

# Western Association of Legal Assistants

Newsletter Issue #2

February 28, 1987

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## A S Y O U A L L K N O W . . .

Our first edition of the WALA newsletter contained the announcement of a logo contest, in which a dinner for two could be won by the person that submitted the winning design. The contest has been re-opened. We know there are more creative people out there. We will be using the logo in our Special Edition Newsletter that will be circulated throughout B.C. This is the closet artist's chance for immortality! Designs are to be sent to WALA, c/o Bull, Housser, 3000-1055 Georgia St., Vancouver, B.C. V6E 3R3

## M E M B E R S

Our last members' meeting was held at the On On Tea Garden on November 27, 1986. The purpose of this gathering was to meet new members, talk about any concerns, have fun and eat good food. We hope that all felt this goal was met.

Our guest speakers for the evening were financial planning consultants from the firm of Investors Syndicate. Their 40 minute presentation was very informative about how easily our hard earned money can slip through our fingers. Some members took advantage of the free consultation offered - they are the legal assistants that will be retiring at 45!

The evening ended at around 9:00 p.m. with everyone full of Chinese food, tea and fortune cookies.

A members' wine and cheese party will be held March 17, 1987 from 5 to 7:30 p.m. at Swinton & Co., that is, 11th floor, 840 Howe Street. We are very pleased to announce that the Honourable Madame Justice Beverly McLachlin will be speaking. Tickets are \$4.00 and can be purchased from Elizabeth Dahnert at Harper, Grey, 687-0411, Anne Erlebach at Bull, Housser, 641-4899 (direct line) or Gemma McDonald at Capilano College. We ask that you purchase your ticket well in advance so that we can determine how many will be attending. We would, of course, like to see you all. It promises to be an enlightening evening.



BILL 42, "AN ACT TO REGULATE  
THE ACTIVITIES OF PARALEGAL AGENTS"

Bill 42 is a private members' Bill of Terry O'Connor, an Oakville, Ontario lawyer and M.P.P., which sets out a scheme for regulating the province's independent "paralegal agents". The Act proposes to regulate the education, registration, discipline and conduct of independent "paralegal agents" who do not work under the supervision of lawyers. Mr. O'Connor's purpose of the Bill is to protect the public from unscrupulous people performing legal services for them without regulation. The Bill passed first and second reading of the Ontario Legislature and, should it be enacted, would be the first such legislation in Canada and the U.S.

Despite wide support from the Independent Paralegal Guild of Ontario and a majority of members in the Ontario Legislature, the Attorney-General, Ian Scott criticized the Bill as being "very general". The Institute of Law Clerks of Ontario and a CBAO Council on paralegals, after frequent submissions and discussions, decided the Bill was inappropriate for the regulation of legal work performed by non-lawyers and should not receive support from the CBAO Council. Their concerns included the Bill's omission to outline the respective roles of "law clerks", "paralegals", "legal assistants" or "legal executives", and the broad issues raised by the Bill concerning the legal profession and the nature of regulation appropriate for ensuring quality legal services.

"Paralegal agent" is defined in Section 1 of the Bill as "a person, other than a member or a student member of the Law Society of Upper Canada or a person who acts under the supervision of a lawyer, who acts or holds himself or herself out as acting, on behalf of another person for a fee, in a proceeding in a court of law or before a tribunal or other adjudicator in which that person's rights or liabilities are determined."

The Bill would authorize "paralegal agents" to represent clients in such courts and tribunals as Small Claims Court, Provincial Offences Court, landlord and tenant tribunals, Immigration Boards and Coroners Inquests. It would establish a sub-committee, authorized to make regulations effecting various aspects. These include regulations for procedures for the election of committee members; for the examination, admission and registration of paralegal agents in Ontario; prescribing qualifications of paralegal agents and the proofs they must furnish as to education, good character and experience; approving courses of study, educational standards and hours of training; maintaining a register of paralegal agents admitted to practice; providing a code of conduct and ethics for paralegal agents; determining the use of any title which would correctly describe a paralegal agent's qualifications; prescribing minimum amounts of professional liability insurance to be maintained by paralegal agents; prescribing courts and tribunals in which paralegal agents may act and; prescribing matters in respect of which they may act.

The Bill would prohibit a paralegal agent from misleading the public as to his or her qualifications or occupation or practicing as a barrister or solicitor. Instead, before acting on anyone's behalf, the paralegal agent must advise that she or he is not a barrister or solicitor and is prohibited from acting or advising on a matter not provided for by the Act or its regulations. Contravention of the provisions or regulations of this Act would make the offender liable to fines and/or imprisonment.

The CBAO Committee on Paralegals did not deny a need in the public interest to define standards of competence through a licensing scheme; in fact, their report concluded that there was a necessity to assess all "law jobs". For each "law job", the level of training needed to perform at a competent standard, the scope of activity, and the relationship between service fees and the risk of adverse consequences to the consumer or public at large should be addressed. Also recommended was that the CBAO consider creating a special task force to conduct a comprehensive analysis of legal work to respond to the developments in legal

## TRAVEL

An opportunity has been extended to WALA members to join (or form their own) tour group for a trip to the Far East.

Suggested itineraries are:

Hong Kong - 9 nights; Bangkok - 5 nights: \$1,999.00


Hong Kong - 3 nights; Bangkok - 4 nights; Pattaya Beach (Thai) - 7 nights: \$1,999.00

Shanghai - 2 nights; Xian - 2 nights; Peking - 3 nights; Guilin and Li River cruise - 2 nights; Guangzhou - 1 night; Hong Kong - 1 night: \$2,999.00

All sound like fascinating trips. The same tour company has had great success planning such trips for groups of lawyers. All tours include airfare, hotel accommodations, transportation, breakfast/lunch, and sightseeing tours. For more information, please contact Anne Erlebach at 641-4899.

Advertisement appearing in the October 30th edition of The Province "Small downtown law firm has opening for paralegal. Will consider recently called lawyers. Excellent typing and dicta-typing skills a must. Will train on IBM PC."

That firm must know something about the job market for recently called lawyers.



TELEPHONE SURVEY



Recently, Margaret Chester, a member of our Public Relations Committee, contacted several well-known law firms to conduct an informal survey of current attitudes and knowledge (or the lack of) prevailing with respect to Legal Assistants. The survey was not done in a scientific manner, but was conducted with a view to developing a survey in the future that will reflect some basic statistics that will in turn allow the Association to better serve the needs of its members. This formal survey would address issues such as salaries, job market and job descriptions to name but a few.

Some of the impressions Margaret got from her queries are:

Legal Assistants are relatively rare.

The firms that don't hire Legal Assistants never intend to as they feel articling students do the appropriate work.


Some firms that do have Legal Assistants "...call them paralegals. It is just a question of names - they do the same work."

Capilano College does not appear to be the main source of Legal Assistants - many legal assistants "just grow".


Those firms that have Legal Assistants speak glowingly of them.

The Newsletter and P.R. Committee welcome your comments with respect to the above. We are not looking to conducting a formal survey in the near future, but anticipate such a project beginning next year.

L. A. ADVOCATES



WALA has been asked to submit an article to the Vancouver Legal Administrators newsletter. They would like it to be thought provoking, controversial and to reflect where WALA thinks Legal Assistants are going now and in the future. Our Public Relations Committee has taken on this task and would be pleased to hear from all of you. Your suggestions and opinions are welcome. This is our chance to say something, so please write Fran Brett or Anne Erlebach, c/o Bull, Housser & Tupper, 3000 - 1055 West Georgia Street, Vancouver, British Columbia, V6E 3R3.





Medium size downtown law firm seeks highly motivated and energetic legal assistant for busy insurance practice. Applicants must be certified graduates of Capilano College Legal Assistant program and have some experience or knowledge of motor vehicle insurance. Please submit application with salary expectations to the Office Manager, Lindsay Kenney 1700-700 West Pender Street, Vancouver, B.C. V6C 1G8 - NO CALLS PLEASE.



LETTERS TO THE EDITOR

(This is a hint!)

I wanted to be a judge when I was eleven. Then I wanted to be an architect, then a pilot, then a judge again. I never ever wanted to be a cartoonist. I wasn't funny and I couldn't draw. Ideal qualifications for a judge.

