

# Benchers' Bulletin

The Law Society  
of British Columbia



Your information bulletin on Law Society of British Columbia activities

2001: No. 6 November-December



## Milestones

*Hugh P. Legg, Q.C. is honoured for 50 years of service, both as a member of the Law Society and on the Bench. President Richard Margetts, Q.C. presented a commemorative certificate to Mr. Legg at a luncheon hosted by the Benchers on December 6. Other certificate recipients honoured at the event were Donald R. Andrews, J. Alan Beesley, O.C., Q.C., C. Paul Daniels, Q.C., Harry C. Ferne, Charles S.G.C. Fleming, Charles S. Hopkins, Constance D. Isherwood, Q.C., T. Foster Isherwood, George Kincaid, Ralph R. Loffmark, Q.C., Brian S. Lowe, Allan McEachern, R. Neil Monroe, C. Francis Murphy, Q.C., Robert D. Ross, Norman Severide, Q.C., Gilbert J. Smith and Ralph R. Wollen, all celebrating 50 years — and Neil A. Davidson, Q.C., celebrating 60 years. The Benchers were also pleased to offer tribute to Meredith M. McFarlane, Q.C. who marked the 70<sup>th</sup> anniversary of his call to the bar, having served both as a lawyer and a superior court judge. □*

## Anti-terrorism legislation: new threat to right to counsel?

Bill C-36 received Royal Assent on December 18, 2001. Known as the "Anti-Terrorism Act," the Bill is expected to come into force soon after measures for implementation have been arranged with the provinces, territories, police, and others responsible for enforcement of its provisions, according to a federal government announcement.

The *Anti-Terrorism Act* will affect lawyers. The *Act* amends, among other statutes, the *Criminal Code* and the *Proceeds of Crime (Money Laundering) Act* [which will now be known as the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*].

There are many other new provisions in the *Anti-Terrorism Act* that have elicited expressions of concern within the legal community and the community at large. The Canadian Bar Association has made representations to the House of Commons, and the Federation of Law Societies has made representations to the Senate, with active support on those submissions from the Law Society of B.C.:

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# The Law Society of British Columbia



## ELECTED BENCHERS

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## *Benchers' Bulletin*

The *Benchers' Bulletin* and related bulletins are published by the Law Society of British Columbia and are distributed to B.C. lawyers and articulated students to apprise them of the activities of the Benchers and Law Society committees. Additional subscriptions to Law Society bulletins may be ordered at a cost of \$50.00 (plus GST) per year, prorated at \$12.50 per quarter. If you have ideas on how to improve the *Bulletin*, please contact the editor.

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## Reflections



Richard S. Margetts, Q.C.

This is my last column — it has been a privilege, and a wonderful opportunity, to have acted as your President over the past year.

I have travelled much of the province (even learning the turn-off for the shortcut to Salmon Arm). I've met with many of you, discussed the challenges our profession faces and listened to your concerns about our future. I have realized the depth to

which many of you believe, as I do, that our profession faces many challenges that must be met positively. Like you, I see the future as simply an opportunity to be realized.

I have tried in these columns over the past year to address some of the many challenges that now loom this side of the horizon. Who would have contemplated, five years ago, the outcome of the *Mangat* case (that an immigration consultant, in some aspects of legal practice, is outside the jurisdiction of the Law Society)? Or foreseen the recommendations of the Cory Report (the Ontario government's report supporting the creation of a self-governing body of paralegals)? Who would know that every major accounting firm in Vancouver would now have on staff at least one lawyer? Who would have contemplated the massive challenge the federal government has mounted to the core values of our profession — undivided loyalty to the client and solicitor-client privilege — through the money laundering legislation and Bill C-36, the anti-terrorism bill? These are but a few of the many significant underlying changes and challenges that we face.

To focus locally, for a few moments, it is clear that the provincial government is contemplating massive changes to the social and economic infrastructure of our community. The government's fiscal program will significantly impact upon our profession. Legal aid and other forms of welfare benefits, court services including courthouses, government registries and the many agencies associated with the justice system that receive provincial funding assistance, are all likely to be compromised as the new year progresses.

These cutbacks will affect our profession. Obviously, a

reduction in the legal aid budget will affect many lawyers' pocketbooks. Most significantly, there are further, hidden costs that profoundly harm people's access to justice. To take the legal aid example one step further, there will be an increase in the number of lay litigants, which will place a further strain upon the judicial system. Counsel will spend more time waiting "to get on." Who will bear that cost? Who will provide advice to the increasing number of those ineligible for legal aid? How does the profession answer an increasing demand for "pro bono"?

An economic and efficient justice system is integral to a healthy and vibrant democracy. Our profession has a responsibility to work towards achieving and maintaining that goal. The courts already suffer serious backlogs, and litigation is far too expensive for most of our clients. It is open to argue that the justice system is already failing the community at large. The legal profession must be vigorous in advancing judicial reform with a view to ensuring that access to the courts remains a fundamental right, within the grasp of all of us. The failure of a justice system (even one precipitated by the executive arm of government) is also a failure of the legal profession to have been vigilant in ensuring the public's right to access justice.

Enough "lofty preaching" on my part. My year is drawing to an end, and it simply remains for me to thank all of those who have supported and assisted me in discharging the responsibilities of the office. I wish to thank all the Benchers for their hard work and dedication to their duties and for their encouragement to me, in particular incoming President Richard Gibbs, Q.C. and Vice-President Howard Berge, Q.C.

I'd also like to thank and applaud the many other volunteers serving the profession, especially Margaret Ostrowski, Q.C. and Carman Overholt, respectively Past President and President of the CBA, with whom I have had the pleasure of working with closely over the past year. While we may have had differences of opinion from time to time, we share a commitment to the public and the profession of this province and a mutual respect that will endure.

We are fortunate too, as a profession, to have a keen and progressive staff at the Law Society. They serve us well. Finally, to my partners, my office support, friends and family, thank you for your patience and encouragement throughout the year. □



see [www.cba.org](http://www.cba.org) and [www.flsc.ca](http://www.flsc.ca). The Federation has expressed concern that the Act will create barriers to the right to counsel and result in breaches of solicitor-client confidentiality.

