

Western
Association of
Legal
Assistants

Spring 1988

SEPTEMBER 27, 1988 WINE & CHEESE

Those of you who attended our wine & cheese affair on September 27th enjoyed a pleasant get together with other members highlighted by a most informative talk given by Denise Palmer.

Denise is a legal assistant working for the Law Society of B.C. and is staff liaison to its 10 month old sub-committee on paralegalism. The Subcommittee's mandate is to study unauthorized practices of law (i.e. paralegals or Legal Assistants working independently without the supervision of a lawyer), and to make recommendations accordingly. The Subcommittee is also to study and make recommendations respecting the role, supervision, training and regulation of legal assistants in British Columbia.

Although at this time the Subcommittee was not quite ready to release its preliminary finding on the situation here in B.C., Denise was able to tell us about other interesting events currently affecting legal assistants in Canada and the United States, particularly with respect to certification, which she became aware of in part because of her research work for the subcommittee.

In Ontario, where independent paralegal firms offer incorporation, Wills, and divorce services and as well defend clients by acting as their "agents" in traffic court, the Ontario Ministry of the Attorney General has responded by striking a task force to study and make recommendations on the regulation of independent paralegals. However, as Denise points out, it will be difficult to set qualifications guidelines for all considering the widely varied backgrounds of those currently practicing as independent paralegals, and in light of the fact that probably very few have any formal legal training. It will be interesting to see what course independent paralegalism will take in Ontario over the next few years.



Here in B.C., as throughout the rest of Canada Denise has seen interest expressed by legal assistants for formal recognition through a certification programme. However, Denise was unaware of any existing certification programmes in Canada save for a kind of associateship once offered by the Ontario Institute of Law Clerks, which unfortunately was not recognized by either the Law Society of Upper Canada nor the provincial government.

As for Legal Assistants in the United States, who have been around longer and exist in greater numbers, one might expect as Denise says that they are great strides ahead of us in achieving formal recognition. It appears that this is not necessarily so.

Back in 1985, the American Bar Association (A.B.A.) recognized the need to clearly define the role and function of legal assistants. Their resultant definition saw a legal assistant as one who performed "substantive legal work", requiring "a knowledge of legal concepts", and as Denise points out this is a significant step in the right direction. However, at the same time the A.B.A. also rejected both licensure and voluntary certification for legal assistants in the United States because they felt it was "unnecessary and cumbersome" since "the public is protected by the license of the lawyer through whom the legal assistant must act".

Despite the A.B.A.'s attitude, there are currently two programmes in the U.S. to certify legal assistants. Approximately, 2,000 legal assistants across the U.S. have been designated "C.L.A.'s" by the National Association of Legal Assistants (N.A.L.A.) whose programme was established in 1976.

Florida Legal Assistants, Inc., formed in about 1982 is also certifying legal assistants using N.A.L.A. standards. Unfortunately, neither of these two certification programmes has the backing of the local governing bar association or government, which as Denise points out, is a major drawback. What we as legal assistants need, states Denise, both in the U.S. and Canada, is State by State or Province by Province certification of legal assistants carried out in the same way as lawyers are qualified, with the respective government and bar association backing. Let's hope that the Law Society Sub-committee on Paralegalism comes out in agreement with this view.

 NOVEMBER 22, 1988 DINNER MEETING 

On November 22, 1988, about twenty WALA members met at the Kingsland Chinese Restaurant to enjoy good food and listen to Mr. Ron Friesen, Director of Programming, at the Continuing Legal Education Society.

Mr. Friesen has been Director for one and a half years. He has a degree in Physical Education and Law. He practiced law with Ray Connell for three and a half years in Corporate/Commercial and Real Estate. He taught in the PLTC Bar Admission Course for one year.

His talk centered mainly around the current structure of CLE and how their goals for lawyers and support staff were developed and hopefully realized.



Although to date, CLE has offered the same courses for legal secretaries and assistants, Mr. Friesen says that legal assistants have always been encouraged to take courses offered to lawyers, if they feel they would be beneficial. Our members made it quite clear to Mr. Friesen that most of the secretarial courses were not helpful in that they focussed on basic procedure and did not include substantive material, which is essential to most legal assistants' education.


Mr. Friesen told us that he was aware of the deficiencies of the current curriculum and that CLE was developing a set of courses that would be more suitable to our needs. For example, he mentioned Research, Interviewing Techniques, Client Relationships (Trust). He is interested in having WALA strike a Committee to assist him in developing these courses.



It was suggested to Mr. Friesen that he also consider providing courses to deal with the proper utilization of legal assistants and their relationship with lawyers.


It was an informative evening. Both WALA and CLE benefitted.





LASTLY, but certainly not least, the food was fantastic!

 **ALEXANDER, HOLBURN, BEAUDIN & LANG** is seeking an experienced Legal Assistant to handle I.C.B.C. defence files together with some plaintiff personal injury files. All applicants must be certified through a recognized legal assistant program with three to five years experience in personal injury litigation. Preference will be given to candidates who currently hold an approved Attorney General's billing number. If you have the demonstrated ability to work with persons at all levels, with minimal supervision, please submit your resume together with a handwritten covering letter to:

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 Attention: Nadia E. Morrison 

B.C. LAW SOCIETY

PARALEGALISM COMMITTEE REPORT - by Anne Erlebach, President

On November 18, 1988, myself and Fran Brett met with Brian Wallace and Denise Palmer of the Law Society of B.C. Brian Wallace chairs their committee on paralegalism and Denise is a member. The purpose of the meeting (from our point of view) was to find out what they were doing and also to find out why, if possible, we had not been included in any investigations on topics that directly concerned us.

I believe that both our questions were answered.

The Committee has two mandates to follow:

- 1) Investigate education, certification and possible title protection of legal assistants; and
- 2) Investigate the supervision of legal assistants, or lack thereof, with emphasis on independent legal assistants, (for example the POINTTS group in Ontario).

To date, the Committee has managed to address only the first issue and they will be providing us with their report, (if they are allowed) as soon as it has been submitted to the Benchers.

Perhaps the biggest surprise to all of us at this meeting was that we discovered that we share essentially the same opinions.

The Committee is going to recommend that certification based on education and experience be developed and that the title "Certified Legal Assistant" be submitted for title protection under the Society Act. The Law Society would be the group to police the use of a title, once earned. One of their concerns was that WALA may object to such an arrangement, but we assured them that realistically we would have to be a much larger and more experienced association to take on such a task, certainly at present.

We all agreed, however, that once the Benchers had "accepted" the report of the Committee, another committee could be formed with the purpose of putting a proposal together to achieve the desired certification, title protection and standards for the same. WALA would likely be represented on such a committee. In addition, WALA would be represented on a disciplinary committee to police use of the title, legal ethics etc.

Mr. Wallace also wanted to know how we felt about independent, unsupervised legal assistants. We assured him that we were not speaking for WALA (as we have not canvassed our members on this issue) but did say that we were not comfortable with individuals, whose level of expertise and skills are unknown, providing unsupervised legal services to the public.

In conclusion, both Fran and I felt the meeting to be a success and hope we will be able to continue to communicate with the Law Society on issues that we feel concern WALA probably more directly than any other organization. We will endeavour to make our members' views known and keep the lines of communication between the Law Society and WALA open.

THE ASSOCIATION HAS A NEW MAILING ADDRESS. ANY OF THE DIRECTORS (OR MEMBERS) MAY BE REACHED BY SENDING YOUR CORRESPONDENCE TO:

P.O. BOX 4127
MAIN POST OFFICE
VANCOUVER, B.C.
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