

# BENCHERS' DIGEST



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## *Equity And Diversity In The Legal Profession*

*(Judy Bell)*



Judy Bell is a workplace consultant, specializing in labour relations and organizational design. She provides labour relations and human resource advice and training to managers in both the unionized and non-unionized sectors. Judy is a member of the Saskatchewan Labour Relations Board, a Labour Standards adjudicator as well as a negotiator, harassment investigator, mediator and arbitrator. She is active in the community serving on the boards of the YWCA and Regina Pioneer Village. Judy has been a public representative bencher for the past two years. She chairs the Law Society Equity and Diversity Committee.

In the past decade, a considerable amount of time and effort was spent studying gender and racial inequity in the legal profession. In August 1993 the CBA released a comprehensive report on gender equity entitled "Touchstones for Change: Equality, Diversity and Accountability." Then President Paule Gauthier wrote:

*"In this report, the Task Force sets out clear evidence of unequal treatment between the sexes at many levels of the profession across Canada." He goes on to state: "The objectives are two-fold. First, the Report is designed to assist the profession to examine itself and fully understand the nature and impact of discriminatory practices and systemic discrimination that exist in all sectors of the profession. Second, the Report offers a perspective on change and recommendations for achieving gender equality."*

The report calls on all members of the legal profession to change practices at both the individual and institutional level to ensure gender bias in all its forms is eradicated. The task force acknowledged that such change would not occur at once but rather, incrementally with each step building on the next.

The CBA report supported the findings of a comprehensive study commissioned in 1992 by the Law Soci-

ety of Sask., CBA, and College of Law, University of Saskatchewan. The Law Society responded to the recommendations in this report by striking a gender equity committee. The committee undertook to develop a number of policies including an equitable interview process, alternative work arrangements, parental leave, gender-neutral language guidelines and sexual harassment. The policies were adopted by the Benchers and distributed to law firms, hopefully for implementation.

In 1997, the Gender Equity committee determined the need to measure the effectiveness of their efforts and by determining whether any of the "incremental steps" taken by the Society had resulted in the eradication or at the very least minimization of gender inequality in Saskatchewan.

At that time the committee reviewed its mandate and determined the need to change the focus the committee's work from gender equity to equity/diversity. This was in order that the Law Society's work would meet the needs of an increasing number of lawyers from diverse minority groups including, persons of colour, Aboriginal people and people with disabilities. In October 1998, the Law Society hosted an equity/diversity planning day where a cross section of lawyers and human rights specialists came together to discuss what progress had been made since 1992. The

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planning day was an enormous success thanks to the open, frank and creative participation of the attendees.

The equity/diversity committee considered the information provided by the participants and from that, developed a "vision" and a strategic plan to guide its efforts over the next few years. The vision states:

- *The legal profession operates in a way that is equitable for all lawyers-including opportunity and treatment;*
- *Lawyers and staff in the legal profession are representative of the face of society;*
- *Lawyers and employees in the legal profession enjoy the right to engage in and carry on their occupation/business without discrimination because of race, creed, religion, colour, sex, sexual orientation, family status, marital status, disability, nationality, ancestry, place of origin or receipt of public assistance;*
- *Members of the legal profession are knowledgeable and act as a role model to other groups in society on equity/diversity issues.*

The Benchers approved the revised mandate and the equity/diversity strategic plan.

The CBA released its latest study "Racial Equality in the Canadian Legal Profession." The introduction of the report states:

*"Canadian Laws define discrimination and make it illegal, but we, as a society, have not been successful at obeying these laws and eliminating discrimination. Clearly, the challenge is for the individual members of our society and for the institutions and organizations in which we work to put the legal principles into practice."*

The report identified that the legal profession is not free of systemic and individual racism.

The committee writes:

*"So sadly, we must acknowledge that systemic racism is still widespread within our profession and that individuals still experience racism. Discrimination continues to deny many talented people the opportunity to contribute fully to the profession of their choice."*

One might think that in light of this growing body of evidence, the legal profession would be quick to jump into action to resolve these problems and

adopt measures to ensure the legal profession was tolerant, accommodating, and equitable - and operating within the laws of our nation. This, however, has not always been the case. This issue is often a source of debate within the profession. This is not surprising when one considers the very nature of systemic discrimination. Professions have operated in a certain manner for many years. Policies and practices were developed, implemented and have stood the test of time. The demographic make up of the profession was virtually unchanged until the 1980's when an unprecedented number of women entered the profession. The 1990's saw lawyers from diverse racial and cultural backgrounds entering the profession in greater numbers. This demographic shift was not unique to the legal profession, but to the workplace in general. The new entrants into the workforce were not as satisfied and in some cases were actually harmed by practices and policies that were historically created for a workforce primarily made up of white males, with more often than not, traditional life styles. Although this "systemic bias" is seen and well understood by the people who are championing the cause for change and those adversely affected by the status quo, it is not so easily recognized by the people who have not been disadvantaged by it.