Lawyers should be aware of the following new provisions:

### Barriers to the right to counsel

- Section 83.08 of the *Criminal Code* will make it an offence for anyone to knowingly deal directly or indirectly in any property owned or controlled by or on behalf of a terrorist group. "Terrorist group" is defined in s. 83.01(1) of the *Criminal Code*. Section 83.08 also prohibits entering into or facilitating any transaction with respect of such property and providing financial or other related services with respect to such property. It appears that any lawyer acting for a terrorist group or a member of such group will be caught by s. 83.08. *Unlike the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, there is no exemption for money received by a lawyer on account of professional fees or disbursements, or for the posting of bail.* The maximum penalty for contravention of these provisions is imprisonment for up to 10 years.
- Section 83.14 of the *Criminal Code* will authorize the Attorney General to apply to the Federal Court for a forfeiture order in respect of property owned or controlled by a terrorist group, property that has or will be used to facilitate or carry out terrorist activity, or currency and monetary instruments owned or controlled by someone who has carried out or is planning to carry out terrorist activity. A lawyer could therefore be named as a respondent in an application with respect to funds held in trust for a terrorist group or a member of such group to whom the lawyer is providing legal services. *A lawyer's retainer for professional fees in acting for a terrorist group or a member of a terrorist group could be subject to a forfeiture order. Note that a person does not have to be convicted of a criminal offence before an application for forfeiture is made.*
- Section 83.18(1) of the *Criminal Code* will make it an offence to knowingly participate in or contribute to, directly or indirectly, any activity of a terrorist group for the purpose of enhancing the ability of the group to carry out terrorist activity. Section 83.18(3) defines "participation in or contributing to" as including the provision of a skill or an expertise for the benefit of a terrorist group. *It is possible that a lawyer acting for a person or group subject to the provisions of the Anti-Terrorism Act could be liable for prosecution for participating in or contributing to a terrorist activity.* The maximum penalty for contravening this provision is imprisonment for up to 10 years.

### Breaches of solicitor-client confidentiality

- Section 83.1 of the *Criminal Code* will require everyone to disclose forthwith to the RCMP and CSIS the existence of property in their possession or control that they know is owned or controlled by or on behalf of a terrorist group. The section also requires the disclosure of information about a transaction or proposed transaction in respect of such property. *Any lawyer, therefore, who knowingly receives funds from a terrorist group will be required to disclose this information to the RCMP and to CSIS.* Again, the maximum penalty for contravening this provision is imprisonment of up to 10 years.
- Section 83.13 of the *Criminal Code* will authorize a warrant to be issued to search any place where there are reasonable grounds to believe there is property owned or controlled by a terrorist group, property that has been or will be used to facilitate or carry out terrorist activity, or currency and monetary instruments owned or controlled by someone who has carried out or is planning to carry out terrorist activity. *Such warrants could authorize a search of a lawyer's office. There are no provisions dealing with how claims of solicitor-client privilege are to be made or addressed.*

Chapter 5, Ruling 14 of the *Professional Conduct Handbook* provides that lawyers who are required under federal or provincial legislation to produce or surrender a document or provide information that is or may be privileged shall, unless the client waives the privilege, claim a solicitor-client privilege in respect of the document. The recent Court of Appeal decision in *Festing v. Canada (Attorney General)* 2001 BCCA 612 may cast doubt on the constitutionality of this section insofar as it applies to law office searches. However, the Court's judgment has been stayed until after the decision by the Supreme Court of Canada in *Lavallee and others v. Canada (Attorney General)*. For more on the decision in *Festing*, see page 6.

- Section 83.28 of the *Criminal Code* will compel an individual whom police believe has information concerning terrorism offences that have been committed or will be committed, or information that reveals the whereabouts of a person suspected of having committed a terrorism offence, to appear before a judge to answer questions and/or produce materials. Section 83.28(3) provides that such orders may be made only with the consent of the provincial Attorney General. *A lawyer may be subject to an order to appear before a judge to answer questions. Section 83.28(8) protects information covered by solicitor-client privilege, but not confidential information. The section does not prevent a lawyer from having to attend court to claim the privilege.*

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- Amendments to s. 7 of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* will require everyone to report financial transactions that they have reasonable grounds to suspect are related to a terrorist activity financing offence. "Terrorist activity financing offence" is defined in s. 2 of that Act. At present in British Columbia, lawyers are exempted from such reporting obligations as a result of an order of the Supreme Court of British Columbia in *Law Society of B.C. v. Attorney General of Canada* (see below). That decision does not, at present, apply to B.C. lawyers practising law in other provinces or territories in Canada.
- Amendments to the *National Defence Act* will allow the Minister of National Defence to authorize the

interception of private communications between a foreign person and a Canadian. This power is vested solely in the Minister. No judicial authorization will be required. *This power could be used to intercept, or could result in the interception of, confidential solicitor-client communications.*

Lawyers should stay abreast of the status of the *Anti-Terrorism Act*, and their obligations under it.

Further updates on the Law Society's consideration of this legislation, or any advice to lawyers with respect to it, will appear on the Society's website at [www.lawsociety.bc.ca](http://www.lawsociety.bc.ca).

Any lawyers who have questions with respect to their duties and obligations are encouraged to contact the Law Society. Questions on Bill C-36 can be directed to Staff Lawyer, Policy and Planning, Michael Lucas or Practice Advisor, Felicia Folk. □

## *Proceeds of Crime legislation update*

### *B.C. lawyers exempt from new money laundering reporting requirements*

As earlier reported to the profession, Madam Justice Allan of the Supreme Court of British Columbia on November 20 made an order granting lawyers interlocutory relief from the requirement to comply with reporting requirements under the new federal money-laundering legislation: *Federation of Law Societies of Canada v. Attorney General of Canada* and *The Law Society of British Columbia v. Attorney General of Canada*, 2001 BCSC 1593.

The result of this decision is that, until further order of the court, B.C. lawyers are exempt from the obligation to make any reports to FINTRAC under the *Proceeds of Crime (Money Laundering) Act*. [Under Bill C-36, the PCMLA will be renamed the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*.]

**Lawyers should check the Law Society website for updates, monitor future court proceedings and remain familiar with the Act and Regulations. The federal government is appealing the interlocutory order; the appeal hearing is scheduled for January 18, 2002.**

### *Justice Minister takes position that B.C. order applies only to B.C. lawyers*

The Federal Justice Minister, Anne McLellan, has taken the position that the federal government will not recognize the B.C. Supreme Court's order that exempts lawyers from the application of s. 5 of the Regulations to the *Proceeds of Crime Act*, as applying to all lawyers across Canada. The Justice Minister's current position is that the order only applies within B.C., not beyond. As a result, court proceedings have been commenced or are contemplated in several other Canadian jurisdictions. The first of these applications was heard in Alberta.

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### *Alberta Court of Queen's Bench makes interlocutory order — lawyers in Alberta must send sealed reports to the Law Society of Alberta*

On December 6, 2001, the Federation of Law Societies brought an application on an expedited basis before the Alberta Court of Queen's Bench. The Federation sought an order of the Court recognizing the B.C. judgment pursuant to the doctrine of *res judicata* and/or judicial comity.

