

Briefly!

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FEBRUARY 2014

On Judicial Diversity ... It's the Fair Thing To Do

This year's first Law Society of BC (LSBC) benchers' meeting featured four recommendations from its Equity and Diversity Advisory Committee, which stemmed from the presentation made last July 12, 2013 to the benchers by Ms Lynn Smith, QC and Donna Martinson, QC. That morning, committee chair Ms Maria Morellato, QC explained to the benchers how they reached their recommendations, and like newly sworn-in president, Ms Jan Lindsay, QC, was elated to see their recommendations receive unanimous support from the benchers: *"I am looking forward to having a discussion with the executive committee to see how we can start acting on these recommendations."*

Their recommendations were:

1. Be pro-active in selecting a more diverse list of lawyers as the LSBC's candidates for appointment to the Federal Judicial Advisory Committee (FJAC);
2. Investigate and endeavour to address the systemic barriers impacting the retention and advancement of lawyers from equity seeking groups, through the development and implementation of effective programs and more informal ways of supporting lawyers from equity seeking

groups;

3. On an annual basis, monitor and assess the effectiveness of LSBC initiatives relating to the retention and advancement of lawyers from equity seeking groups, in light of the objective of improving diversity on the bench; and
4. Continue to collaborate with organizations representing lawyers from equity seeking groups in BC to help disseminate information on the judicial appointments process, and to facilitate the career advancement of lawyers from equity seeking groups.

The recommendations, clearly reflecting the points made by Smith and Martinson, recognized the need to closely mirror the composition of our population as a whole.

In her remarks, Smith cited six important reasons why judicial diversity mattered:

- a. It's only fair.
- b. It sometimes matters who is in the room when decision are made.
- c. Enhanced diversity would enhance the credibility of the institution.
- d. Enhanced diversity could lead to more accurate and appropriate outcomes.
- e. Gender balance could lead to a shift in the unstated default or norm applied in decision-making.
- f. The judiciary as an

institution is ethically bound to be impartial and to assure equality.

Martinson pointed out that the FJAC for BC is made up of all males, and that this suggests that there might be a disconnect or a risk that the public may perceive some form of institutional bias.

Retired BC Court of Appeal Justice Wally Oppal, QC in another forum, shared the same sentiment: *"To be respected, the credibility of an institution must reflect the cultural makeup. It is the fair thing to do."*

Professor Satwinder Bains, who is one of the six appointed benchers and chair of the subcommittee who worked on this project, described their work as *"unchartered."*

But what was more impressive about advisory committee was

its desire to move beyond just gender balance and to focus on equity as its ultimate goal; and encouraging equity seeking groups need to be intentional and strategic when making recommendations to fill judicial vacancies.

To reach judicial diversity, broadening the pool of qualified candidates is an important next step. As well, it is time to recognize that cultural competence should be a professional obligation for legal service providers.

Intercultural communication needs to go beyond awareness, something that Justice Masuhara made in his remarks at a lecture last year.

On February 11 2014 the conversation continues at the Law Courts Center as Provincial Court of BC Judge Shenhi Dossa will discuss the judicial considerations when at least one party is from another culture. !

www.lawcourtscenter.com

February 11	Judge Dossa: The impact of culture and SRLs
February 17	WESA & Probate Rules & Procedures
February 21	Modern Litigation Writing 101
March 11	Justice Groves: Drafting Pleadings for SRLs
March 18(Victoria)	Trust Accounting 101 In-Person / Webinar
March 19 (Victoria)	PST for Law Firms Seminar
March 19 (Victoria)	Justice Macaulay: Rules of Court Review
March 20 (Victoria)	Conveyancing 101
April 8	Justice Walker: Preparing SRLs for court
April 17	Trial Preparation for Plaintiff Firms 101
April 28/29	Civil Litigation 102
May 31	Family Chambers Application Procedures

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Much has written about how the high cost of litigation has caused a number of people to opt to represent themselves. A review of the annual reports of the courts in British Columbia attests to the increasing number of self-represented litigants (SRLs). Stakeholders feel that this trend is a cause for concern. Having themselves is not a phenomenon anymore: they are here to stay. Perhaps the time has come to consider working with SRLs.

Working with SRLs, who often do not have the years of education, knowledge of the system, and experience in the field of law, requires the adoption of many best practices. And that is the object of this lecture series.

The Impact of Culture When Working with SRLs February 11, 2014

Provincial Court of BC Judge Shehni Dossa will speak about the impact of culture when self-represented litigants are involved and what best practices to adopt. (*See article on the reverse.*)

Pleadings for the SRL March 11, 2014

Justice Joel Groves of the Supreme Court of BC will provide his views on what the courts look for when they are reviewing pleadings from SRLs.

Preparing an SRL to appear in front of a judge April 8, 2014

Once the SRL reaches the point where they have to appear in chambers or in court, they need to get a sense of what to expect. Justice Paul Walker of the Supreme Court of BC will cover a wide range of topics from decorum, civility, how to make opening statements, handling experts, evidence and much more. *This lecture will 90 minutes long.*

RATES: (any materials will be provided electronically and taxes included) GST R128573300

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The Importance of Tone and Language

“Some people have a way with words, and other people ... oh, uh, not have way.”

Steve Martin

Ever the comedian, Mr Martin certainly knew how to use words to make an impression. Effective communication requires attention to your tone and language. Tone is the attitude suggested towards its subject matter. Language, or diction, is about your choice of words and sentence structure. Effective writers will consider both of these aspects when supplying their readers with facts and information. The legal profession, in particular, is best served by concise and coherent writing. After all, if you are writing a submission, you want your reader to feel persuaded, rather than having to go duck hunting for your point.

Your writing tone is related to style, phrasing and grammar. It can convey anger, calmness, urgency or doubt. That’s a lot of feelings coming from a string of words! Whether in our professional or personal lives, we have all seen at least one letter that evokes an emotional response. It could

be a letter that makes you cringe and let out a sign of exasperation. Before you respond, think carefully about your tone. Starting an angry response may put the recipient’s back against the wall and you may not receive the response you would like in return. Paying attention to your tone and language can help parties become more collaborative and compromising in resolving a dispute. Similarly, when you write an offer to settle, the format usually entails setting out how your client has suffered but despite his losses, he is willing to settle for a lesser sum. The tone from a letter such as this is to show how reasonable your client can be which may help reach a resolution quickly to avoid potentially high litigation costs.

Throughout the course of your day, you may potentially be writing to many different people. With each correspondence, you should keep your audience in mind and adjust your tone accordingly. There are times when you want your correspondence to be formal and times when you want it to be less so. What might be an appropriate tone in one

correspondence may not be so appropriate in another. For example, if you are writing to the court, your letter needs to be formal. You might address a justice as “Your Lordship/Ladyship” and your subject line would contain all the particulars of the style of proceeding. If you are writing to the opposing side, you might be more direct because you are asking for production of certain documents. If you are writing to a client, you might consider being even less formal by addressing your client by the first name and simplifying your language for ease of understanding. In any event, you want to use language that makes sense to your recipient.

A trend towards plain language

Regardless of whom your audience is the use of Latin phrases and legal jargon is nowhere near as prevalent as it used to be and this might reflect the increasing number of self-represented litigants in litigation proceedings today. Plain language is suited for explaining technical terms to clients or when dealing with SRLs. (See the PLUG 4 article.) This might involve writing short sentences and using words that your mother and father would likely understand. Skip the legal jargon. Ask yourself, when was the last time a word like “nugatory” was used? If a client asks for an explanation about a legal process, they aren’t going to be impressed with your lofty language.

A client will want a straightforward answer. A lack of understanding will lead to more questions which will lead to increased legal fees.

When is formal language appropriate?

Even if not prevalent in court regulated forms, we still see formal language in some correspondence. Not all formal correspondence is inappropriate. On the contrary, formal language can help emphasize the seriousness of the matter. Sometimes formal language is not really about showing off your gargantuan vocabulary but to convey a sense of tone that you mean business. You might not get the same reaction if a demand “to cease and desist” was worded with “stop”. When I hear the word “stop”, I think about a red light or a parent scolding their child. When I hear the words “cease and desist”, it sounds like it is enforceable by law which can lead to unwanted legal consequences if I do not take the matter seriously.

Plain and formal language have their own time and place and purpose. It is important to think about how you present yourself in writing because when you know your audience, you can have your way with words too. !

Bull Housser Tupper paralegal Sharon Mah is an Amici Curiae volunteer. She will lead a modern legal writing workshop on February 21, 2014.

Supple leather brief cases perfect for chambers, mediations or trials!



Modern Litigation Writing Workshop

Learn how to write for your clients' benefit effectively, respectfully and ethically.

This workshop has been designed to be practical and interactive – not academic lectures. Participants review many real-life exercises, individually and in small groups.

At the end of the day, they should be able to:

- Be clear on purpose and effect;
- Attend to basic correspondence etiquette;
- Learn to answer the relevant questions ethically;
- Learn the psychology of delivering good or bad news;
- Use physical features to aid understanding;
- Use modern information structure and formats;
- Organize letters for highest impact; and
- Conform to the Law Society of BC's Respectful Language Guidelines.

COURSE REPORTING

For Law Society of BC reporting of CPD activities, this course is 7 hours long; including 2 hours of professional responsibility and ethics, client care and relations, and/or practice management

LOCATION Law Courts Center CPD Room, 150 - 840 Howe Street, Vancouver, BC V6Z 2L2.

INSTRUCTOR Ms. Sharon Mah, paralegal, Bull Housser Tupper LLP

QUESTIONS? Please write dom@lawcourtscenter.com or call 604-685-2727.

Sharon Mah says:



“A well-written argument can increase your credibility and persuasiveness. ”

Registration:

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Course Fees: (course materials and GST 128573300 included)

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Preparing the Plaintiff's Case For Trial: The Plaintiff

You are at your desk reviewing a 12 page list of documents just received from the defence when your lawyer walks in and says:

"Well the insurance company just rejected our final offer on the Smith file. We are one hundred thousand dollars apart. Looks like we are going to trial. We need to get Smith ready for trial. Let's get going!"

Okay, so now you have to drop that list of documents and everything else on your desk and get Smith ready for trial.

You have been here before and know that successful trial preparation really revolves around four main factors:

- 1) Thorough knowledge of the facts of the case;
- 2) Development of a theme for the case;
- 3) Preparation of the plaintiff's witnesses for direct testimony; and
- 4) Preparation for cross examination of the defence witnesses.

Of course, there are many things that will need to be done: preparation of the opening statement and books of exhibits, notifying witnesses of their expected time to testify, the rough draft of closing statements and so on, but in this article we look at preparing the plaintiff for the court experience.

Plaintiffs are people and each is different, bringing his own concerns and preconceptions. He has probably never been inside a courtroom and may

only know about the trial process from watching TV.

The plaintiff will almost certainly be confused, wondering why the case has not settled. After all, he only wants what is fair. Very few plaintiffs want to go to trial: most want a fair settlement, and so you may need to explain to him that while your firm believes the position taken on his behalf is fair, the defence may honestly see things differently. He is not being singled out, but now needs to concentrate on preparing for a trial which is necessary to obtain adequate compensation.

Spend time with the plaintiff describing the courtroom environment, and explain the role of the various participants - the judge, jury, clerk, reporter and sheriff. Have your client go to the courthouse and see a trial in progress to take some of the mystery out of it. He may need to be reassured that trial is simply a means of resolving disputes and that he is in good hands with your experienced team.

The plaintiff will have to testify; his credibility and court presence, as well as the information he imparts, may play a huge role in determining the outcome of trial. Judges and juries both want to hear from the plaintiff and the impression left at the end of his evidence, good or bad, will stay with the trier of fact. The plaintiff needs to know this and be prepared to work at being an effective witness.

Start by having your client review with you his statement(s). Make sure he knows what he has said in the past. If there are contradictions between his statements, or if they contain errors, go over those with the plaintiff to understand why and make sure trial counsel is made aware of them. The defence will know them all.

Review the facts of the case. Even if liability is not disputed, and definitely if it is disputed, go over the circumstances of the collision or accident. Memory changes with time and a visit to the scene may assist the plaintiff in recalling the incident. The plaintiff also needs to familiarize himself with what he said at discovery. The defence will know the transcript and will look for discrepancies.

If the plaintiff has extensive injuries or if he has a significant pre-accident medical history, you can expect him to be cross-examined on it. It will therefore be important to review with him his clinical records and reports to assist the plaintiff to be the best historian he can be.

Once you are confident that your client is comfortable in his knowledge of his case, you can prepare him to give his evidence. This will probably involve counsel going over his direct examination with the plaintiff, asking him questions and giving the plaintiff an opportunity to answer. Contradictions can be exposed and dealt with. The plaintiff needs to be reminded to keep his voice up, and to make eye contact with the trier of fact.

The plaintiff will need to go through a practice cross examination. Hard questions should be put to the plaintiff so he knows what he is likely to face at trial. Weaknesses in his case should be exposed to him so he is more comfortable dealing with them at trial. Consider asking a different lawyer from the firm who does not know your client to perform the role of defence counsel so that new eyes look at how the case may be defended.

This is by no means an exhaustive list of the steps necessary to prepare your client for trial, but is meant to get you thinking about what will need to be done to ensure your client gets the best opportunity to obtain adequate compensation.

A trial is a human process, subject to all the variables and imponderables of any complex transaction between people.

The importance of pre-trial preparation cannot be overstated. If it is done early, repeatedly, and thoroughly your client and his counsel will be more confident and better prepared to fight for a good result. A side effect of this kind of preparation may be that the case looks stronger than originally thought; on the other hand weaknesses may look more profound and that last defence offer might start to look pretty good! !

Mr. Brian Gibbard LLB leads Trial Preparation for Plaintiff Firms 101 on April 17, 2014.

Trial Preparation for Plaintiff Firms 101

Mastering the Civil Rules of Court & Best Practices in Trial Preparation

This is your best opportunity to learn about the Civil Rules of Court as they apply to trial preparation. You will work with the different Forms and learn how they can impact your case. This course is a prerequisite to the intermediate level course. For those with trial experience, you will pick up new strategies and for those new to trial preparation, you will learn what must be done and when.

Within the context of the new Civil Rules, this course will cover these topics:

- When does trial preparation really begin?
- Developing your documentary evidence.
- Optimizing your experts and their reports.
- Lay witnesses: where to find them and how to keep them.
- Applicable Rules of Court.
- Managing costs for a successful Bill of Costs.
- Reading the opposition.

CONTINUING PROFESSIONAL DEVELOPMENT CPD REPORTING

For lawyers and other professionals, this course provides 7.0 CPD hours, with 1.0 hour devoted to professional responsibility and ethics.

A *Certificate of Completion* is issued to you, if you earn at least 70% of the course requisites.

LOCATION Law Courts Center CPD Room, 150 - 840 Howe St Vancouver BC V6Z 2L2.

INSTRUCTOR Brian Gibbard, Barrister, Solicitor & Mediator

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SCBC Family Court Forms: Just PLUG and Play [2]

As Ms Stephens explained to the Paralegal Litigation Users Group (PLUG) 4, nominalization is when you turn a verb into a noun to use it as the subject of a sentence, and is a consistent problem in legal writing. She provided the example of “*The Court, in its ruling, held that...*”, which could be easily stated as “*The Court ruled...*”. The latter version puts more action into the sentence and takes less effort for the reader to understand.

The first part of this article appeared in January 2014.

The passive voice is another literary rattlesnake. It is sometimes hard to avoid. However, in court orders, when someone is required to do something, we should be using the active voice and active verbs as much as possible. This will help us side-step confusion and is likely more useful to the self-represented litigant. It makes sense that if we want someone to actually follow the terms of an order, those terms must be clearly and unequivocally stated. Ms Stephens points out that we use the passive voice when we want to avoid responsibility. One of the examples discussed was, “The faux pas was ignored for several days”. To make this active, we want to initiate the sentence with a person: “We ignored his faux pas for several days”.

I suppose as a way of life people tend to focus on negatives. Apparently, this is all too true in legal writing.

Before we even get to the crux of the matter we fill the sentence with negatives. Ms. Stephens notes that it is a cognitive tax on the audience to use the negative construction before the principle of the sentence. An example from a court order precedent is this: *The guardian will not change the residence of the child to a location outside (location) without the other guardian’s written consent or a court order.*

The negatives of the above sentence interfere with the audience being able to understand it clearly and effectively. For a person who is subject to a court order to know what they are and are not supposed to do, doesn’t it just make sense to spell it out simply? Here’s what Ms. Stephens suggests: *The guardian may only move the child’s residence away from (location) if the other guardian has given written consent or a court has ordered it.*

If you are unfamiliar with the CBA 10 Commandments for Plain Language Drafting, then you may be making a lot of the common errors of legal drafting without even realizing it. Many of these principles seem like common sense; nevertheless they are frequently and systematically contravened. Here are the 10 Commandments:

1. Consider your reader and write with that reader’s viewpoint in mind.
2. Write short sentences.
3. Say what you have to say, and no more.

4. Use the active voice.
5. Use simple, everyday words.
6. Use words in a consistent manner.
7. Avoid strings of synonyms.
8. Avoid unnecessary formality.
9. Organize your text:
 - a. in a logical sequence
 - b. with informative headings, and
 - c. with a table of contents for long documents.
10. Make the document attractive and designed for easy reading.

Perhaps the answer is this: if you were to go to a relative’s house for dinner and you were explaining a legal matter to them, you would put it into plain language so that they could understand it. So why can’t we just prepare our writing in a simple way so that it can be universally understood by both the legal profession and the public alike?

Must we over-complicate things?

There is already the gesture of doing away with the archaic and traditional vocabulary of law. PLUG 4 is attempting to push these boundaries and offer a fresh approach that can hopefully untangle some of the complexities for SRLs. The law cannot be exclusively for those who have spent years studying its intricacies because we live in a world where the majority has little exposure to its inner-workings.

PLUG 4’s report has been submitted to Madam Justice Gray for her consideration.



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Briefly! is intended to provide information on new developments in litigation and law practice management.

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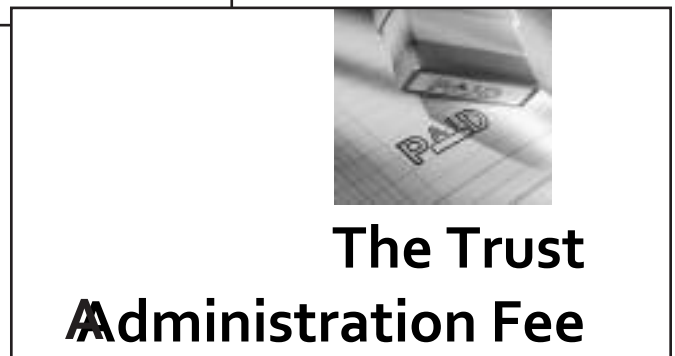
The report looked for better and more effective ways of communicating the information contained in a select number of family court Orders. Making these sorts of changes is a long process and would involve implementation in many systems, taking into account the court Rules, current precedents, registry operations and potentially setting up a portal where the information could be readily accessed by members of the public. PLUG 4’s report is a modest first step — one that will hopefully facilitate equality in the justice system specially for SRLs. !

Stacie Gin is a paralegal with Heritage Law. On February 19, 2014, she and her PLUG 4 colleagues will discuss their report with Justice Gray.

Law Courts Center

Trust Accounting 101 – From Fundamentals to Best Practices

Learn about the Trust Regulation Department of the Law Society of BC and seven key concepts in trust accounting. You will also learn how to set up and operate trust accounts pursuant to the *Legal Profession Act* and Law Society of BC Rules. Finally, you will gain an understanding of the reporting requirements of the law society. Discover the best practices and tips from Felicia Ciolfitto, Law Society's Manager of Trust Regulation Group. This 7 hour course focuses on professional responsibility, ethics, client care and relations. *You have a choice between attending in-person or by webinar.*



Trust Accounting 101 - From Fundamentals to Best Practices

These are learning outcomes for this course:

At the conclusion of this course, including the completion of all pre, in-class and post-course work, the participants should be able to competently:

1. Understand the mandate of the Law Society of British Columbia and the role of its Trust Regulation Department
2. Discuss the duty and ethical obligation that lawyers and support staff have in handling clients' trust funds
3. Explain the key concepts in trust accounting
4. Understand how to correctly receive and withdraw trust funds
5. Understand how to properly handle cash transactions
6. Demonstrate how to correctly reconcile pooled trust accounts
7. Understand the annual trust report filing requirements
8. Apply the Trust Administration Fee (TAF) to eligible trust deposits
9. Report a Division 7 rule violation in writing to the Law Society

LOCATION Comfort Hotel & Conference Centre 3020 Blanshard Street Victoria, BC V8T 5C7

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*This course is an elective in Canadian Paralegal Institute's Qualified Paralegal Program in Civil Litigation. For your mandatory reporting of CPD hours, this course is 7.0 hours with 7.0 hours devoted to professional responsibility and ethics, and client relations. A **Certificate of Completion** is issued to you, if you earn at least 70% of the course requisites.*

INSTRUCTORS:

FELICIA CIOLFITTO Law Society of BC Manager of Trust Regulation Group

DOM BAUTISTA Law Courts Center Executive Director

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Course Fees: (course materials and GST 128573300 included)

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Tax on Legal Services – GST and PST

These are learning outcomes for this half-day seminar

- 1) recognize situations in which both GST and PST could apply;
- 2) know how the GST/HST applies to disbursements before July 1, 2010, between July 1, 2010 and March 31, 2013, and after March 31, 2013;
- 3) understand the basics of how the PST applies to purchases of legal services;
- 4) understand how PST applies to fees, charges and disbursements;
- 5) understand how legal services provided under contract is regulated by PST Exemption & Refund Regulation s80;
- 6) understand the division of legal services provided within and outside of BC based on the *PST Act* sections 126 & 127;
- 7) understand how the transitional rules may affect your firm; and
- 8) access tools and information to help your firm comply with GST/HST and PST.

Seminar agenda:

- 9:30 CRA
- 10:00 Ministry of Finance
- 10:30 Break
- 10:45 Q&A: joint panel
- 11:45 Review

CONTINUING PROFESSIONAL DEVELOPMENT CPD REPORTING

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LOCATION Comfort Hotel & Conference Centre 3020 Blanshard Street Victoria, BC V8T 5C7

INSTRUCTORS:

CANADA REVENUE AGENCY AND MINISTRY OF FINANCE

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LCC LEP PST and GST FAQs Monograph

Law Courts Center PST and GST FAQs for BC Law Firms v130510

April 1 2013 marked the return of the GST and PST in BC. A number of questions did not have answers at the time of our lectures, here are some that now do. The monograph costs \$105 (including GST). *To order your copy, write: dom@lawcourtscenter.com.*

List of Questions

1. What is the definition of 'legal services' for the purpose of collecting PST?
 2. Do we charge PST on every invoice?
 3. Will PST apply to all items as it does with HST (i.e. meals, children's items and previously non-taxable disbursements)?
 4. Are disbursements incurred in the course of providing legal services subject to PST?
 5. How will tax apply to contingency files that were open prior to April 1, 2013?
 6. How will the transition from HST to PST affect disbursements on contingency fee files?
 7. How will we get overpayments of prepaid PST back?
 8. If a lawyer provides legal services to a client who resides out of British Columbia, when are such services subject to PST?
 9. Place of Supply rules and PST - if we have a client that lives in Ontario, do we bill the client HST at 13% and PST at 7%?
 10. Will there be an extended period where the combined HST has to be filed?
 11. How are we to handle bad debt write offs?
 12. How will we apply for HST refunds (during pure HST only period) once PST comes in?
 13. How will we apply for PST refunds with the new PST?
 14. What are the substantive differences between the PST program now versus the program before HST was implemented?
 15. If a business invoices for work-in-progress (WIP) that includes goods and services preceding the date PST took effect, how is that handled (ie fixed contract price)?
 16. Trust Administration Fee: How do we handle the difference in HST and GST in the first quarter of 2013?
 17. The Law Society has introduced a change to billing practices with the new BC Code, effective January 1, 2013. Since the staff time is now included in that section, is the staff time subject to GST only?
 18. What are the general anti-avoidance rules?
 19. How does PST apply to legal services provided to clients that are first nations?
 20. Do lawyers collect tax when providing mediator services?
 21. As a 'small seller' does not have to register - why would registration be beneficial or appropriate for independent paralegals?
- Appendix 1 Return of GST February 28, 2013 Powerpoint
Appendix 2 Getting Ready for PST Ministry of Finance January 24, 2013 Powerpoint



Conveyancing 101

This one day course is designed to teach you how to go through a practical step-by-step process in the transfer of property in British Columbia. The course is divided into seven sections (see the reverse side), which will give you the ability to draft basic contracts, statement of adjustments, to completing a basic conveyance from the purchaser's and the vendor's side.

This full day course offers:

- an interactive class providing hands-on practice in preparing documents;
- a limit of 14 participants, to ensure optimum learning; and
- your personal copy of the Desk Reference Manual.

CONTINUING PROFESSIONAL DEVELOPMENT CPD REPORTING

This is an optional course in Canadian Paralegal Institute's Qualified Paralegal Program in Civil Litigation.

For lawyers and other professionals, this course provides 7.0 CPD hours, with 1 hour devoted to professional responsibility and ethics.

LOCATION Comfort Hotel & Conference Centre 3020 Blanshard Street Victoria, BC V8T 5C7

INSTRUCTOR Mindi Cofman, senior paralegal at *Law Courts Center*

For more information please write: dom@lawcourtscenter.com or call 604-685-2727.

Mindi Cofman says:



"This is a very hands-on workshop where we will spend a lot of time preparing documents that you commonly use in conveyancing."

Registration:

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Course Fees: (course materials and GST 128573300 included)

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| <input type="checkbox"/> Single In-Person Seat (CON 101) | \$603.75 |
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| <input type="checkbox"/> Special pricing for hotel rooms with free hot breakfast buffet code: Law Courts (plus taxes) | \$99.00 |
| <input type="checkbox"/> Please send me a copy of the manual only as I am not able to attend. | \$246.75 |

1401 B!



Law Courts Center • Canadian Paralegal Institute
150-840 Howe Street, Vancouver, BC Canada V6Z 2L2

This is what we will be doing for the day.....

Part One

Learning Outcomes:

- Ability to understand real property terms and concepts;
- Ability to draft a basic contract

Introduction

Basic Concepts

ID & Verification

Contracts

Homework – Drawing contracts

Part Two

Learning Outcomes::

- ability to conduct appropriate searches
- ability to determine, download and complete appropriate forms for transactions

Websites (Land Title & Survey Authority, BC Online)

Searches

Use of Agents

Forms

Use of Precedents

Hands On (searches – BC Online)

Part Three

Learning Outcomes:

- ability to prepare Statements of Adjustments including all calculations
- ability to utilize resources to find information for Statements of Adjustments

Statements of Adjustments

Calculations

What to watch for

Hands On – Preparing Statements of Adjustments

Part Four

Learning Outcome:

- ability to complete all documents for a basic conveyance from the purchaser's side

A Purchaser's Transaction

Time lines and reminders

Undertaking review

Letters in a transaction

Putting it all together

Hands On – practice transaction (Purchaser)

Part Five

Learning Outcomes:

- ability to obtain appropriate mortgage forms and requirements and complete documentation
- ability to prepare documents for a strata property conveyance and adapt basic conveyance documents

Financing – Mortgages

Bank websites and forms

Other forms

Strata transactions

Transmission from Estates

Hands On – Mortgage docs

Part Six

Learning Outcomes:

- ability to file land title documents online
- ability to remove land title charges from title

Other charges

Removing charges

Holdbacks

Juricerts

Dealing with Land Registry Office

Demo from LTSA

Hands On – Discharges

Part Seven

Learning Outcome:

- ability to complete a basic conveyance from the vendor's side

A Vendor's deal

Demo of conveyance package

Hands On – practice transaction (Vendor)



Civil Litigation 102

This two day program is designed for juniors to gain an understanding of the civil litigation process and its Rules. At the end of their studies, the attendees will be able to put the theory into practice and they will have the tools to successfully assist in a civil litigation file from start to finish.

*“The explanations made a difference.
It is easier to have someone with
so much experience lay it all out rather
than just reading the Rules.”*

COURSE PREREQUISITE

There is pre-course work that will be assigned.

COURSE REPORTING FOR CPD

This is a mandatory course for the Canadian Paralegal Institute Qualified Paralegal Program in Civil Litigation.

*For those with CPD requirements, this course is 14.0 hours long with 1 hour devoted to ethics, professional responsibility, ethics, client care and relations. If you meet 70% of the course expectations, a **Certificate of Completion** is issued to you.*

LOCATION Law Courts Center CPD Room 840 Howe St #150 Vancouver BC

INSTRUCTOR Kate Austin, Paralegal, *Nathanson Schachter & Thompson LLP*

RESERVATIONS Please complete the form below and return to: **Law Courts Center**, Legal Education Program, 150 - 840 Howe Street, Vancouver, BC V6Z 2L2. Make cheques payable to Law Courts Center.

For more information please email <dom@lawcourtscenter.com>, or call 604-685-2727.

For junior lawyers, solos,
paralegals and legal secretaries!



*“Let me show
you how the
different parts of
civil litigation are
connected!”*

Course Fees: (course materials and HST included)

- Single Seat	\$924.00
- Multi-seat & Accredited Group Rate (Amici Curiae & Greater Vancouver Legal Nurse Consultant Association)	\$872.55
- Please send me a copy of the manual only as I am not able to attend.	\$246.75

Registration:

WWW.LAWCOURTSCENTER.COM

150-840 Howe Street, Vancouver, BC Canada V6Z 2L2



Civil Litigation 102

This is what will be doing on Day 1

9:00 – 9:15	Introductions / Expectations / Housekeeping	1:15 – 1:45	Exercise – Drafting Pleadings
9:15 – 9:30	Background and Applicable Legislation	1:45 – 2:15	Amending Pleadings Service
9:30 – 9:45	Rules / Notices to the Profession / Practice Directions	2:15 – 2:30 2:30 – 2:45 2:45 – 3:00	Calculation of Time Coffee
9:45 – 10:15	Provincial Court of BC / Small Claims Court	3:00– 3:15	Exercise – Calculation of Time
10:15 – 10:30	Coffee		Discovery Procedures
10:30 – 11:00	Pre-Action Considerations		- List of Documents
11:00 – 11:15	Limitation Periods		- Examination for Discovery
11:15 – 11:30	Naming Parties		- Interrogatories
11:30 – 12:00	Pleadings Generally - NCC - Response - Reply		- Notice to Admit - Witness Lists - Notice to Produce
12:00 – 12:45	Lunch (<i>on your own</i>)	4:15 – 4:45	Exercise – List of Documents
12:45 – 1:15	Field Trip to the Supreme Court of BC	4:45 – 5:00	Questions / Review Assignment / Reading

This is what will be doing on Day 2

9:00 – 9:15	Expectations / Review of Day 1	1:45 – 2:00	Review Exercise: Counting Time
9:15 – 9:45	Applications Procedure	2:00 – 2:15	Offers to Settle and Mediation
9:45 – 10:15	Exercise – Application		
10:15 – 10:30	Document Collection and Management	2:15 – 2:30 2:30 – 2:45	Orders Generally Coffee
10:30 – 10:45	Coffee	2:45 – 3:15	Orders – Consents
10:45 – 11:00	Pre-Trial Considerations		/ Chambers / Trial
11:00 – 11:30	Trial Preparation / Trial Management Conference	3:15 – 3:45 3:45 – 4:15	Exercise – Orders Costs and Tariff Items
11:30 – 12:00	Case Planning Procedure		(Appendices B & C)
12:00 – 1:00	Lunch (<i>on your own</i>)	4:15 – 4:45	Review: Legal Jeopardy
1:00 – 1:15	Alternatives to Trial Generally	4:45 – 5:00	Questions / Review Assignment
1:15 – 1:45	Fast Track Procedures		/ Reading



LAW COURTS CENTER

SUPREME COURT OF BC RULES OF COURT UNCONFERENCE

MARCH 19, 2014, 2:30 PM TO 7:00 PM

COMFORT HOTEL & CONFERENCE CENTRE 3020 BLANSHARD STREET, VICTORIA



Something to do with access to justice...
your case starts in five minutes....!



I certainly DO find the cost of legal services
exorbitant, Mrs. Finley. That'll be \$127.50
for my legal opinion. Plus the usual
disbursements and taxes.

As the Supreme Court of BC Rules of Court approaches its fourth year of existence, it is a good opportunity to take stock of what is working and what continues to challenge the litigation community.

As this un-conference, the delegates get to choose the topics of discussion. Law Courts Center first hosted this event in Vancouver. **Now it's your turn Victoria.**

There are two streams: civil and family. Participants will be asked when they register what topics they would like to discuss. Based on the entries, there will be three topics selected for civil and three for family.

Participants will be assigned to their first table. