

# BENCHERS' DIGEST



Volume 12, Issue Number 4

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## *Membership Survey*

*(Mary Ellen Hodgins, Chair, Public Relations Committee)*

The results of the membership survey are in!! The survey was conducted in response to issues arising from the Future of the Legal Profession Conference. Many of the members stated at that time that they were concerned about several issues facing the profession as well as the role of the Law Society. The Public Relations Committee then was charged by the Law Society to undertake a survey that would assist the LSS in setting the long-term strategic plan.

Approximately 40% of the membership completed and submitted the questionnaire. Interestingly, the demographic profile of the lawyers who responded generally represents the profile of the LSS membership.

The objectives set for the project were:

- To assess members' perceptions of the image and effectiveness of the Law Society;
  - To identify members' priorities and views concerning issues that are impacting the legal profession;
  - To measure membership perceptions of the disciplinary process;
  - To gauge members' experience with and quality ratings of the Law Society's services and programs; and
  - To provide a demographic and professional profile of the Law Society members.
- Drs. Brooke Dobni and Dawn Dobni of the College of Commerce, University of Saskatchewan were contracted to conduct the survey.
- The major findings of the survey as outlined by the Drs. Dobni are:
- In terms of image perceptions, the membership on average views the Law Society more in positive terms than in negative terms. The adjectives that are considered to be most descriptive of the Law Society are hard-working, communicative and approachable, while those that are considered to be least descriptive are punitive, threatening and insensitive.
  - However, the membership can be divided into five segments based on their impressions of the Law Society – Boosters (35.7%), Moderates (30.1%), Detached (12%), Critics (11.3%) and the disaffected (10.8%). Consistent with their names, these segments hold views ranging from those that are highly complimentary of the Law Society to those that are highly critical.
  - Saskatchewan lawyers appear to want the Law Society to adjust the scope and focus of its role, calling for a greater emphasis on activities that would serve to benefit the entire profession. They feel that the Law Society's highest priority should be given to dealing with lawyers who practice in an incompetent manner, while second and third priorities should be given to developing strategies to improve the public's perception of lawyers and acting in an advocacy capacity on issues affecting the legal profession.
  - Members give lowest priority to Law Society activities that would increase competitiveness among lawyers and reduce restrictions on client-seeking behavior (encouraging entrepreneurship, deregulating, marketing practices, imparting strategic know-how). Activities more traditionally expected of the Law Society (helping lawyers with personal problems, equity and anti-discrimination initiatives, increasing the accessibility of legal services) are rated as mid-range priorities.
  - While a large percentage of lawyers feel that the Law Society is doing an effective job on matters of lawyer discipline, they are less impressed with its record on promoting and monitoring lawyer competence. Given the high priority the membership places on lawyer competence, this may represent a critical gap in performance.
  - Almost 41% of surveyed lawyers feel that the Law Society does not represent their views and interests, while 39% say that the present mix of Benchers does not adequately represent the make-up of the legal community. There is some evidence that female lawyers, non-private practice lawyers and small firm lawyers in particular feel marginalized by the Law Society. The study results seem to reinforce the stereotype of law societies as organizations that are dominated by a big-firm, male presence.
  - When asked whether they consider the Law Society membership fees to be good value for the money, a high percentage of lawyers (38%) were unable to decide, while 29% felt

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that they received good value and 32% felt that they did not. There are several possible explanations for this – lawyers may not typically view the dues in the context of service fees, the “policing” functions of the Law Society may be seen as something that is done to members rather than for them, or there may be a disconnect between the sorts of services that members most highly value and those that are being offered by the Law Society.

- When polled on specific issues, a strong majority of lawyers said that some continuing legal education should be mandatory for Law Society members (90%), that membership in the Canadian Bar Association should not be mandatory (80%), and that the Law Society should take

public positions on issues affecting the profession (89%). A smaller majority favor mandatory law office reviews for new practices (68%), and feel that the Law Society should exercise more control over the content and quality of articling (66%), should take public positions on issues affecting the public (61%), and should not take active steps to control the growth of the lawyer population (61%).

- The Law Society’s disciplinary practices seem to have a low profile in the membership, and therefore for many lawyers are an unknown quantity. However, more lawyers than not view the investigatory process as being relatively impartial, understandable and fair to the member, and the disciplinary penalties as

being lenient, but also relatively just, credible, and impartial. As might be expected, lawyers who have been the subject of a formal investigation view both the process and penalties in a less favorable light than those who have not.

- The awareness and usage rates of Law Society services vary considerably from one service to another, with Continuing Legal Education programs having the highest profile overall and offerings such as Safe Counsel and Practice and Career Advisor having the lowest profile. In general, the quality ratings for the services that are used are high.

The complete report can be found on the Law Society’s website, <http://lawsociety.sk.ca/> or contact the Law Society for a hard copy.

## Highlights of the Meeting of the Benchers held June 9 and 10, 1999 (A. Kirsten Logan, Q.C.)

### Rule Amendments

The Benchers passed a number of rule amendments dealing with marketing, admissions and professional standards. In addition, there were changes to the Tariff of Costs regarding certain real estate matters.

#### Rule 1600 and Rule 1602.1

The amendment to Rule 1600 defines weakened state in relation to marketing activities as “a physical, emotional or mental condition which may render a prospective client unduly vulnerable to persuasion or importuning by a lawyer” and specifically includes prospective clients who are victims of physical or sexual abuse. Rule 1602.1 is new and prohibits members from initiating contact with prospective clients in a weakened state except by mail or advertisement. Members are no longer allowed to arrange meetings with prospective clients in a weakened state. The rule provides that correspondence to prospective clients must be marked as advertising material and prospective fee agreement must be marked as draft.

The rule amendment was faxed to all firms immediately after Convocation

but is enclosed with the Rule amendment package in this mailout.

#### Rules 151, 180 and 211

The Admissions and Education Committee adopted a new policy regarding admissions hearings which will be more fully discussed later on in this article. As a result of that new policy, Rules 151, 180 and 211 required amendment to add a test for admission that must be considered by the Admissions and Education Committee when dealing with applications for admission as a student-at-law, a lawyer or applications for re-admission by former members. The additional test is whether the admission of this person would be inimical to the best interests of the public or the profession similar to the definition of conduct unbecoming in *The Legal Profession Act, 1990*.

#### Rule 230

Another change in the Rules resulting from the admissions hearing policy is that hearings will be held in public unless circumstances require them to be private. There was an amendment to Rule 230 to reflect that policy change.

#### Rules 322, 323 and 325

The Professional Standards Committee reviewed the Rules respecting competency to ensure that, when read together with the Act and the Guidelines provided by the Law Society, they would be more consistent. The above Rules were amended accordingly.

### Honorary Life Memberships

The Benchers passed a resolution bestowing honorary life memberships on Barry Gorlick, President of the Canadian Bar Association who was in attendance at the Annual Meeting, Bjorn (Barney) Christianson, President of the Law Society of Manitoba who attended the Benchers’ Meeting. The attendance of other Law Society presidents is beneficial as it adds another perspective to the topics under discussion, many of which are also on the table in those other jurisdictions.

### LAND Project

The Benchers reviewed the proposed policies and principles for a new *Land Surveys Act* and a new *Land Titles Act* discussion paper from the Department of Justice. When the changes are imple-

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mented, it will be necessary for lawyers to be educated in the new electronic Land Titles system. The Committee approved the referral of the LAND Project issues to the Real Estate Committee which is currently working on the uniform trust conditions and other matters.

### *Saskatchewan Personal Income Tax Review*

The Government of Saskatchewan has created a personal income tax review committee following the announcement of Finance Minister, Eric Cline, that he wishes to improve the existing provincial personal income tax structure. The Committee has been asked to assess alternate income tax structures to achieve improving fairness in the tax system, support for the family, simplicity and competitiveness in attracting jobs and investments. The Benchers have accepted an invitation to take part in this review. Members, Nancy Hopkins and Dwayne Anderson, and Laurence Yakimowski agreed to assist the Law Society in determining issues and making a report for presentation to the review committee.

### *Policy on Admissions Hearings*

As stated above, the Admissions and Education Committee has adopted a new policy for admissions hearings. Such hearings are rare but will be held when the material supplied by an applicant for admission as a student or lawyer or for a re-admission causes concern to the Committee. The policy provides a new test for the Committee to consider which is similar to the conduct unbecoming definition in *The Legal Profession Act, 1990*. Subcommittees will be appointed to make inquiries with regard to the concerns which the material might disclose. This review may include contacting individuals or organizations disclosed by the applicant, meeting with the applicant and in the case of re-instatement, reviewing responses received from the members or the public as a result of a published notice of intention to seek re-instatement. The hearing committee will have the authority to receive evidence as it sees fit including evidence under oath.

Counsel for the Law Society will be responsible for ensuring that all relevant and admissible evidence is brought to the attention of the committee and shall provide argument and/or evidence to allow the committee to test the veracity of the representations made by the applicant. The hearing committee will make its determination by a majority of vote and will provide written reasons within 30 days of the conclusion of the hearing.

### *Disclosure to Principals*

Over the last couple of years there have been some incidents where students have failed one or another segment of the Bar Course but have not advised their principals. This is especially problematic where the student does not pass the second segment. Principals may mistakenly believe that the student is now entitled to practice law. The Committee has now recommended a policy that one week after the students are advised whether or not they have passed the Bar Admission Course, principals will be advised whether or not their student has passed or failed.

### *Claims Experience*

108 claims have been made to the end of the policy year, June 30, 1999. As of May 31, 1999, there were 187 open claims under the SLIA program and 2 under the old American Home system. The areas of law with the largest number of claims are real estate with 24% of claims and 20% of the dollar value of the claims, and commercial general which have 12% of the claims and 30% of the dollar value of the claims. The large loss report shows 20 claims of which the amount claimed is \$150,000 or over.

### *Limitations Manual*

The long-awaited limitations manual project has encountered another delay. The editing assistant had noticed that some limitation periods were missing from the material. As a result, the Insurance Committee hired four law students to review all of the legislation in the province for possible omissions. The students have found a significant number of limitation and notice periods

missing from the manual. At Convocation, the Insurance Committee agreed that Tom Schonhoffer should take over the editing of the manual as a special project. The Law Foundation has agreed to continue its generous sponsorship of this special project and has approved a grant for \$40,581.98.

### *Class Action Legislation*

Former Dean of Law, Kent Roach, on behalf of the Legislation and Policy Committee reviewed model class action legislation put forward by the Uniform Law Conference. The Deputy Minister of Justice had requested the Committee's comments since this issue has been on the agenda for approximately one year and the Committee had earlier requested that the Department to consider such legislation on an access-to-justice basis. The Committee is generally in favor of the draft legislation and has advised the Minister accordingly.

### *Employment Equity*

The Benchers approved an employment equity policy for the Law Society as an employer. In that policy, it states that the Benchers are committed to developing an employment equity program designed to achieve a representative workforce. The Law Society intends to achieve this goal by eliminating employment barriers and adopting policies that will improve the representations of designated groups being women, aboriginal people, persons with disabilities and persons from visible minorities. This policy has been forwarded to the Human Rights Commission for registration pursuant to Section 47 of *The Human Rights Code*. A copy of the policy will be forwarded to the membership for their information and assistance in drafting their own policies.

### *2000 Annual Meeting*

The Benchers accepted the invitation of the Prince Albert Bar Association to hold the year 2000 Annual Meeting of the Law Society and the Canadian Bar Association Saskatchewan Branch in Waskesiu on May 25 and 26, 2000.

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# Annual Meeting June 10 and 11, 1999

(A. Kirsten Logan, Q.C.)

The Annual Meetings of the Law Society of Saskatchewan and Canadian Bar Association Saskatchewan were held in Yorkton June 10 and 11, 1999. The event was a tremendous success largely due to the excellent planning and hard work of the organizing committee consisting of Doreen Clark, Arliss Dellow, Tom Fortosky, Don Layh, Randy Kachur, Pat Koskie, Cynthia Nijssen, Dave Rusnak, Wayne Rusnak, John Stamatinos and Bernie Stephaniuk.

Registration night kicked off with a presentation by the "Paper Bag Players" and a trip to the Painted Hand Casino. Registrants were given complimentary cash to start the evening.

The business meetings were informative. Maurice Laprairie advised the members of the results of the membership survey, developments of the joint Canadian Bar Association/Law Society No-Fault Committee, the LAND Project and Legal Aid. Jane Lancaster, Judy Bell, Dan Konkin and Maurice Laprairie gave reports on the activities of the Discipline, Equity/Diversity, Professional Standards and Insurance

Committees respectively. Randy Baker gave the financial report. Barry Gorlick, President of the Canadian Bar Association, made an excellent speech on Multi-Disciplinary Partnerships.