Watson J. of the Court of Queen's Bench of Alberta made the following interlocutory orders:

- The obligations of lawyers in Alberta concerning suspicious transactions are not stayed.
- However, lawyers will not provide their suspicious transaction reports to FINTRAC. Instead, they will place them in sealed envelopes, marked only with their names and file numbers, to the Law Society of Alberta for storage.
- The Law Society of Alberta will stamp the envelopes as to date of receipt.
- The documents are not subject to search warrant unless ordered by the court.
- The order is to be reviewed at the time of the hearing on the merits of the application.

For updates on current requirements in Alberta, see "What's New" at [www.lawsocietyalberta.com](http://www.lawsocietyalberta.com). □

## **Law office searches unconstitutional: *Festing v. Canada (Attorney General)***

***The B.C. Court of Appeal reads down section 487, strikes down 488.1 of the Criminal Code as unconstitutional — but stays the orders pending SCC decision***

On November 5, 2001 a majority of the B.C. Court of Appeal declared section 487 of the *Criminal Code* [police search and seizure under a warrant] unconstitutional to the extent that the section authorizes searches of law offices and seizure of documents.

The Court of Appeal also found that, in the absence of adequate safeguards for the protection of information subject to solicitor-client privilege, the appropriate remedy was to read down that section of the *Code* to exclude law offices. The Court of Appeal found that s. 488.1 of the *Criminal Code* [providing a procedure to address solicitor-client privilege during such searches] offered inadequate protection for privilege, and was accordingly contrary to section 8 of the *Charter* and of no force and effect: *Festing v. Canada (Attorney General)* 2001 BCCA 612.

The Court has, however, stayed its orders until after determination of the constitutionality of section 488.1 in four other appeals before the Supreme Court of Canada.

The Law Society was an intervenor before the B.C. Supreme Court and the Court of Appeal in support of protecting solicitor-client privilege.

With respect to s. 488.1 of the *Code*, the Court of Appeal

approved the reasons of Mr. Justice Romilly of the B.C. Supreme Court who had found that section 488.1 inadequately protects solicitor-client privilege. If a lawyer for any reason fails to act in compliance with s. 488.1, privilege attached to any documents seized by the police is lost, or effectively waived. Moreover, privilege will have been waived, not by the client to whom the privilege rightly belongs, but by his or her lawyer.

Appeal Courts in Alberta, Nova Scotia and Ontario have previously struck down section 488.1 as unconstitutional; the Newfoundland Court of Appeal found that, while the section breached s. 8 of the *Charter*, it could be saved by application of the constitutional remedies of severance and reading in: see *Lavallee, Rackel and Heintz v. Canada (Attorney General)* (2000) 143 C.C.C. (3d) 187 (Alta C.A.); *R. v. Claus* (2000), 149 C.C.C. (3d) 336 (Ont. C.A.); *R. v. Fink* (2000), 149 C.C.C. (3d) 321 (Ont. C.A.); *Canada (Attorney General) v. Several Clients*, [2000] N.S.J. No. 384 (C.A.) (Q.L.) and *White, Ottenheimer & Baker v. Canada (Attorney General)* (2000), 146 C.C.C. (3d) 28 (Nfld. C.A.). □

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### *The Personal Information Protection and Electronic Documents Act*

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## **Federal privacy law restricts business use of client and employee information**

For years the federal *Privacy Act* and the provincial *Freedom of Information and Protection of Privacy Act* have regulated government collection, use and disclosure of personal information. This year, for the first time, federally regulated commercial enterprises came under statutory restrictions on what they can do with customer and employee information, and similar restrictions will extend to other commercial enterprises on January 1, 2004 under the *Personal Information Protection and Electronic Documents Act* (the "Act").

This is a statute that lawyers need to be aware of, especially when advising organizations engaged in commercial activity.

The *Act* came into force on January 1, 2001. It currently applies to personal information about customers or employees that is collected, used or disclosed by "federal works, undertakings, or businesses" in the course of commercial activities. These include banks, telephone companies, and firms engaged in interprovincial transportation. The *Act* also currently applies to personal information that is shared or disclosed for profit of any kind across the borders of Canada or a province, and applies to all businesses and organizations engaged in commercial activity in any

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of the three territories.

Commencing January 1, 2004, however, the *Act* will also apply to the collection, use and disclosure of personal information by *all* organizations engaged in “commercial activities” (a phrase very broadly defined in the *Act*), even if those organizations are otherwise provincially regulated.

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*Lawyers who advise organizations engaging in commercial activities will need to be familiar with the Act. The Act generally prohibits organizations from collecting, using, or disclosing personal information without the consent of the person to whom the information belongs, subject to certain exceptions. These organizations must also adopt personal information policies that are clear, understandable and readily accessible. The manner in which organizations engaged in commercial activity obtain, use or disclose personal information about customers or employees is now regulated.*

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It is also worth noting that the *Act* prohibits organizations from refusing services to individuals who decline to provide the organization with personal information about themselves.

If an organization fails to comply with the *Act*, a complaint may be filed with the Privacy Commissioner, who is afforded broad powers. The Privacy Commissioner is responsible for ensuring that organizations collect, use or disclose personal information in a manner that is responsible and transparent. The Commissioner has the power to conduct an audit of any organization’s information management practices at any reasonable time, on giving reasonable notice. In conducting the audit, the Commissioner can summon persons, administer oaths, receive evidence, enter the premises of an organization and examine or obtain copies of any records.

In handling complaints, the Commissioner acts as an “ombudsperson” and does not issue orders or penalties, but rather attempts to arrive at solutions through a process of negotiation. It is, however, a criminal offence to obstruct the Commissioner during an investigation or an audit.

The Commissioner can make recommendations to an organization to release personal information to the person to whom it belongs, to correct inaccuracies in the information or to change personal information management practices within the organization. The Commissioner has the power to make public any information about the personal information practices of an organization, and may take a complaint to the Federal Court of Canada if otherwise

unable to resolve a dispute. In addition, if a complainant is dissatisfied with the outcome of the complaint or otherwise desires a hearing of the matter, the complainant may seek a hearing in Federal Court.

That court has jurisdiction to order organizations to correct practices that do not comply with the *Act* and to publish notices as to how the organization has corrected, or will correct, its information handling practices. The Federal Court is also given the jurisdiction to award damages to any complainant, including damages for humiliation that he or she has suffered.

A lawyer advising organizations governed by the *Act* will wish to ensure that such clients are aware of the powers of both the Commissioner and the Federal Court.

