hol.
51 +	2,000	- med, den, ext. health, LTD, pension after 5 yrs, 20% discount on YWCA
	2,000	- med, den, ext. health

1 Year to 2 Years Experience

25 - 50	\$2,050	- med, den, 3 wks. hol.
51+	2,450	- firm paid med/den, pension plan, 1/2 health club membership, 3 wks hol.

2 Years to 3 Years Experience

1 - 10	\$2,500	- no response
	2,775	- med, den, pension, fitness memb., share purchase plan
11 - 24	2,856	- pen. plan, 8 extra days off/yr.; education subsidy
25 - 50	2,300	- med, den, LTD
	2,500	- 100% med & den, life ins, 3 wks hol, use of lawyer's lounge
	2,833	- med, den, 3 wks hol, xmas bonus
	2,900	- med, den, ext. health, LTD

3 Years to 4 Years of Experience

1 - 10	\$2,750	- 4 day work week, med, den, non- downtown firm
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4 Years to 5 Years of Experience

11 - 24	\$3,013	- 3 wks hol, 8 extra days off/yr; LTD, med, den, ext. health
51+	2,750	- 4 weeks hol.

5 Years to 6 Years of Experience

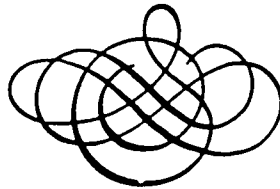
51+	\$3,300	- 3 wks hol, 100% med, den., ext. health, LTD & life ins., pension, 50% YWCA, O.T., sec.
	3,540	- 3 wks hol, 100% med, den, ext. health, LTD & life ins., pension plan, 50% fitness membership, O.T., sec.

6 Years - 7 Years of Experience

No respondents

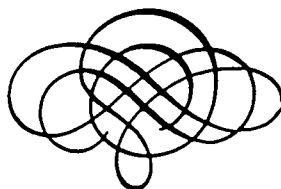
7 Years or greater of Experience

11 - 24	\$2,300	- Kelowna firm; 4 wks hol.
51+	3,200	- med, den, pension plan
	3,400	- 1 mo. hol, 100% med, den, ext. health, LTD, office, shared sec.
	3,625	- med, den, flex. hours, 3 wks hol,
	4,250	- med, den, pension plan, life ins., YWCA subsidy



LEGEND

med	medical
den	dental
wks. hol	weeks holiday
Life ins.	life insurance
ext. health	extended health
LTD	long term disability
O.T.	overtime pay
sec.	secretary



## ANNUAL GENERAL MEETING

Our next members function will be the Association's Annual General Meeting scheduled to be held September 11, 1990 at 5:30 p.m. at the offices of Russell & DuMoulin, 1500 - 885 West Georgia Street, Vancouver, Boardroom No. 1501.

The Annual General Meeting is a time when the President will summarize the past year's events and the Association's financial status. Most importantly, it is a time to elect Directors for the 1990/91 year.

To be eligible to become a Director a member must have been a legal assistant member for the 6 months preceeding the Annual General Meeting and be in good standing. If any members are interested in becoming a Director or if you have any questions on the duties involved or time requirements do not hesitate to contact the existing President, Terry Wilson, at 631-3179.

Set out below are the names of all members that are presently eligible to become directors:

Thora Arnason	Dorothy Easton	Linda Lawson
Joe Ablitt	Margaret Elliot	Tricia Low
Cathie Arnett	Lori Ergas	Madenka Maretic
Cindy Bachman	Anne Erlebach	Jill Matthews
Jasbir Bains	Eileen Fieldhouse	Cheryl McCartney
Anna Barile	Janice Gaines	Gemma McDonald
Cathy Barzo	Ellen Halliday	Glenis Milne
Lisa Boyd	Sarah Hanna	Carol Monteith
Cindy Brandes	Patricia Hepplewhite	Sheila Noftall
Fran Brett	Ann Hewlett	Leigh Ann Pawliuk
Katherine Cameron	Jane Hindmarch	Heather Pellow
Sandra Cameron	Moira Hofstedt	Eva Penner
Jacqueline Choboter	Jennifer Hurren	Catherine Sleigh
Sarah Clay	Farida Jamal	Michelle Suchow
Michelle Dore	Sylvia Kern	Yvonne Van Vliet
Mary Downey	Lynne Knights	Terry Wilson
Viviane Dufrane		

