

Western
Association of
Legal
Assistants

Spring 1990 Edition



BENCHERS' APPROVE CERTIFICATION PROGRAM



The January/February issue of the Benchers' Bulletin announced the Benchers are in favour of instituting a Law Society certification program for legal assistants.

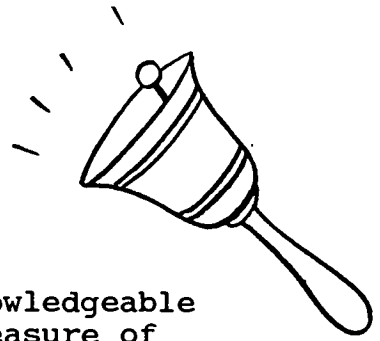
This announcement follows the recommendations of a Law Society Subcommittee commissioned in 1988 to report on the role of non-lawyers in the delivery of legal services. The Subcommittee Report was presented to the Law Society in October 1989 and found that legal assistants are well established in the legal community and their contribution in making law firms cost effective will ensure that they will continue to be employed.

The Report found that there exists a wide variation in the education, qualifications, duties and responsibilities of persons designated as legal assistants. The Subcommittee adopted the American Bar Association Standing Committee's approach that such a broad definition is not desirable for the legal assistant profession, or, ultimately, for the legal profession itself. To be of greater utility to lawyers, clients, and legal assistants, the term legal assistant should be **uniformly-defined** so that those who deal with a legal assistant know the capacity and the extent of the legal assistant's authority and function.

The Subcommittee stressed their recommendations were made in the context of the Law Society's obligation to protect the public interest by supporting the delivery of cost-effective, quality legal services. The Report concluded there is a three-fold interest in the certification of legal assistants:

1. Public interest -

Public confidence would be enhanced by the Law Society and the legal profession formally encouraging high achievement through a certification program.



2. Legal Assistant interest -

A certification program would allow the most knowledgeable and highly-skilled legal assistants to gain a measure of recognition in the legal community, to fulfil career aspirations and to gain a marketing edge. For others it would be a goal to strive for.

3. Interest of the legal profession -

The ability to provide affordable legal services to the public is not only of importance to individual law firms but to the image of the profession as a whole.

The Report makes note of the efforts of WALA to qualify for reserved title status under the Occupational Titles Protection sections of the Society Act. The Report suggests that if the Law Society does not assume responsibility of the certification of legal assistants, some other body will. It points out, Law Society involvement would ensure that the legal profession influences the development of legal assistants in a manner complementary to the profession.

The Report recommends that a candidate for certification should:

1. possess both substantive and procedural legal knowledge;
2. have work experience performing legal assistant duties;
3. be of good character and repute; and
4. be prepared to give the Law Society his/her personal undertaking to abide by the rules and policies set by the Benchers.

The Report recommends that legal assistants be certified in one area of law as most legal assistants do in fact work in only one area. Also, while the Subcommittee was favourable to making formal training pre-requisite to certification, it recognized the predominance of in-house training. As a result the Report recommends that persons with substantial work experience as legal assistants be allowed to demonstrate their knowledge by taking approved part-time courses and course examinations or by writing Law Society examinations.

Therefore, the scheme of certification which the Subcommittee proposes is as follows:

1. academic route -

Completion of recognized education program

+

one year experience performing legal assistant work in particular area of law

2. non-academic route -

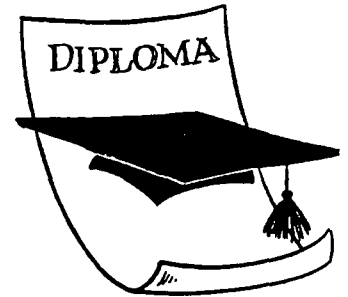
5 years experience performing legal assistant duties in particular area of law

+

completion of approved courses relating to particular area of law

or

completion of Law Society examinations



In accepting the Subcommittee Report the Benchers have made it clear that certification would not prevent uncertified persons from performing legal assistant functions but it would favour the development of legal assistants in several respects.

At the recommendations of the Subcommittee Report the Law Society is now striking a special committee to examine certification criteria, cost and implementation. Members of WALA's Board of Directors will be meeting with members of the Legal Assistant faculty at Capilano College to make a joint submission to the Law Society special committee.

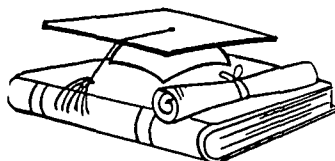


SEMINARS

It has been suggested that the Association should hold educational seminars. Currently, there seems to be a lack of advanced or detailed courses geared for the Legal Assistant. The objective of these seminars would be to provide members with information on changes in the law and in depth studies of certain topics.

The seminars/workshops would be led by a guest teacher, probably a lawyer specializing in the particular field being discussed, and the purpose would be purely educational and informal. To get this project underway, we need input from members. What kind of topics would you like to see discussed? Do any of you know a lawyer or lawyers who would like to take part in such a seminar?

Please let us know your reaction to the above suggestion, by mailing your thoughts to the Association, or advising any of the directors or committee members. We must hear from members before proceeding any further on this project.





Program Committee

The most recent Association function was the Chinese dinner at Kingsland Restaurant. There was a good turn-out, and the Committee plans to make it an annual event.

The next meeting will be the Annual General Meeting, date to be announced in a separate mailing.

Education Committee

The Education Committee is still in the process of gathering information regarding the Legal Assistant programs in Canadian institutions and updating our information from 1987 for any American Legal Assistant programs.

There has been no word yet on whether any credits toward the Legal Assistant Certificate would assist in gaining access to law school.

Membership Committee

There was an excellent response to the questionnaire asking members to provide information for the Membership Directory. There are just a few people who have not responded, the Committee will be contacting them directly. Once all the information has been compiled, the Directory will be ready for distribution. Further details will be provided when it is closer to the publication date.

Business cards which will also be used for name cards at Association functions will be available soon. They will have our logo, name and address on them with room for the member's name to be typed in.

We've had a very poor response to the salary survey. Please take the time to fill out the attached questionnaire. We would like to print the results in the newsletter. Members may find it useful to know the salaries out there in the profession if and when they need to negotiate an increase in their salary.

The following people have become members of the Association since our last newsletter:

| | |
|----------------------|---------------------|
| Joe Ablitt | Sheena M. Baker |
| Colleen Atkinson | Cathy Barzo |
| Jasbir Bains | Vicki I. Bourbonais |
| Sandra Cameron | Sarah Clay |
| Catherine Ann Duncan | Mary S. Halford |
| Ellen E. Halliday | Valerie J. Howander |
| Suzi Kilgour | Jane Klix |
| Linda Lawson | Calli R. McCrae |
| Janice Meikle | Karina Mortenson |
| Audrey Murnaghan | Leigh Ann Pawliuk |
| Mary Dianne Rogers | Randy Schop-Weiss |
| Lisa Winkelaar | Miriam Yapp. |

Our Association now consists of 98 members in good standing.

FIRM SPOTLIGHT

On July 1, 1989, Russell & DuMoulin merged with Lyall McKercher Hanna creating the largest law firm in Western Canada consisting of approximately 160 lawyers and 400 staff. Of the staff, Russell & DuMoulin employs 37 Legal Assistants.

Fifteen of these Legal Assistants have completed an accredited Legal Assistant Programme. Non-academically trained legal assistants are encouraged to take legal assistant courses in their area of specialty.

Presently, a firm policy is being developed on the use of the title "Legal Assistant". At issue is whether the title will be given to all whom the firm hires in a legal assistant capacity or whether it apply only to those with a legal assistant diploma. If the latter is chosen then Russell & DuMoulin will also have to decide if it will invoke a "grandfather" clause for existing non-academically trained legal assistants.

Russell & DuMoulin considers its use of legal assistants to be progressive. Indeed there are a considerable number of specialties where legal assistants presently practice:

| | <u>Number of</u> <u>L.A.'s</u> | <u>Diploma</u> <u>L.A's</u> |
|--------------------------|-----------------------------------|--------------------------------|
| Real Estate/Conveyancing | 10 | 3 |
| Litigation | 9 | 7 |
| Corporate Services | 4 | 2 |
| Securities | 3 | 1 |
| Banking | 3 | 0 |
| Corporate/Commercial | 2 | 0 |
| Intellectual Properties | 2 | 1 |
| Collections | 2 | 0 |
| Wills & Estates | 1 | 0 |
| Labour | 1 | 1 |

Litigation legal assistants work on a variety of files: insurance, general personal injury, ICBC and other insurers. The legal assistant is given "conduct" of anywhere from 25 - 80 files (depending upon experience) and is expected to handle all matters in anticipation of Discovery and Trial. The legal assistant works with considerable autonomy creating a more challenging work experience for her and allowing the lawyer to be responsible for more files and concentrate on the more substantive issues on files.

Russell & DuMoulin is moving towards the trend of primarily hiring legal assistants with diplomas. The Association speculates that the issue of certification by the Law Society will have a considerable impact upon the hiring policies of not only Russell & DuMoulin, but all B.C. law firms.

Russell & DuMoulin's legal assistants have secretaries if their job requires one. For example, conveyancers produce their own work while virtually all litigation legal assistants have a secretary, either their own or on a shared basis.

All legal assistants have their own offices all of which are "inside" with the odd exception due to space availability.

Each legal assistant has an annual hourly budget of 1400 if she has a secretary or 1200 if not. This works out to approximately 5-5.5 hours of billable time each working day.

Russell & DuMoulin employs students for their practicums. Two were accepted in 1989 by the "unmerged" Russell & DuMoulin. Students for this year have yet to be decided upon.

Staff benefits include:

- pension plan
- profit sharing
- 100% firm paid dental and medical premiums
- Three month paid sabbatical after twenty years
- \$150.00 per year towards fitness membership
- autoplan payroll deduction.



LEGAL ASSISTANT PLACEMENT SERVICE



Stephen Nash expects to get his placement service "up and running" by some time this summer. This is a couple of months longer than originally projected, due to his having to concentrate on obtaining endorsement on his lawyer placement service from the Law Society. We understand Stephen was successful on this which results in the first lawyer placement agency in B.C. with the endorsement of the Law Society. Congratulations Stephen!