The following morning, Dan Konkin led a discussion on the Uniform Trust Conditions which were set out in the April edition of the *Benchers' Digest*. During the bear-pit session, questions were answered dealing with insurance premiums, computerization of the library and incorporation. This was followed by the Canadian Bar Association Saskatchewan Branch Annual Meeting and Luncheon where Marvin Wentzell was presented with the Community Service award.

On the social end of the meeting, the highlight had to be the toast and roast to honor Iain Mentiplay on his retirement from the Law Society after 20 years of service. A large portion of the approximately 200 attendees wore kilts or other Scottish attire. It was amazing to see how many men should wear kilts. Iain was presented with a certificate of appreciation signed by all 21 presidents under whom he served, many of whom

were in attendance. He was also given a painting by Saskatchewan artist, Robert Hall, of the Hotel Saskatchewan, one of Iain's favorite hangouts. The Battlefords Bar Association granted Iain with an Honorary Life membership. The evening began with a performance by the Yorkton and District Pipe Band and was further enhanced by the Yorkton Regional High School Jazz Band. Brent Gough and Rick Danyliuk hosted the event and in return were presented with a "Q" and a "C". They are eternally grateful, we're sure.

In addition, Bert Orr was granted a senior life membership in recognition of 50 years' as a member of The Law Society of Saskatchewan. Mr. Laprairie presented Mr. Orr with a certificate. His wife and family were in attendance at the dinner.

Other activities included two types of golf, both fun and serious, and a delicious Church Café tour.

The meeting was excellent, and again, thanks to the Yorkton and District Bar Association planning committee.

## Lawyers in the News

(A. Kirsten Logan, Q.C.)

Much of the time, the news about lawyers is cast in a negative light. Even our distributions often include depressing news about a defalcation, suspension or disbarment. We would like to start a new column in the *Benchers' Digest* where we get to crow a bit about the accomplishments of or recognition given to our members, especially beyond the legal profession.

For example:

Tamara Ewanyshyn of Olive Waller Zinkhan and Waller in Regina recently won the Regina Amateur Women's golf championship with a two-day score of 143.

Marvin Wentzell of Yorkton was awarded the Canadian Bar Association Community Service award at the Annual Meeting. He has made major contributions to Yorkton Public School Board, Yorkton Public Housing Authority, Yorkton City Council, Yorkton Union Hospital, York Lake Regional

Park, Yorkton Fair, Yorkton Lions Club, Parkland Shrine Club, Masons, Yorkton Junior Chamber of Commerce, Board of St. Andrews United Church and Yorkton Community Concert Band.

Shawn Smith of McDougall Ready of Regina is the national president of the Canadian Automobile Association.

In order to get information, we need input from the members. If you have information to share, either about yourself or another member, please let us know.

## Section 726 of *The Criminal Code*

Recently a criminal lawyer's conduct was called into question by his client because the client had not been given the opportunity to provide comments prior to sentencing. Members are reminded of Section 726 of *The Criminal Code* which reads as follows: "Before determining the sentence to be imposed the Court shall ask whether the offender, if present, has anything to say." If necessary, a sentencing Court should be reminded of this section.

## Notes from the Library (Sue Baer, Director of Libraries)

### Welcome back Peta Bates!

Ms. Peta Bates, our librarian in Saskatoon, has returned to work from her one year sabbatical where she toured Australia and New Zealand. She has many stories and adventures to relate. It sounded like a wonderful experience. She is refreshed from her tour and is looking forward to helping you with her high quality legal reference and research skills. Welcome back Peta.

Peta was responsible for creating our web site and loading our databases on the web site before she left last July. She will continue to be involved in delivering legal information through our web site, as well as through more traditional methods.

We are also bidding a fond farewell to Ms. Norma Power who so capably filled in for Peta during her sabbatical. We will miss Norma and her pleasant personality and helpful manner. Norma is continuing her education in the fall. Our gratitude for a job well-done and best wishes go with Norma.

### The Library's services

I would just like to provide a thumbnail sketch of what services we can provide from the libraries in Saskatoon and Regina and to highlight three special offers for the month of September.

Our professional library staff can provide you with a confidential manual and computerized legal research service. You can call, fax or email your requests. If you don't call, you need to give us the details of the issues you need researched and how quickly you need your results. The library staff uses our databases, QL, WESTLAW (possibly a different US vendor after October), the Internet, and manual sources to provide the coverage you need for your research. You pay the

online costs plus a small administration fee. If the research is quite extensive, the library staff may let you know that there will be an additional research fee of \$25 per hour. The research fee is generally applied to out-of-province requests for research.

Our library staff will also photocopy and deliver cases, statutes, regulations, articles, or other information. You can expect a very prompt service. If you live in Regina or Saskatoon, you can call the library staff to pull cases for runners to photocopy if you don't want the library staff to do the copying for you. The library can also mail or fax to the rural lawyers. For the month of September, the library is offering free faxing to all rural lawyers in Saskatchewan. Contact us for more details or read the flyer inserted with this issue.

Also, for the month of September, we have a special promotion that allows lawyers to use our web databases for free. We offer case digest and fulltext judgment databases that are fully searchable, as well as the Bills Tracker and a Continuing Legal Education index database. Annual subscriptions are only \$95 including the GST. Judgments are loaded within 48 hours of receiving them. A digest record is created at the same time as loading the fulltext judgment so that certain fields are available for searching as soon as the judgment is entered into the system. Fields such as Statutes/Cases/Rules Judicially Considered are entered immediately. Once the digest has been written, it will also be available for searching. The library is preparing "cheat sheets" and a small research guide for using our databases on the web site. We can also provide some training over the phone to help you get the results you need. Our search screens will be changing very soon and our printed research guides and sheets will

be designed to reflect the new way of searching. Visit our web site at <http://www.lawsociety.sk.ca> to try out our databases.

And if two free promotions in one month are not enough, we have one more offer which involves our new service called *Case Mail*. *Case Mail* makes its debut in September and is being sent to subscribers and non-subscribers for a 30-day free trial. *Case Mail* will be sent at no charge to lawyers who subscribe to both *This Week's Law* (TWL) and the web databases. *Case Mail* is an email service consisting of digests of Saskatchewan case law delivered to you twice per month. There is subject and case name access, with links to the full-text judgment. A sample issue is located on our web site at <http://www.lawsociety.sk.ca>. The enclosed web site registration form allows you to select which services you need for your practice. This exciting new service brings Saskatchewan case law directly to your desktop. You will need Adobe Acrobat Reader® on your computer to see the fulltext judgments. If we have not contacted you for the 30-day free trial yet, please let us know.

To summarize, the library can help you with your legal research by conducting research on a particular subject, noting up cases, locating statutes, regulations, rules, providing cases, and locating textbooks and articles. In September, the library is also providing three free promotions, one specifically directed to our rural Saskatchewan lawyers. Receive free faxing in rural Saskatchewan, search our web databases, and expect to receive our new service *Case Mail* at your desktop, all at no charge in September.

Please contact Saskatoon at (306) 933-5141 or Regina at (306) 569-8020 for questions or comments.

# Legal WebCites

by Peta Bates

In this column I will discuss some of the web sites which are most useful as sources of legal information. Occasionally the scope will broaden to include web sites of interest for their non-legal content. We'll start with two basic web-based sources of federal legal materials.

## *Canadian Statutes and Regulations*

[http://canada.justice.gc.ca/Loireg/index\\_en.html](http://canada.justice.gc.ca/Loireg/index_en.html) (index\_en)

Maintained by the Federal Department of Justice this web site contains all federal legislation with the exception of the Income Tax Act and selected other statutes and regulations. This material can now be copied without copyright restrictions thanks to the Federal Law Order (SI/97-5, P.C. 1996-1995, Dec.19/96) which is reproduced at this site. To actually link to the statutes or regulations you must scroll down the page to the "Consolidated Statutes" and "Consolidated Regulations" headings. In this part of the web site the statutes are encoded in Folio software so that they can be searched for keywords. When you select the Query button at the top of the page a search box appears in which you type your search word. The Results box will tell you how many times your word appears in the statutes. Choose the Document option and view your "hits" one by one by pressing the Next Hit button. The title of the statute which you are currently viewing is displayed in a box at the top of the page.

Once you have located the statute, regulation or section which you require, you can print them using the next web page.

## *Canadian Statutes and Regulations - Complete Documents to Download*

<http://canada.justice.gc.ca/FTP/EN/Laws/index.html>

If you need to print a full copy of a statute this is the place to look. These laws are available in three formats: Text, Compressed Text and Folio. For a quick download, the Text format is recommended. Simply open the file and print it using the print command or icon on your web browser software. Note that the Text version does not contain formatting or graphics. Regulations are located with the enabling statute.

The source and currency of a web site are especially important when consulting legal information. Obviously, you can trust the information on a site maintained by the Federal Department of Justice. However, note that there is a disclaimer on the web site which states "The Department of Justice assumes no responsibility for the accuracy or reliability of any reproduction derived from the legal materials on this site. The legal materials on this site have been prepared for convenience of reference only and have no official sanction." So, although the web version of the federal statutes is easy to keyword search and quick to download, it is not an official version (just as the old printed looseleaf statutes and the CD-ROM format are not official versions) and only the printed version of the Statutes of Canada may be cited. At the time of writing this column (end of July 1999) the federal statutes were current to April 30, 1999.

## *Supreme Court of Canada Judgments (1989-1999)*

<http://www.droit.umontreal.ca/doc/csc-scc/en/>

This site was one of the earliest to use web technology to disseminate legal opinions to a wide audience. The site is a joint project between the Supreme Court of Canada and the LexUM team of the Centre de Recherche en Droit Public at the University of Montreal. Recent unreported judgments appear on this site within hours of their release by the Court. There are no copyright restrictions on the judgments (although there are on the headnotes) so they can be downloaded and printed. They are available in several formats such as HTML which contains hyperlinks, WordPerfect 6.1 and Text format which is stripped of all formatting and should work with older versions of software. Once the judgments are reported in the *Supreme Court Reports* they appear on the web site by S.C.R. volume number. These judgments begin with the citation and page number of the S.C.R. in which they appear. A nice feature of these judgments is the hyperlinks to cases considered. To date these hyperlinks only cover cases since 1989. Like much legal information on the web, the web version of Supreme Court decisions are not considered "official" and citation must be made to the print *Supreme Court Reports*.

The site also contains Press Releases from 1997-1999 and copies of the *Bulletin of Proceedings* from 1994-1999. These documents as well as the judgments can be searched to find keywords such as the name of a party, a judge or a judgment date. In addition, by choosing from a handy list of legal concepts, it is easy to locate all the judgments which discuss a particular legal point of law.

From this site you can also subscribe free of charge to receive notice via email of new judgments rendered by the Supreme Court of Canada and copies of their Press Releases.

## Year 2000 contingencies

(Sue Baer, Director of Libraries)

Industry Canada makes it very clear that the year 2000 (Y2K) issue is a business problem and not simply a computer problem. They maintain that Y2K will affect you in business regardless of your size, the level of computerization or where you are located. Small proof of that will be our web site and the databases. Part of the library's contingency includes unplugging our computer equipment on December 31, 1999. Y2K is probably something that you should not ignore, yet the amount of time and expense for your firm will depend on your circumstances.

### Y2K : what is everyone talking about?

What is everyone talking about "Y2K" and what does this mean for your law firm? The year 2000 compliance problem is related to the turn of the century, when we change from the 1900's to the 2000's. Computer programmers many years ago used two digits to indicate a year in their computer programming. Programmers have changed that practice and use four digits to designate the year. However, there are still many pieces of hardware and software that rely on the two digit years. This could pose a problem when January 1, 2000 clicks over on the computer.

The year 2000 is also a leap year. It is also a special type of leap year that some programmers may not have realized existed when they did their programming. The software programs like that will encounter problems. The dates that are significant here are February 29, 2000 and December 31, 2000. Some programmers included programming that relied on counting days in a year. If they did not realize that the year 2000 was a leap year, then systems may not fail until December 31, 2000 which would translate as an unexpected date to the program.

Another date that programmers used in the past is September 9, 1999 or 9/9/99 which they used to signal that a stack of data had reached its end. It may mean that some programs will

interpret 9/9/99 as something other than intended.

August 22, 1999 is the GPS rollover date. GPS stands for Global Positioning System. This has to do with low-orbiting satellites which some systems use to establish the exact time of day for transaction logging. How this will affect your law practice may be in terms of the performance of some cellular telephones. Apparently some manufacturers are already prepared for this.

The Law Society Library system has prepared a contingency plan for the new millennium. Our computers, software and data will be tested to ensure that we can identify any potential problems from our end when the clock strikes 12:01 on January 1, 2000. What we can't guarantee are other services that are essential for our computer network and the web site to function such as electricity, cable, and telephone service. No one is really sure what will happen on January 1 and to protect our equipment and network from any power fluctuations, the library will be shutting down its server on December 31, 1999 in the middle of the afternoon until January 10, 2000. This will give us only one week to deal with any changes that may need to be made to our computer system. If in fact there are no problems, our web site and databases will resume on the next business day. We are following the lead of the National Library of Canada.

Should you be paying much attention to Y2K for your office? I don't think anyone has a definitive answer. With the amount of advertising about it, if you do encounter problems after January 1, 2000, one of the questions you may be asked is what did you do to prepare for it. There are things that will change after the year 2000, which makes it compelling to upgrade your computer systems now. As we progress into the new millennium, the old operating systems and browsers will just not function to their best ability. This would probably occur even without something as nebulous as Y2K. New software, new features in browsers and other software

will not be written to accommodate a backwards applicability so that your Windows 3.11 or a very old version of a browser will be unable to operate those complicated Java applets on the Internet. The federal government is offering tax breaks for upgrading your computer equipment and software, which is another reason to act now. The extended deadline is October 31, 1999. Contact Jean-Michel Catta (613) 996-8080 or <http://www.fin.gc.ca> for further information.

Industry Canada maintains a web site <http://strategis.ic.gc.ca/> on Y2K issues and provides information for strategies and plans that you may need to develop. Their *Year 2000 Workbook* is easy to understand and contains sample letters that you can send to vendors, employees, and customers that relate to the results of your testing. It and many other documents are available at their site. Contact the library if you need help. The Law Society library is willing to share its own plan if anyone would like a copy as well.

There are several sites on the Internet with information on Y2K. More textbooks and newsletters are being written about Y2K. The library subscribes to Y2K: the *millennium problem* published by Butterworths, which is a newsletter devoted to legal and business commentary and analysis on Y2K produced monthly. O'Brien's Court Forms now has a Computer and Technology volume that contains a small section on Y2K and many other computer contracts that you are finding challenging to draft and will be asked to draft with increased frequency in the future. *The year 2000 computer crisis legal guide* by Alan Gahtan which covers the negligence aspects of Y2K is also available at the libraries in Regina and Saskatoon. And finally, there is a chapter in the *Insurance law update* by SKLESI from the seminar held in March 1999. The chapter covers a Year 2000 business risk review for directors' and officers' liability.

The Boy Scouts' motto is probably the best policy with Y2K: Know what you are facing and *be prepared*.

## Safe Counsel

Available on a confidential basis to discuss options available and to obtain information on the procedures and potential consequences of filing sexual harassment complaints with the Law Society or elsewhere.

Karen Prisciak  
Robertson  
Stromberg, Saskatoon  
(306)652-7575

Reg Watson  
Balfour Moss, Regina  
(306)347-8300

Cathy Zuck  
S.U.N., Saskatoon  
(306)665-2100

## Don't Let Your Molehill Become a Mountain



Get help for personal problems  
before they grow too large

### Lawyers Concerned for Lawyers

Provides to Saskatchewan lawyers  
and their family members:

- CONFIDENTIAL assistance in effectively dealing with problems;
- the services of an INDEPENDENT professional consultant;
- services provided without charge

For confidential information and assistance call 1-800-780-5256, Regina 352-0680 or Saskatoon 956-5738 or 956-5735.

## Mentor Program

The Mentor Program, operational since 1990, is designed to provide less experienced lawyers with the assistance of more experienced counsel.

Members requiring the assistance of a mentor may call the mentor program receptionist at 306-569-2261, in Regina.

To be eligible to utilize the program, members must have completed a Waiver of Liability and have returned it to the Law Society office. Copies of the waiver may be obtained by contacting the mentor program receptionist.

## Law Practice Self-Assessment Guide

Assists lawyers to improve the quality of their practice methods based on the assumption that an effective system of quality assurance, achieved through internal procedures and organization, has an important impact on performance.

The Guide is available free of charge to any member by contacting the Law Society office at:

(306) 569-8242

## Practice and Career Adviser

Frank MacBean, Q.C., is available to assist lawyers in assessing their practice and careers. For confidential information and assistance call: (306)773-9343.

### BENCHERS' DIGEST



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