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*Insofar as they are engaged in “commercial activity,” law firms themselves may expect to be subject to this legislation as of January 1, 2004.*

*The personal information of clients of the firm would generally be exempted under the provisions of the Act, and lawyers — of course — already have extensive professional obligations in dealing with any personal information of clients that is either privileged or confidential. With respect to personal information of employees or other non-client individuals with whom a law firm may be dealing, the firm ought to consider creating and implementing appropriate information management practices, and ensure that those practices are known, understood and followed.*

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Indeed, “national” law firms with offices in two or more provinces or territories may already be subject to the *Act* and ought to consider implementing information management practices, if they have not already done so.

The federal Cabinet may, by order, exempt an organization from the application of the *Act* with respect to the collection, use or disclosure of personal information within a particular province if the Cabinet is satisfied that the legislation of that province is substantially similar to Part 1 of the *Act*. However, even if an organization is exempted within a province, if that organization engages in commercial activity in an “extraprovincial” sense, it is likely that the *Act* would still apply.

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More information with respect to the *Act* may be found on the Industry Canada website at [www.e-com.ic.gc.ca/english/privacy/632d1.html](http://www.e-com.ic.gc.ca/english/privacy/632d1.html) or on the Privacy Commissioner’s website at [www.privcom.gc.ca/](http://www.privcom.gc.ca/). □

# Success in a competitive market

*Could the Law Society help lawyers more (by hindering them less)?*



Lawyers recognize that Law Society regulation is fundamental to their status and reputation as professionals. But does that regulation in any way place lawyers at a *disadvantage* when it comes to competing against other service providers in the marketplace?

The Business Opportunities Working Group — Robert McDiarmid, Q.C., Chair, William Everett, Q.C. and Karl Warner, Q.C. — are looking at whether there are unnecessary constraints on lawyers in their delivery of legal services, in the management of their practices or in their pursuit of other endeavours.

In particular, are there restrictions in the *Legal Profession Act*, Law Society Rules or *Professional Conduct Handbook*

*that place the legal profession at a competitive disadvantage, such as by restricting lawyers from activities they might otherwise engage in, or by placing on them obligations that are too time-consuming or costly? Have there been ethical opinions, or discipline cases, that have interpreted lawyers' obligations in too onerous a fashion?*

In considering the Rules or *Handbook*, for example, do conflict rules now unnecessarily restrict lawyers from business opportunities? Would lawyers achieve greater cost-efficiencies if there were fewer restrictions on delegation to legal assistants? Do the trust accounting rules create difficulties for lawyers, such as by failing to provide for electronic fund transfers?

*Should aspects of Law Society regulation change in order to open the door to practice or business opportunities for lawyers?*

Please take the time to raise your concerns and ideas with the Business Opportunities Working Group by contacting:

Robert McDiarmid, Q.C.  
Chair, Business Opportunities Working Group  
c/o Law Society of British Columbia  
845 Cambie Street  
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Email: [rmcdiarmid@morellichertkow.com](mailto:rmcdiarmid@morellichertkow.com) □

## *Election results for 2002-2003 term*

## Law Society welcomes eight new Benchers in 2002

*Eight new Benchers have been elected and 14 Benchers re-elected (four by acclamation), following elections held November 15 for the 2002-2003 term. Complete election results by district, as well as the full roster of Benchers for the coming term, can be found on the Law Society website at [www.lawsociety.bc.ca](http://www.lawsociety.bc.ca).*

New to the Benchers table, representing Vancouver District, are **John J.L. Hunter, Q.C.**, **Margaret Ostrowski, Q.C.**, **Gordon Turriff, James D. Vilvang, Q.C.** and **David A. Zacks**. Re-elected in Vancouver are Benchers **Robert D. Diebolt, Q.C.**, **Ian Donaldson, Q.C.**, **Anna K. Fung, Q.C.**, **David W. Gibbons, Q.C.**, **Robert W. Gourlay, Q.C.**, **William J. Sullivan, Q.C.** and **Ross D. Tunnicliffe**.

In Victoria District, **Ralston S. Alexander, Q.C.** was re-elected and **Anne Wallace** was elected a Bencher for the first time, replacing Richard Margetts, Q.C. who completed his term as President and Bencher at year-end.

**G. Glen Ridgway, Q.C.** was elected as the Bencher for Nanaimo District, replacing D. Peter Ramsay, Q.C. who did not stand for election this year.

In Westminster Benchers **Peter J. Keighley, Q.C.** and

**Russell S. Tretiak, Q.C.** were re-elected and **Grant C. Taylor** was elected for the first time, replacing Robert Crawford, Q.C. (now Mr. Justice Crawford) who was appointed to the Supreme Court in September.

Re-elected by acclamation are Benchers **Gerald J. Kambeitz, Q.C.** (Kootenay), **Patricia L. Schmit, Q.C.** (Cariboo), **G. Ronald Toews, Q.C.**, (Prince Rupert) and **Robert W. McDiarmid, Q.C.** (Kamloops).

Also continuing as Benchers are 2002 President **Richard C. Gibbs, Q.C.**, a Bencher for Cariboo, First Vice-President **Howard R. Berge, Q.C.**, the Bencher for Okanagan and Second Vice-President **William M. Everett, Q.C.**, a Bencher for Vancouver.

The Law Society is awaiting word from the provincial Cabinet on Lay Bencher appointments for 2002. □



## When the Police Come Calling: Search Warrants in the Newsroom



### The Workshop

On November 8 the Law Society and the Jack Webster Foundation co-sponsored a workshop in Vancouver to assist news editors and reporters with one of the toughest legal dilemmas of their careers: *What are a journalist's rights and obligations when police arrive with a search warrant or serve a subpoena?*

Some 50 journalists attended the session, sharing their experiences and probing the minds of Canada's most recognized media lawyers: David Sutherland of Vancouver, counsel for B.C. and Yukon community newspapers, Toronto lawyer Stuart Robertson, counsel for the *National Post*, the Ontario Community Newspapers Association and author of several books on media law, David Coles of Halifax, who represents CBC (radio and TV), Thomson newspapers and several community newspapers and Vancouver lawyer Roger McConchie who represents *The Globe and Mail*.

The Law Society and the Jack Webster Foundation are planning the next media workshop for the Fall of 2002.

\* \* \*

### Webster Award for Legal Journalism

Earlier this Fall, **Salim Jiwa**, a reporter for the *Vancouver Province*, was honoured as 2001 winner of the Jack

Webster Award for Legal Journalism (sponsored by the Law Society), for his coverage of the arrest, trial and conviction of terrorist Ahmed Ressam. An independent judging panel, composed of Ted Hughes, Q.C. and Marvin Storrow, Q.C., selected Mr. Jiwa's entry from among many high-calibre submissions.

