

From: [Angela Etheridge](#)
To: [Consultation 2018](#)
Subject: Alternate Legal Service Providers
Date: November-16-18 5:40:41 PM
Attachments: [2018.11.16 letter to LSBC.pdf](#)

To Whom It May Concern:

Please see the attached letter.

Regards,

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November 16, 2018

Via E-Mail to consultation2018@lsbc.org

The Law Society of British Columbia
845 Cambie Street
Vancouver, BC
V6B 4Z9

Attention: Alternate Legal Service Providers Working Group

To whom it may concern:

Re: Alternate Legal Service Providers

Please accept this letter as my input regarding the proposal to establish a new class of legal service professional in the area of family law. Thank you for permitting the opportunity to provide such feedback.

I am generally opposed to the Law Society implementing a new class of legal service providers in the area of family law. I appreciate that you are looking for constructive suggestions on this initiative and saying that I am generally opposed is not constructive, but I wanted to make that clear at the outset.

I have been practicing family law in the East Kootenays of British Columbia since 2005. I take great pride in my work and I feel that I offer a valuable service to my community. I help as many people as I am able. I offer services at a reduced rate, I take on legal aid files and I do *pro bono* work, all in an effort to increase access to justice. Despite my years of practice, there are still days that are overwhelming given the number and nature of issues that can arise in family files. Given the complexity and nature of this area of law, I am skeptical that someone with less training and less legal knowledge could offer competent services.

I do not believe that it is in the public interest to have less qualified persons providing legal advice on family matters. Family disputes are complex and often touch on other areas of law. Emotions are high. These disputes will usually have lifelong consequences to the client seeking legal assistance, not to mention any children involved.

As to the suggestion that there are unmet needs in this area of law, I would agree. But there are also unmet needs in the area of traffic tickets, for example, something that is far less complex. There are unmet needs in the area of small claims court, again something that is typically far less complex and will not have such a significant impact on the client's life if services are provided incompetently. There are several less-complex areas of unmet needs and so I am at a loss as to why family law is singled out as something that could be done by a non-lawyer.

I see that the consultation paper is careful to point out that the focus is not on family law because it is "easy" and nor that family lawyers are "underserving clients"; however, it certainly feels like this is an attack on family lawyers given how this area of law has been singled out.

I appreciate that this is being done in an effort to expand legal services available to the public. But, there are better ways to make family law services available to the public, namely by bringing legal aid funding to a more acceptable level. Increasing funding to legal aid would see immediate benefits to the public.

Under #13 of the Consultation Paper, it says:

The initiative aims to increase access to services by creating a group of legal professionals who, while trained and credentialed, will have lower costs of entry to the profession and will therefore be able to charge less than a lawyer would charge.

In reply to this comment, I say that the time and cost that it took me to become a lawyer has little to no bearing on what I charge my clients today. What I charge my clients today is based on my overhead costs and what I would like to earn for a reasonable living. An alternate legal provider will have the same or similar overhead costs. I argue that it is speculative that the alternate legal service providers will charge less than what a lawyer would charge. Furthermore, my training, knowledge and experience often leads to lower fees overall because I can perform the work more efficiently. It is entirely possible that, due to less training and knowledge, the alternate legal service providers' fees will be nearly as much or more than what a knowledgeable lawyer facing the same set of problems would charge.

Under #1, it says Schedule "A" of the "Family Law Legal Service Providers: Consultation Paper" it says:

The proposed new category of legal professional will be permitted to practise law in family law matters, including the preparation of documentation and proceedings and to act and advise on all areas of family law, except with regard to matters or activities specifically excluded in Part 2 below.

I find the areas included so broad that I don't see the point of limiting the scope at all. The consultation paper provides for a range of services that do not appear to me to be all that different than what I would do on a typical file (except I cannot provide mediation services because I am not a trained mediator).

The only areas that are to be excluded are: if third parties were involved in family disputes, relocation of a child, alienation, child protection concerns, pension division or matters concerning the Hague Convention. Other than child protection and pension division, these are issues that arise infrequently and so it is my submission that the scope proposed is so broad as to make it artificial.

While I am generally opposed to this initiative, if it is allowed, I would suggest that the alternate service providers be limited to matters that can be dealt with in Provincial Court (namely, child and spousal support and parenting arrangements) and that they be permitted to negotiate and draft agreements within that scope. I do agree that division of Canada Pension Plan credits is something that could be included within the scope.

The alternate service providers should not be able to deal with matters that would otherwise be in Supreme Court and should not be officers of the court.

If alternate legal service providers are permitted, they should be subject to the same conduct/ethical responsibilities as lawyers and should be specifically subject to the guidelines set out in the "CBA Best Practice Guidelines for lawyers practising family law".

I would specifically suggest that the alternate service providers not be permitted to:

- accept or receive undertakings;
- appear in court as advocates;
- divide property;
- divide pensions;
- act as mediators on family files; nor,
- operate a trust account.

Thank you for your kind attention and consideration of my feedback in relation to this matter.

Sincerely,
ETHERIDGE LAW



Angela N. Etheridge

From: [Kerry Somerville](#)
To: [Consultation 2018](#)
Subject: LSBC Alternative Legal Services Provider
Date: November-21-18 12:05:23 PM

I write to express my deep concern and disappointment with the Law Society's response to the issue of access to justice in our court system. The proposed initiative, in my view, will do nothing to address this underlying issue. Further the message that is being sent to the public and to the profession is that family law does not matter.

I have been practising family law for the better part of 30 years and it is complex and emotional. I am constantly learning new skills in order to provide the best possible service to my clients, whether they are paying me or not.


The legal aid system is broken, the rates have barely increased in 20 years, while the costs of running a practice have increased enormously over that time. The PST was supposed to fund the system, but successive governments have ensured that the revenues are diverted. This is a systemic problem that needs to be addressed by the government. Other provinces had done this. Staff lawyers, unified family courts, all of these are worth looking in to. Sticking a band aid on a gaping wound is not going to stem the flow of blood. There is no empirical evidence that the proposal that is being made will do anything to improve access to justice which is the actual underlying issue, while it may actually cause harm if the legal issues are not recognized and addressed by the Family Law Legal Service Provider. Much damage has been done in my experience when people sign binding legal agreements that have been downloaded from the internet.

What is particularly galling is the Law Society would attempt to legislatively take away our ability to object to your actions regarding Family Law Legal Service Providers in the proposed changes to the Legal Profession Act, your addition of ss 13(5) and 15.1 suggest that this your intent.

I wish to ensure that my voice is heard on this important issue.

Yours truly,

Kerry Somerville

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