This debate is an essential part of the change process. In order that progress can be made beyond the debate stage, it is important for both the opponents and proponents to focus and attempt to agree on sound reasons for making such a significant change. In order to assist in this process, the committee developed a number of reasons for the legal profession to continue with equity/diversity initiative. The reasons are as follows:

1. Legal Reasons - lawyers should be aware of, comply with and uphold the law, which includes the Charter of Rights and Freedoms, Human Rights legislation and employment laws. The profession must live by the advice it would provide to a client.
2. Ethical Reasons - Equity and Diversity in the legal profession are consistent with the values of the lawyer's professional ethics. Lawyers

take an oath to serve the public, fight for justice, fairness and equal treatment on behalf of the clients - a courtesy, which must also be extended to colleagues.

3. Economic reasons - promoting equity and diversity makes good business sense - recruiting and retaining the most talented lawyers/employees, increased job satisfaction, enhanced morale and productivity, increased business from clients who appreciate these values are among some of the advantages.
4. Public Interest Reasons - the inclusion of the unique perspectives of women and minorities in the profession will enhance substantive and procedural law and better protect and represent our diverse population. Service will be enhanced.

Regardless of where one might stand on the issue it is clear that the role of the legal profession has changed dramatically since the introduction of the Charter. The judiciary and the legal profession are called on more than ever to interpret and in some cases determine public policy. In order to meet that challenge there is an enormous responsibility placed on members of the profession to know and understand the values of equity, diversity and to ensure that justice is fair, transparent and without discrimination. Can this goal be achieved to its fullest if the profession itself has not dealt with its own internal bias?

In June 1999 the Law Society of Saskatchewan developed and adopted an employment equity program for its own operation. The program was forwarded to the Human Rights Commission for approval. We see this as a first step toward achieving equity and diversity at the Law Society and important step in providing leadership to the profession.

The Law Society is encouraging all firms to develop employment equity programs and begin the work of identifying and removing barriers and creating positive, proactive policies to ensure the eradication of inequities and the inclusion of all members.

For more information please call the Law Society at (306) 569-8242.

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

### CanCopy

For the last several years, there have been discussions between the Federation of Law Societies of Canada and CanCopy regarding payment of royalties for photocopying by lawyers of copyrighted material. Members have received in the last two years several notices from the Federation suggesting that if they are approached by CanCopy to sign a licensing agreement, they should first contact the Federation.

Over this period, the Federation representatives have been trying to have CanCopy define what materials are actually subject to copyright. These inquiries have not been answered to the satisfaction of the Federation Committee. In the interim, the Law Society of Upper Canada has commenced an action against various law book publishers in order that fair dealing may be defined by the court. The trial was held in 1998 and the decision is pending. However, regardless of the decision, it is expected to be appealed.

At the Federation of Law Societies Annual Meeting held in August, the various law society representatives were asked to support two courses of action. The first is to try to negotiate with CanCopy a reasonable per lawyer licensing fee. This has proved difficult in the past since CanCopy has not indicated upon what basis their proposed fees are based. The second is to discuss with CanCopy a survey of photocopying by lawyers in Canada to determine actual use of materials subject to copyright. This will be logistically difficult since members responding to such a survey could be admitting to breach of copyright.

At Convocation, the Benchers agreed to support the position of the Federation of Law Societies. If a license agreement is reached, it will be neces-

sary for the Law Society to collect the license fees from the members and remit them to CanCopy.

### 2000 Budget

The Finance Committee reviewed the first draft of the budget for the upcoming year. Again, it is proposed that the fees will remain at \$1,010. The final budget and annual fee will be set at the October Benchers' meeting. Annual fees will be due on December 1, 1999.

### Withdrawal of Funds from Trust

Nestor Ogrady encountered a situation where a law firm was using letters to direct a bank to debit funds from one trust account to another. Mr. Ogrady believed this practice to be a contravention of Rule 942 which states in part:

"A member who makes or authorizes the withdrawal or transfer of funds from a mixed or separate trust account shall make the withdrawal or transfer by a cheque marked 'trust'."

The firm's position was that this letter "form of cheque" fit the definition of a cheque as set out in *The Bills of Exchange Act*.

The Finance Committee was not prepared to agree with the firm that their practice was acceptable. The Finance Committee was concerned that by using letters as opposed to consecutively numbered cheques, there is a greater chance of the paper trail and other accounting safeguards being insufficient. This could result in overpayment from trust, more time consuming and disruptive audits and could hamper the ability to detect misappropriations. This issue has been studied in other jurisdictions, most notably Alberta, which has also recommended not changing the rules requiring the use of cheques for the time being.

### Internet Banking

The Finance Committee would like to advise the membership about the difficulty a firm encountered in a situation where a client in a real estate transaction used an internet bank. The client provided the firm with a cheque for \$128,000. When the firm deposited the cheque, they were advised that the client's cheque would not clear. It was discovered that the client's internet bank has a policy that if there is a deposit in excess of \$20,000, the funds in excess of that amount are frozen for a period of five business days following the deposit. The client had deposited funds from another real estate transaction in order to provide the \$128,000 and therefore the account was frozen. Members should be aware that some of these new financial institutions may have similar policies which may have a negative impact on transactions.

### Transfers from Quebec

The transfer regulations for the majority of law societies in Canada require that members of the Barreau du Quebec who have civil law degrees must have their education credentials certified by the National Committee on Accreditation, and then serve under articles prior to admission to the new jurisdiction. At the Federation's annual meeting held in August, it was proposed that this be changed to provide for a writing of a special examination in the new jurisdiction. Amendments to Rule 170 will be on the agenda for the Benchers in October.

### Insurance

The Insurance Committee reviewed some statistics for the insurance program following Saskatchewan Lawyers' Insur-

ance Association year-end of June 30, 1999. A total of 108 claims were made, an increase of 1 from the previous year. This was compared to the 1993-1994 year and the 1994 – 1995 year when 167 and 161 claims respectively were made. The total incurred liability for the 1994 – 1995 year was in excess of \$8.6 million. By contrast, the incurred liability for 1996 – 1997 and 1997 – 1998 are \$913,000 and \$578,000 respectively. There were 193 open claim files as at the time of the meeting.

### *Award of Appreciation – Lawrence J. Zatlyn, Q.C.*

During the Convocation held September 9 and 10, 1999, the Benchers and staff joined the Prince Albert Bar Association at a dinner meeting. Meetings with the Prince Albert Bar is always highly regarded by the Benchers. Following the dinner, Larry Zatlyn, Q.C., was presented with the Law Society of Saskatchewan award of appreciation in recognition of exemplary service to the public and the legal profession. He had been nominated by a committee of the Prince Albert Bar.

Marty Popescul, Q.C., introduced Mr. Zatlyn who was admitted to the Law Society in 1971 after articling with Tom Gauley. Larry served as a Bencher for the Prince Albert electoral district from 1985 to 1988 and again from 1991 to 1997. In 1995, he served as President of the Law Society. During his nine years as a Bencher he served on virtually every committee including Legislation, Insurance, Libraries, Discipline, Ethics, Paralegals, Finance, Annual Meetings and Gender Equity. As President, Larry was the Law Society's representative to

the Federation of Law Societies of Canada, the Queen's Bench Bar Judicial Council, the Saskatchewan Judicial Council among many other duties. He was also the Chair of the joint Canadian Bar Association/Law Society Committee on no-fault and is currently the Law Society of Saskatchewan's representative on the University of Saskatchewan senate.

Larry has also been active in his community. He was a member of the local Kinsmen Club and held a number of executive positions including the presidency. He has also been involved through the Kinsmen in the Kinsmen Workshop, the Kinsmen Foundation and Chair of the waterslide project in Prince Albert. He served as Chair of the Prince Albert Housing Authority from 1976 to 1989. He was the Chair of the committee which brought the winter games to Prince Albert in 1982. He has served as Chair of the Holy Family Hospital Board, the Prince Albert joint health care planning committee, and the Prince Albert and District Facilities Association.

In 1991 he was recognized as Prince Albert citizen of the year. He was appointed a Queen's Counsel in December of 1988. The Law Society Award of Appreciation Policy is:

#### *1. Overview*

The Law Society Appreciation Award is intended to recognize contribution to the Law Society made by a member of the profession which would not likely otherwise be recognized. The focus is on an individual having undertaken assignments for the Law Society typically without remuneration and performing such assignments without a

high degree of visibility in the profession or otherwise. Examples of the kinds of contributions to be recognized are:

1. Service on committees of the Law Society;
  2. Service on the Board of SKLESI;
  3. Lecturing at the Bar Admission Course;
  4. Serving as a representative of the Law Society on bodies to which the Benchers are entitled to make appointments such as the Law Foundations, Senates of the Universities, etc.;
  5. Undertaking discipline and professional standards work such as Law Office Management Reviews, pro bono counsel work, etc.; and
  6. Undertaking other special assignments for the Law Society.
2. Recipients of the Appreciation Award will be lawyers who are not current Benchers, but who might in the past have served as Benchers.
  3. The focus of these awards is service rendered to the Law Society as an entity as opposed to the profession in the wider sense. Whereas service to the profession or the public by lawyers tends to have a more public aspect to it, oft times services performed on behalf of the Law Society are performed in the context of confidentiality and with a very low profile. The award is intended to recognize those types of services.
  4. The awards will be presented by the President or his or her designate at the Thursday night dinner which is usually held in conjunction with the local Bar and regular Bencher meetings. Recipients of the award will be pre-selected.

## *Handbook Changes*

Handbook changes were included in the June 1999 mailout. Besides including Rule changes, there were also amendments to the "Rulings" section of the handbook. If you did not receive these changes, please contact our office (569-8242). To assist you in determining whether you did receive the updates, the amendments included new pages IV-7 and IV-8 and IV-9 and IV-10 of the Professional Conduct Rulings.



## Report on No-fault

(Dan Shapiro, Q.C., Chair; Joint No-fault Committee)

The Joint No-Fault Committee of the Law Society and CBA has been in high gear preparing for the forthcoming 5-year statutory review of the *Automobile Accident Insurance Act*. As this may be the last review in the foreseeable future, all efforts are being directed towards ensuring that this review provides for public input and access to information that was sadly lacking when no-fault was introduced.

Committee members include Randy Baker, Q.C., Chris Boychuk, Christine Glazer, Q.C., Hugh Harradence, Maurice Laprairie, Q.C., Marusia Kobrynsky, Bruce Wirth and Larry Zatlun, Q.C. We have also been fortunate to have enlisted the expertise of Wilf Popoff, as a communications adviser to the CBA, to assist our committee in getting the word out in connection with no-fault.

Some of the positive developments in relation to the issue include:

> During the election campaign, no-fault became a hot political issue, for the first time since it became law. The Liberal Leader undertook to repeal no-fault and the Saskatchewan Party was committed to a full and public review process. No-fault hit the front and editorial pages of newspapers many times. This is partly a result of the details of no-fault becoming better known by the public and partly a function of many people having by now gone through the no-fault system, roughly 5 years after its inception. While lawyers are not necessarily accustomed to working in the political arena, it is important to remember that no-fault is much more than a legal issue - it raises

moral, ethical, access to justice, legal and political implications, all of which must be considered and addressed.

- > The minority government situation bodes well for the objective of an independent and meaningful review process, since all political perspectives will hopefully be respected.
- > The new Minister responsible for SGI, John Nilson, Q.C., has on many occasions indicated his solid support for an independent and public review process in relation to no-fault while he was Justice Minister. We are optimistic that he will put that philosophy into practice with respect in his new portfolio.
- > There has been a newly formed Coalition Against No-fault, which has been successful in organizing rallies in 5 centres throughout the province in August, 1999, drawing considerable publicity to the plight of victims under no-fault. Victims and political candidates spoke, as did volunteers from our profession.

Our committee is undertaking numerous initiatives at the moment, some of which include:

- > With the assistance of the Saskatchewan Law Foundation, Law Society and CBA, commissioning a thorough study of the financial implications of no-fault, and more importantly the costs of implementing alternatives to it. The Study Team consists of leading economists and forensic accounting specialists from Vancouver, Calgary and Saskatoon.
- > In conjunction with the financial study, an extensive request for data

and documentation has been filed pursuant to the *Freedom of Information and Privacy Act*. Although we have met significant resistance to the release of much of this information, we are continuing to work towards this objective.

- > We are continuing to gather victims' stories for dissemination to the public, through the media and also for the purposes of the review. We encourage any members who have clients who are prepared to come forward, to send summaries of their stories to our committee for inclusion in the campaign.
- > We are continuing to press government for a commitment as to the independence and credibility of the Review Panel, representation on the 5-person review panel, assurances of an adequate budget for the Panel and public hearings.
- > Our petition campaign, although only recently introduced, has already yielded over 1,000 signatures. All members are encouraged to circulate and obtain as many signatures as possible on these petitions and forward them to Marusia Kobrynsky.

Our efforts to maximize the likelihood of a successful outcome to the review process, involve a multi-faceted approach. The ideal ultimate result would involve a substantial overhaul of the present system, in favour of a superior mixed tort and no-fault system such as that enjoyed by motorists in B.C. and Alberta. We are always open to suggestions and input from the profession as to how to best achieve that objective.

## Uniform Trust Conditions

The lead article in the April 1999 edition of the *Benchers' Digest* was a report by Randy Sandbeck on the proposed uniform trust conditions for real estate transactions. The Committee has

received some comments from members and it would appear that the conditions are in use in several centres. Now that members may have some experience with the uniform trust conditions, the

Committee would like feedback from the members. Please send your written comments to Kirsten Logan at the Law Society office.

## *Re: Issues Relating To Competence*

*(Daniel B. Konkin, Chair of the Professional Standards Committee)*

At the annual meeting of The Law Society of Saskatchewan in June of 1999, the results of our membership survey were released and the concern expressed by the greatest number of members was whether or not The Law Society was doing enough to manage the competency of the profession. As Chairman of the Professional Standards Committee, I have been asked to review the area of competency and propose an effective structure for dealing with issues of competency, including:

(a) monitoring/measurement

(b) proactive and remedial education

(c) investigations

(d) hearings

In that regard, I would encourage any member who has thoughts or concerns about this area to communicate with me so that your input may be considered in our review of this important issue.

On behalf of The Law Society of Saskatchewan, I will be striking a sub-committee to help with this task, and we would appreciate receiving names of people the members feel would assist in

this review, whether they be lawyers or not, for consideration for inclusion on the sub-committee or for invitation to present to the sub-committee.

Please forward any issues/-concerns/names to the sub-committee in relation to competency issues to:

Daniel B. Konkin

c/o The Law Society of

Saskatchewan

1100 – 2500 Victoria Avenue

Regina, Saskatchewan S4P 3X2

I thank you for your consideration in this matter.

## *Federation of Law Societies Elects 1999 – 2000 Board of Directors News Release*

The Federation of Law Societies of Canada recently elected Randell Earle, Q.C., a partner in the law firm of O'Dea Earle in St. John's Newfoundland, President of the Federation of Law Societies of Canada for the term ending in August 2000. As President, Mr. Earle will be the Chief Executive Officer of the Federation. The Federation is the national organization of the 13 provincial and territorial Law Societies, the regulators of the legal profession in Canada.

Mr. Earle graduated from Queen's Law School in 1973 and was admitted to the Bar of Newfoundland in that same year. He has been a Bencher of the Law Society of Newfoundland since 1989 and served as Treasurer (President) of that organization in 1994 – 95. Mr. Earle was awarded his Queen's Counsel designation in 1989. He maintains a general litigation practice with an emphasis on employment and labour

relations law. In 1995, he was elected a Director of the Federation. In August 1998, he was elected vice-president of the Federation in St. John's and then President in Edmonton in 1999.

As President of the Federation, Mr. Earle will be asked to work closely with all members of the Federation's Board which include:

- Abraham Feinstein, Q.C., for the Law Society of Upper Canada, Vice-President of the Federation, and Chair of the National Technology Committee and the National Copyright Committee;
- Earl Kimmel for the Chambre des notaires du Québec and Chair of the National Task Force on the Restructuring of the Federation;
- Trudi L. Brown, Q.C. for the Law Society of British Columbia, and Chair of the Federation's National

WTO Committee (World Trade Organization);

- Sherron J. L. Dickson, Q.C. for the Law Societies of New Brunswick and Prince Edward Island, and Director responsible for the National Joint Canadian Bar Association/FLSC Real Estate Program;
- Bâtonnier Jacques Fournier for the Barreau du Québec, Chair of the NAFTA Committee;
- Maurice O Laprairie, Q.C. for the Law Societies of Saskatchewan and Manitoba, and Director responsible for the Inter-Jurisdictional Practice Protocol and for the Federation's finances; and
- Peter J. Royal, Q.C. for the Law Societies of Alberta and Northwest Territories and Director responsible for Continuing Legal Education and the National Committee on Accreditation.

# Legal Web Cites

by Peta Bates

Looking for a recent Federal Court decision? Ever wondered what all those obscure computer acronyms mean? Read on.

## *Federal Court Reports / Federal Court Rules*

<http://www.fja.gc.ca/en/cf/index.html>

The Office of the Commissioner for Federal Judicial Affairs maintains this web site. Access to judgments of the Federal Court is provided by the *Federal Court Reports* Internet Service whose mandate is to make available all decisions selected for eventual publication in the official reports series whether in full text or as digests. Federal Court decisions are available in two stages: the "raw" judgment as issued by the Court and the "finished" judgment as it appears in the *Federal Court Reports* following extensive legal editing. As cases are reported in the *Federal Court Reports* the finished version replaces the raw version on the web site.

Unedited decisions are available from 1993 to date. They are available by year and sorted by date, alphabetical order or docket number. Volumes of the *Federal Court Reports* are currently available from [1993] Volume 1 to [1999] Volume 3.

All the judgments can be searched for keywords. A list of case names is retrieved from which you can hyperlink into the text of the judgment. Search terms are not highlighted in the

retrieved case which makes it difficult to locate them in the judgment. Keyword searching is useful when you are looking for specific text, such as a phrase, in a judgment. An easier way to search for all the cases that have considered a particular legal issue is to use the "Analytic Search" option. This is a subject index of legal concepts, including statute names, that retrieves all the cases that have considered a particular legal concept.

The Federal Court Rules, including forms, index and tables of concordance between the old and new rules, are available for downloading in their entirety in three different formats: Word97, RTF and PDF. Downloading in Word97 allows you to change or add information to the document, whereas the PDF format is an exact reproduction of the printed source (in this case the *Canada Gazette*) and cannot be altered. You will need Adobe Acrobat software on your computer in order to download and view the PDF format. The Federal Court web site has provided a convenient direct link to the Adobe web site so that you can download the Acrobat software. The Federal Court Rules can also be viewed on screen in a four-column format with English marginal notes and rules in the first two columns and French rules and marginal notes in the second two columns. These are the "new" Rules which came into effect on April 25, 1998. The "old" Rules (the

1978 version) are also archived, in English text format only, at this site.

From this web site you can subscribe to an electronic mailing list to receive notification of new judgments from the Federal Court. There are simple instructions on how to subscribe.

A new "Appeals Noted" feature will be added to the web site in the future. This will list the results of appeals from reported Trial Division decisions to the Federal Court of Appeal and Federal Court of Appeal decisions to the Supreme Court of Canada.

## **WHATIS.COM**

<http://www.whatis.com>

In the first two columns of "Legal Web Cites" we have run across the terms HTML, hyperlink, PDF and RTF. There is no way around it, these terms are part of the information technology world and understanding them makes it easier to search and retrieve information from the Internet.

The WHATIS.COM web site contains over 2,000 encyclopedic definitions of computer, Internet and information technology terms. The definitions are written in simple language which non-experts can understand. There are also 12,000 hyperlinked cross-references from the definitions to other sites which provide further information. The WHATIS.COM web site currently handles an unbelievable 32,000 queries each day!

## Notes from the Library (Susan Baer)

The library had three special offers for the month of September: free faxing for rural lawyers, delivery of *Case Mail*, and access to the searchable case law databases. It was a busy month! The free faxing offer was very popular and we will be offering free faxing again for the month of November. We are pleased that the rural lawyers were making use of our special offer. And thank you to all of our new subscribers of *Case Mail* and the web databases.

While we were having our specials, the Library Committee met to discuss budgetary issues. The main topics discussed were the prices for TWL (*This Week's Law*), the web site databases, and our new service *Case Mail*. The Benchers approved price increases for these publications, which will take effect for new subscriptions and renewals in the year 2000. We have not raised the price of TWL in many years, and in fact, our expenses exceed our revenue at the current subscription rate.

The base price of a single web subscription has increased to \$125 plus GST. In order to create a more equitable pricing structure for the sole practitioner versus the large firms, multi-user licensing of the web site databases will begin in the new year. The new rates are based on concurrent use within a firm in one location. What this means is that you pay for what you need to use. Presently, a large firm pays \$95 and every lawyer or workstation can access our databases all at the same time with unlimited access. In the new pricing structure, with a one user-license, a large firm can still allow every lawyer to gain access to our databases, but only one at a time. For example, if a firm of 10 lawyers subscribes to a three-user license, any three people can access the databases within the firm *at the same time*. When the fourth person tries to access the databases while the three licenses are being used, they will receive a message that they are unable to enter. Basing the pricing on use instead of on

the number of lawyers in your firm is a fairer approach for all. We will be contacting our subscribers in the next few months to determine their needs and how we can implement concurrent use access and prorating the costs, if that is applicable.

Prices will increase in the year 2000 for the web databases, *Case Mail*, and TWL (*This Week's Law*). Subscribers of both the web databases and TWL will still be eligible to receive *Case Mail* for free. The subscription price for TWL will become \$230 per year. Base price for the web databases is \$125 per year

TWL and web databases

Annual cost: \$355 shipping included

Provides all SK judgments, digests, statutes/cases/rules/regulations considered in print and searchable. Citations to reported series are added.

Plus receive *Case Mail* via email

more in your Law Society's publications. With our services, you are receiving all of the case law for Saskatchewan from 1987 to current, which is available for searching approximately three days after we receive the judgment. You also receive digests of almost every judgment, indexes and searching by many elements, indexes to the Saskatchewan bills with proclamation dates, and the Continuing Legal Education Index. All of our databases are fully searchable. We also provide an email current awareness service called *Case Mail*.

Saskatchewan Reports and Statutes of Saskatchewan Judicially Considered

Annual cost: \$2,021 plus shipping and additional indexes.

Reported decisions only in Sask R. Selected statutes only. Does not include rules, cases, or regulations considered. (in *Statutes Judicially Considered* publication)

for one access. *Case Mail* pricing is bundled into subscriptions with TWL and the web databases. For web subscribers, the cost of *Case Mail* will increase to \$225 per year. To compare, one volume of the *Western Weekly Reports* costs \$155 and there are 10 volumes published in one year for an annual cost of \$1550 plus shipping and indexes. One volume of the *Saskatchewan Reports* is \$155 and there are approximately 12 volumes published in one year for an annual cost of \$1860 plus shipping and indexes. The updates to the *Statutes of Saskatchewan judicially considered* (loose-leaf by Carswell) in 1998 cost \$161 for two releases plus shipping. TWL and the web databases contain statutes, regulations, rules and cases that are judicially considered and more. You may want to consider cancelling your copy of the commercially published version since you can receive that information and

Our services are very reasonably priced at 18% of the cost of only two commercial publications that do not cover as much information as our publications. Inserts in this issue of the Benchers' Digest will provide you with more detailed information on rates and pricing options.

### Copyright

Also raised at the Bencher meetings was the issue of the new Copyright regulations that came into force on September 1, 1999. The *exceptions for educational institutions, libraries, archives and museums regulations* were published in Canada Gazette Part II, volume 133, issue no. 17, dated August 18, 1999. The areas that affect our library concern the record keeping of photocopying requests that the library must perform in order to comply with the regulations. The library must keep records of copying



requests for three years. The library must make copying records available to the copyright owner, its representative, or a collective society, upon written request indicating the title and the author of the work being questioned. The library has prepared new forms to use for this purpose. According to the Copyright Act, we are supposed to ask our users the purpose of their photocopying requests, which will be recorded

on our new forms as well. In the future, you can expect the library staff to ask you if your copying is for:

- a) research, review, criticism, private study, or
- b) court, tribunal or government proceedings.

This new procedure may be awkward initially and we know that our members understand that we must comply with the legislation. We appreciate your

cooperation when asking the purpose of your photocopying requests. We believe that the copying we perform on behalf of our members falls within the fair dealing provisions. Unfortunately, "fair dealing" is not adequately defined. We anxiously await the judgment on the lawsuit between the legal publishers and the Great Library of the Law Society of Upper Canada.

## *E. M. Culliton Scholarship News Release*

The E. M. Culliton Scholarship has been awarded to Tania Sarkar. Ms. Sarkar graduated from the College of Law, University of Saskatchewan, in 1996. She has been accepted into a Masters of Law program at the University of Saskatchewan. Her area of research will be on the criminal prosecution system and the problem of domestic violence in Canada.

The E. M. Culliton Scholarship Endowment was established in the name of the former Chief Justice of Saskatchewan in 1981 and is awarded to graduates of the College of Law of the University of Saskatchewan or to practicing members of the Law Society of Saskatchewan for the pursuit of graduate studies in criminal law at a recognized institution. The recipient of the schol-

arship is selected on the basis of exceptional academic record, research potential and on the basis of exceptional service to the practice of law in the province of Saskatchewan.

## *Lawyers in the News*

Gordon D. Hamilton, of Ottawa, has been appointed as Vice-Chairperson of the Canada Industrial Relations Board in Ottawa.

CanCopy has appointed Bill J. Klebeck, of Wynyard, as Board Member. Mr. Klebeck has also served as a board member and president for several cultural organizations including SaskFILM and the Saskatchewan Council of Cultural Organizations.

Cheryl Willoughby has been named coach of The University of Regina Women's Soccer team.

We need your input as to accomplishments of or recognition given to our members, especially beyond the legal profession. If you have information to share, either about yourself or another member, please let us know.

## *Articling Students*

The Law Society has become aware of a couple of instances of students having difficulty finding articles. If any members are eligible to act as principal and are in a position to take a student, we would be happy to take their names and provide them to any students who are looking for a position.

## 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

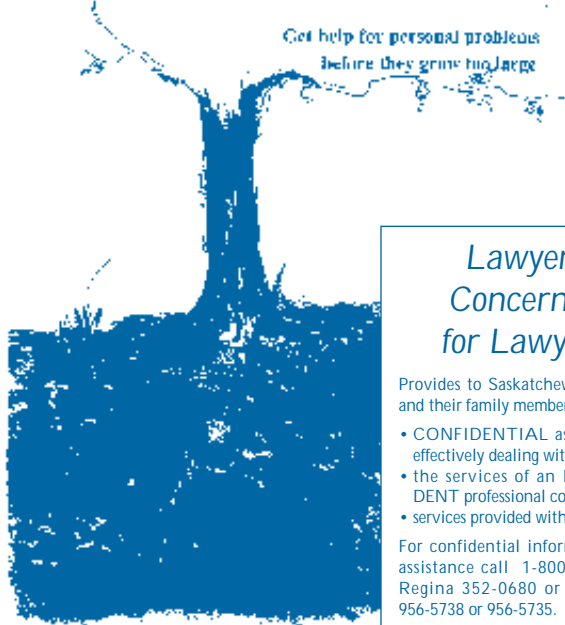
## Mentor Program

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.

## Don't Let Your Molehill Become a Mountain



### 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.

## Law Practice Self-Assessment Guide

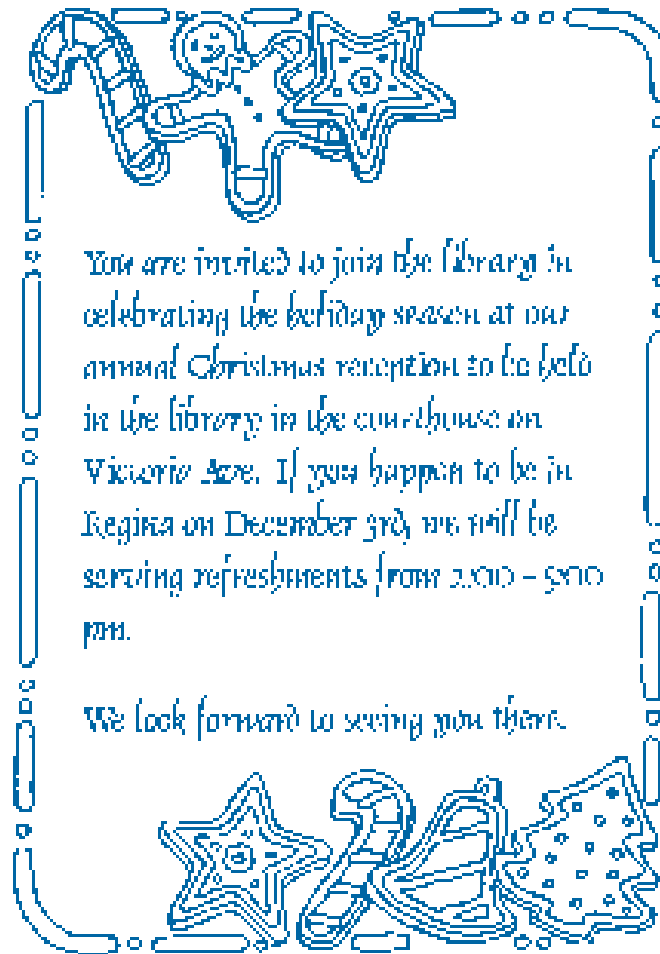
Assists lawyers to improve the quality of their practice methods based on the assumption that an effective system of quality assurance, achieved through internal procedures and organization, has an important impact on performance.

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.



You are invited to join the library in celebrating the holiday season at our annual Christmas reception to be held in the library in the courthouse on Victoria Ave. If you happen to be in Regina on December 3rd, we will be serving refreshments from 2:00 - 5:00 pm.

We look forward to seeing you there.

## BENCHERS' DIGEST



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The Law Society of Saskatchewan  
1100, 2500 Victoria Avenue  
Regina, Saskatchewan  
Canada S4P 3X2  
Telephone (306) 569-8242  
Fax (306) 352-2989  
e-mail: [reception@lawsociety.sk.ca](mailto:reception@lawsociety.sk.ca)