The Law Society has offered an annual award for legal journalism of the year since 1987. It is now administered by the Jack Webster Foundation, with continuing sponsorship by the Society. The award honours a journalist or a team of journalists for a story about legal issues, the administration of justice or the legal profession in B.C., based on news value, accuracy, effectiveness and style in explaining legal issues to the public.

If you see top-notch legal journalism — whether on radio, TV or in print — consider encouraging the journalist to submit an entry. More information is available in the media section of the Law Society website at [www.lawsociety.bc.ca](http://www.lawsociety.bc.ca) and on the Webster Foundation website at [www.jackwebster.com](http://www.jackwebster.com).

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Submissions to the Foundation will be accepted in June, 2002 (deadline **June 28, 2002**) for work aired or published between June 1, 2001 and May 31, 2002. □

## **Pro Bono website, Society and Foundation ahead in 2002**

The prototype of a new *pro bono* website for B.C. was introduced at *Pro Bono Forum 2001* in October.

The new website will be an online resource for lawyers and law firms, *pro bono* service providers, community groups and law students and will also feature useful links and information for the public. Development of the site, and consultations with user groups, are continuing.

The Law Society and the CBA will incorporate two legal entities to coordinate, support and promote ongoing *pro bono* legal services. One will be a new *pro bono* society with responsibility for administering the overall initiative, and the second will be a foundation to undertake fundraising. The program is spearheaded by the joint Law Society/CBA *Pro Bono* Task Force, co-chaired by Bencher Peter J. Keighley, Q.C. and CBA President Carman Overholt.

The new society will not deliver *pro bono* legal services directly, but will assist lawyers in finding suitable *pro bono* opportunities and support community groups to facilitate the effective and coordinated delivery of *pro bono* through approved service providers.

The *pro bono* program will focus on the delivery of legal services that have not been covered by legal aid in the past. The Law Society and CBA remain committed to ensuring government recognizes its responsibility to properly fund legal aid.

### ***Lawyers Insurance Fund extends coverage for pro bono work in approved programs***

As part of the Law Society's commitment to support more B.C. lawyers' involvement in *pro bono* legal service programs, the Benchers have approved the extension of insurance coverage for *pro bono* work.

Practising lawyers who are protected by the mandatory policy currently deliver most of the *pro bono* legal work in the province.

The Lawyers Insurance Fund will now also offer coverage for *pro bono* work undertaken by exempt lawyers (such as those employed by government), as well as non-practising and retired lawyers. The joint *Pro Bono* Committee recommended this coverage as an important way to expand the pool of lawyers willing to offer *pro bono* services — which will benefit both the public and the profession.

The Benchers have decided to provide the same coverage as exists under the mandatory liability insurance policy (\$1 million per claim, \$2 million annual aggregate), without payment of an insurance fee or deductible by a retired, non-practising or exempt lawyer who performs *pro bono* legal services. There are two key provisos: First, the lawyer must perform *pro bono* services through a *pro bono* service provider approved by the Law Society. Second, the services cannot be for the benefit of a person previously

known to the lawyer, including a family member, friend or acquaintance. Practising insured lawyers providing *pro bono* services that meet these two key provisos will also receive relief from payment of any deductible in the event of a claim.

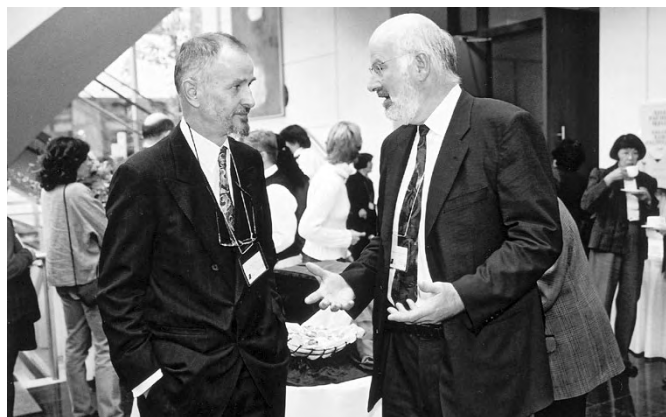
Criteria are being developed for determining which service providers will be approved for the purpose of this coverage.

The Lawyers Insurance Fund anticipates the overall risk of expanding coverage in this way is small and the cost to the Fund will not be significant.

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*Former Premier Michael Harcourt, keynote speaker at "Pro Bono Forum 2001 — for the public good," chats during a break with Dugald Christie. Mr. Christie, an advocate for pro bono and himself a founder of two programs, was one of 150 people from around the province who attended the Forum, held October 19-20 in Vancouver.*

*Co-sponsored by the Law Society and the CBA, the Forum drew together community workers, judges, lawyers, students, Legal Services Society staff and others to discuss how pro bono legal services can be most effectively delivered in B.C., as well as to learn about some of the leading pro bono programs from across North America. In addition to Mr. Harcourt, speakers at the Forum included the Chief Justice of British Columbia, Lance Finch, Chief Justice of the B.C. Supreme Court, Donald Brenner, University of Toronto Law Dean, Ron Daniels, who in 1996 founded "Pro Bono Students Canada" and Esther Lardent, President of the Pro Bono Institute at Georgetown University Law Center in Washington, D.C. The Law Society would like to thank all speakers and participants, as well as the Law Foundation of B.C. for its financial support, and the CLE Society of B.C. for its assistance.*

## Building an automated practice: it's not so tough

by David Bilinsky

♪ *Whenever I want you all I have to do is  
Dream ... Dream, Dream, Dream ...* ♪

Words and Music by Felice and Boudleaux Bryant, recorded by The Everly Brothers

*Technology offers lawyers choices, not answers. When updating the core systems in their law firms, lawyers need to know their own priorities in practice to select the right tools. This article is based on a paper presented by Dave Bilinsky at LegalTech Toronto in November, a paper available on the practice resources page of the Law Society website under "Services for Lawyers" at [www.lawsociety.bc.ca](http://www.lawsociety.bc.ca).*

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As a Practice Management Advisor, I frequently am asked "What should I get to automate my practice?" This question reflects a tacit belief that there is one "set" of products that, once installed, will transform the lawyer's practice.

Some even imagine a Jetson-like world where tasks are performed by robots that understand spoken commands and work endlessly doing whatever needs to be done — almost by magic. In reality, high-tech tools *can* help create a better product, a faster product and a cheaper product — but rarely can they achieve all three at the same time.

For that reason, you must choose your reference points to use technology effectively and efficiently. Your strategic goals will focus on how to deliver a clearly and consistently superior product, meet client needs in a timely fashion and offer your services at a good price (in other words, how to work better, faster and cheaper). Once your priorities are clear, you can choose the appropriate set of tools that take you towards those goals.

No tool will do all things for all lawyers. Take speech recognition software (SR) for example. The commonly held belief is that, once SR comes into widespread use, the need for secretaries will diminish, overhead will drop (= "Cheaper"), the lawyer will be able to churn out work in less time (= "Faster") and hands-on control of the work by lawyers will result in higher quality (= "Better"). The reality of SR is much different. SR requires substantial time from the lawyer, not only to learn the software, but to train it to the nuances of the lawyer's voice to achieve a high-recognition rate.

Furthermore, SR does not know how to do the formatting and other "prettying-up" of a document that transforms it into a professional product (this requires the creation of precedents and other pre-formatted documents or the input of a secretary who transforms the raw product). Last, SR requires high-powered computers and other associated hardware and software. Unquestionably, for certain lawyers SR can be a godsend (those who do not touchtype and for whom traditional dictation doesn't allow them to get "hands on" with the document).

### The Practice Management Advisor



David J. (Dave) Bilinsky is the Society's Practice Management Advisor. His focus is to develop educational programs and materials to increase lawyers' efficiency, effectiveness and personal satisfaction in the practice of law with a special emphasis on technology.

His preferred way to be reached is by email to: [daveb@lsbc.org](mailto:daveb@lsbc.org) (no telephone tag). Alternatively, you can call him at the Law Society office at (604) 605-5331 or toll-free in B.C. 1-800-903-5300, or address mail to:

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### The core systems

At the core of every practice are five automated systems that, in my opinion, form the foundation for an automated practice and, when implemented, go a long way towards achieving this objective. These core systems are: *financial software*, *word processing software*, *case management software*, *research software* (browsers and internet capability) and *communications software* (email and fax). What is interesting is the increasing interconnection of these systems, either through integration of two or more systems within one product or the linking together of more than one product.

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Accordingly, I will look at the tools in each area and how they work along the axes of “better, faster, cheaper” to allow you to determine which tool or tools would work best in your practice.

### ***Financial software***

Every firm must have a financial recording and reporting system — yet all financial systems are not created equal. Furthermore, while accountants need access to accounting tools that produce balance sheets and yearly income and expense statements, lawyers need access to financial tools that produce meaningful monthly or weekly reports for managing their law business. We are also seeing a trend in traditional accounting systems, which once focused only on general and trust accounting, now integrating into other systems and offering such features as the production of management resources.

Conflicts checks and calendaring features, including bring-forward systems, are now appearing in accounting systems. PCLaw, for example, has expanded its client database to include expanded contact management. This feature allows you to create a database of contacts — clients, lawyers, experts, witnesses — so these references will pop up in a conflicts search. Case management has been linked to accounting software to share resources (client and file names, billable time links) for several years now. For example, Amicus Attorney and Time Matters will link to accounting software such as PCLaw or ESILAW and now Quickbooks, and some vendors have developed one product that does both (for example, ProLaw and the Integra Office System).

This integration falls along the “Better” axis — you can eliminate the paper systems in the office and do more with your existing automation system — and “Faster,” since BFs and conflicts checks take less time using a shared database. To the extent that sharing data eliminates repetitive keystrokes, it can also be “Cheaper.” But there is an offset — integrated accounting systems cost more and take more time to learn and apply in practice than basic systems.

### ***Word processing software***

The two leaders are Word ([www.microsoft.com](http://www.microsoft.com)) and WordPerfect ([www.corel.com](http://www.corel.com)), with a handful of other programs out there. While the choice of a word processing program may seem a rather routine matter, the choice of word processing *vendor* and *product* can have a direct impact on how you automate your office. Each product has a different focus, and each product integrates with other products in different ways.

Many law firms seek to have the same program as their clients (which usually leads them to Word). Compatibility with clients, however, is but one issue and not necessarily determinative, as the ability to work in one product with

documents created in another is increasing all the time. Here the productivity gains can be quite high if you wish to invest time and effort into creating precedents using styles, merges, macros and other “higher order” functionality to build sophisticated precedents and further integrate these precedents using databases. Each product does this slightly differently.

### ***Case management software***

These products have matured and now incorporate some higher order functions.

The leading products here are Amicus Attorney and Time Matters. Integra Office System and ProLaw are two products that have incorporated some or most case management functionality, reflecting the greater integration between applications.

These products fall along the “Better” and “Faster” axes. They start by taking the traditional file orientation of a law office (thereby distinguishing them from the contact managers such as Outlook, Maximizer, GoldMine and others) and mirroring this through an electronic file system. Case managers then take this electronic file system and populate it with all the people associated with the files (other lawyers, clients, witnesses, experts, adjusters), thereby providing contact management capability. This information integrates into an electronic calendar, a billable time module, a communications centre that tracks and logs all incoming and outgoing calls, messages and emails, a document management system and more. These different systems work together to provide a law office with most of the essential systems (conflict checks, BFs and To-Do’s, detailed time entries for billing purposes and the like). The integrated file and contact database allows you to search any potential client’s name to see, not only if that person has been associated with any file in the office in any capacity, but also to see the file on which the reference arises.

The file and calendar modules allow you to maintain your To-Do list and integrate this into your calendar, alarms and BF reminders. The “chaining” and “bring forward” precedent ability in case management allows you to build a series of reminders. For example, in advance of a trial, there are production of evidence dates, certification of trial forms, pre-trial hearings, witness preparation. All these dates and reminders can be placed into one pre-trial reminder precedent, which automatically enters the requisite dates into your calendar (once you know your trial date).

I have seen one intellectual property lawyer use this “chaining of dates” feature in ProLaw’s BF/Calendar module to establish over 200 future date reminders and deadlines, once a patent filing date is known. Moreover, since his procedures are standardized, these reminders in turn generate documents to clients and to patent filing offices that move the patent application forward. No

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question that this is a superb example of automating a practice along both the "Better" and "Faster" axes.

Furthermore, case management products are now integrating email capability (Time Matters and Amicus Attorney), document management and knowledge management. Amicus Attorney in fact calls itself "The Law Office on a Computer," and this motto is apt.

### **Research software**

It has become trite to say that lawyers are knowledge workers. Lawyers need access to both legal and general research sites. A high-speed internet connection is required with appropriate internet search software (Microsoft Internet Explorer or Netscape Navigator) and security firewalls and anti-virus software. Also important are subscriptions or bookmarks to research sites as appropriate to your practice: (Quicklaw, e-carswell ([www.ecarswell.com](http://www.ecarswell.com)), CANLII ([www.canlii.com](http://www.canlii.com)), Supreme Court of Canada decisions, federal and provincial statutes and CLE providers.

These days a working understanding of on-line legal databases, search methods and search engines is a good idea, for example, when is it appropriate to search on e-carswell, [www.lexis-nexis.com](http://www.lexis-nexis.com), [www.findlaw.com](http://www.findlaw.com) or Quicklaw? (For more on this, see a comparison of collections of Lexis-Nexis, Quicklaw and e-Carswell prepared by Sue Beguin and available on the Practice & Ethics page of the Law Society website.)

If the other side has proffered expert testimony, you can use [www.google.com](http://www.google.com) to "googlize" them — in other words, find out the expert's background. Research software is essential to quickly finding out about people, jurisprudence and general research without having to spend hours in a traditional library (assuming that a traditional library could hold all the information now available via the internet).

### **Communications software**

E-mail is the "killer application" of the internet — and the volume of email transmitted across the internet is truly staggering. The ability to share drafts and quickly move information around without couriers and slow delivery mail is astounding — especially when dealing with someone across the world. Yet email is but one communication tool available. Faxing by the internet is also possible.

More recently, lawyers have begun practising in virtual work spaces (extranets). Teams (such as litigators) can share drafts, work papers, pleadings, transcripts, photographs, notes, discussions, calendars — where many eyes must look at the same bit of information and make notations and changes that must be seen by all. This ability to work on the same project while in different time zones and countries, and bring in those who have an interest in the



proceedings (such as tax accountants, local lawyers, affiliated experts), cannot be undervalued — especially these days when corporate and business travel is being curtailed.

These extranets lie definitely along the "Better" and "Faster" axes.

### **The Vision**

Carl Sandburg once wrote that "Nothing happens unless first a dream." Numerous studies by notable researchers at such schools as MIT Sloan School of Business show that one company can spend money on information technology and achieve a strategic advantage while another simply spends money.

To be effective in the application of information technology and thereby build an automated practice, you need a full understanding of who you are and where you want to go — and how spending money on infrastructure can take you closer to realizing your dream. Once you have that image firmly in mind, then you are ready to build your future. □

## ***PrivateExpress* offered by subscription in 2002**

The Law Society's introductory offer of free PrivateExpress service to B.C. lawyers in 2001 ends in December, but service will continue by subscription for 2002.

The Law Society continues to support e-courier systems, such as PrivateExpress, that ensure confidentiality, security and the professional identification of lawyers online. PrivateExpress was offered to the profession as one service that worked in conjunction with Juricert, the online authentication authority for lawyers.

B.C. lawyers who have registered with Juricert will wish to note that their Juricert registration is separate from the PrivateExpress service and remains in effect in 2002 without the need for renewal. Juricert will continue to provide lawyer authentication for the PrivateExpress service as well as for other projects and services expected in 2002. New services include the B.C. Land Title Office e-filing project, which is once again in development, as well as pilot e-filing projects at the Supreme Court of Canada, the Federal Court of Canada (*see below*) and other regulatory bodies in Canada.

PrivateExpress Inc. is offering subscription renewals to all those now actively using the service. If you have not yet renewed and wish to do so, you may contact the company directly at [www.privateexpress.com](http://www.privateexpress.com). You will wish to note the following:

- PrivateExpress service renewal is available directly from PrivateExpress Inc. at a monthly subscription fee of US\$19.95 for unlimited use.
- Lawyers who have already installed PrivateExpress, but do not use it often, can leave the software on their computers and will not be invoiced unless they use the software to send messages. Those lawyers may nevertheless receive messages through PrivateExpress at no charge.
- Lawyers who wish to continue subscriptions for clients or staff may elect to consolidate the billing of those subscriptions within their firms; please contact PrivateExpress if interested in this billing option. □

## **E-filing projects underway at Supreme Court of Canada and Federal Court**

The Federal Court of Canada and SOQUIJ, Quebec's leading legal online information provider, will join with the Supreme Court of Canada to explore the feasibility of electronic filing of court documents and standardized e-filing procedures.

In the context of this project, the Supreme Court of Canada

has entered into cooperative agreements with Quicklaw Inc. and Juricert Services (an initiative of the Law Society of B.C. and the Federation of Law Societies). Juricert is to provide on-line authentication of the professional status and identity of lawyers filing documents, while Quicklaw is to develop and host the prototype, based on Legal XML. □

### *Upcoming conferences and expositions*

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## **ABA Techshow, Ethics Conference ahead in 2002**

### ***Law Office EXPO and Management and Technology Institute: March 8, 2002 (Seattle)***

The Washington State Bar Association is holding its annual Law Office EXPO and Management and Technology Institute at the Washington State Convention and Trade Center in Seattle, Washington on March 8, 2002. The EXPO is a full day of educational sessions. A full program description will be posted on the WSBA website at [www.wsba.org](http://www.wsba.org).

### ***ABA Techshow 2002: March 14-16, 2002 (Chicago)***

The American Bar Association is hosting ABA Techshow 2002, *Unlocking the Magic of Legal Technology*, at the Chicago Sheraton Hotel and Towers on March 14-16, 2002. This leading legal technology conference features 64 educational sessions on a wide range of topics, including "The Magic Coin: Making Technology Pay-Planning and Implementation," "Building the Electronic Trial Notebook from A-Z" and "The Problem with Being Everywhere: Managing Conflicts and Unauthorized Practice of Law in the Digital Age." The sessions are complemented by an exhibit floor of 150

vendors. Best of all, the Law Society is a program partner in Techshow, which entitles any B.C. lawyer to a US \$100 discount off the registration fee, which can be combined with the early-bird registration for a further US \$100 discount. Please note that you must use Program Promoter Code PP60 when registering to receive this discount. Further information is on the Law Society website events calendar or at [www.techshow.com](http://www.techshow.com)

### ***ABA National Conference on Professional Responsibility: May 30-June 1, 2002 (Vancouver)***

The 28th National Conference will be held at the Fairmont Waterfront Hotel in Vancouver from May 30 through June 1. Sponsored by the ABA Center for Professional Responsibility, this conference is a unique opportunity for B.C. lawyers to look more closely at legal ethics, professional discipline, professionalism and practice issues, and hear views from leading legal scholars, jurists, and others in the professional responsibility field from across North America. Watch for details at [www.abanet.org/cpr/prconf.html](http://www.abanet.org/cpr/prconf.html). □



## Benchers say *no* to multi-disciplinary practice

In December the Benchers rejected a set of proposed Law Society rules that would have allowed lawyers to engage in multidisciplinary practice with non-lawyers.

The proposed rule changes required a two-thirds majority to pass, but received only a bare majority (14:13) of Benchers voting in favour.

The decision follows two years of work by a Multi-Disciplinary Practice Working Group, chaired by Nanaimo Bencher D. Peter Ramsay, Q.C., consultations within the profession and many hours of debate at Benchers meetings.

In 1999 the Benchers decided in principle to relax the current restrictions on multi-disciplinary partnerships, in particular the rule against fee splitting with non-lawyers, provided the core values of the legal profession could be protected. The intent was to allow lawyers more scope in structuring their practices and to facilitate one-stop

shopping for clients.

In 2000 the Benchers agreed on the basic principles needed to protect the core values of lawyers in a multi-disciplinary practice setting — such as client confidentiality, privilege, avoidance of conflicts and the professional independence of lawyers — and asked the Working Group to develop a regulatory scheme based on those principles.

While praising the high quality and comprehensive material presented by the Working Group in December, many of the Benchers lacked comfort that the proposed rules could sufficiently protect the core values of the profession.

It was also flagged by several Benchers that there is currently a lack of demand within the profession for such a regulatory scheme, and that the cost of any proposed scheme would have to be examined carefully. □

## *Law Society obtains new unauthorized practice undertakings*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] □

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*Pro Bono... continued from page 10*

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### *Pro Bono survey results*

In 2001, the Law Society /CBA *Pro Bono* Task Force distributed a pro bono survey to all lawyers in the province to gather information on the delivery of *pro bono* legal services.

In total, 619 responses were received. Over 78% of respondents indicated that they are providing legal services, without expectation of a fee, for persons of limited means or for non-profit organizations. Of these respondents, 30% indicated that they provided *pro bono* legal services only to non-profit organizations.

Of the respondents who are not currently providing *pro bono* legal services, 70% said that it was not likely that they

would provide such services in the future. The main reasons cited for not offering *pro bono* were family commitments, lack of insurance coverage, lack of law firm support and other work commitments. A significant percentage nevertheless said they do other volunteer community work.

When asked whether they believe that lawyers should voluntarily perform a minimum number of hours of *pro bono* legal services each year, 47% agreed with the statement, 45% disagreed and 8% were undecided.

Asked whether they support the creation of a non-profit society to promote, support and serve as a resource to organizations and lawyers delivering pro bono legal services, 48% agreed, 34% disagreed and 18% were undecided.

The full survey results will be posted in the Resource Library/Surveys section of the Law Society website at [www.lawsociety.bc.ca](http://www.lawsociety.bc.ca) in mid-January. □

# Task Force introduces options for PLTC and articling reform

*The Admission Program Task Force is exploring options for reform and enhancement of the Law Society Admission Program, including some integration or harmonization of PLTC and articling. The Task Force is committed to consulting with the law schools, law students, principals and other interested lawyers and invites comment on the reform options outlined in its interim report, which was presented to the Benchers in December. The report is available in the Resource Library/Reports section of the Law Society website at [www.lawsociety.bc.ca](http://www.lawsociety.bc.ca).*

In 1999, Christopher Roper, Director of the Centre for Legal Education (Sydney, Australia), conducted an independent, comprehensive review of the Professional Legal Training Course. In his report, *New Directions for Practical Legal Training in British Columbia* (the "Roper Report"), he concluded: "The course is very successful in achieving what it sets out to do. But now it is time to review it... Quality control begins at the entry gate and so, naturally, the training for those about to enter the profession must be put under scrutiny, regularly and critically..."

The Benchers dedicated their 2001 retreat to considering PLTC and articling program reform and enhancement and set up an Admission Program Task Force, chaired by First Vice-President Richard Gibbs, Q.C. The Task Force is mandated to review the Admission Program, including PLTC and articling, and to recommend reforms to ensure the program meets the needs of the profession and students, and fulfils the Law Society's statutory mandate to serve the public interest.

In December the Task Force presented to the Benchers an *Interim Report*, setting out a series of options for reform for further exploration. ***The options are put forward, not as recommendations, but as options that merit further analysis and require consultation by the Task Force with the profession, law schools and students.*** The Task Force expects to prepare a final report and recommendations for the Benchers next May.

The *Interim Report* recognizes that the mandate of the Law Society Admission Program is to ensure that students admitted to the B.C. bar are competent and fit to begin the practice of law. The Task Force endorses the conclusion in the *Roper Report* that the profession needs to be satisfied that newly called lawyers possess: 1) sufficient legal knowledge; 2) sufficient lawyering and law practice skills and professional attitude; 3) sufficient practical experience, and 4) good character.

The *Interim Report* considers the potential for enrichment of the Admission Program by linking and harmonizing the content of PLTC and articling. As noted in the *Roper Report*: "...the one year period from graduation to Call must be seen as a whole; as an integrated time of professional preparation, with its own objectives and components. I also suggest that the proposed content of PLTC ... be, in fact and with some slight adaptation, the prescribed content of the articling year itself."

Both the Admission Program Task Force and many of the Benchers at the 2001 retreat have identified articling as a weak link in the professional legal education process. Because articling functions in isolation, and the quality of

experience varies greatly, for some students it is now less significant than PLTC as preparation for the competent practice of law.

Yet, from the first day of law school to call to the bar, articling is the one part of the pre-call education and qualification process that is dedicated to helping students acquire, in a real-life context, the competence to practise law. As such, it is analogous to the teaching hospital experience for medical students. As important as the articling experience is, it can unfortunately fall short. The Law Society's approach to articling has been largely hands-off. While providing modest guidelines to principals and students on what should happen in articling, the Society largely ignores whether these guidelines are met.

In its review, the Task Force is assessing a number of articling options, including a system in which principals and students would agree to a comprehensive, detailed educational contract, including an educational plan, followed up by mid-term and final progress reports.

Options for PLTC reform include revising the curriculum to correspond to a new *Competency Profile*, which has been developed in cooperation with the other western provinces and recently approved by the Benchers. [This competency profile can be found as an appendix to the *Interim Report*.] Also under consideration is using on-line technology (as the *Roper Report* recommends) to integrate articling and PLTC and to improve access to materials, registration and information services.

The *Interim Report* lists additional options that the Task Force has considered but, along with the Benchers, has decided against pursuing, such as eliminating the articling term, eliminating PLTC and replacing it with examinations and skills assessments, or substantially lengthening the PLTC term.

The Task Force invites lawyers and students to read the *Interim Report* and welcomes comments and suggestions on the report by **February 28, 2002**. Please contact:

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Lawyers without internet access are welcome to request a hard copy of the report from the Law Society office. □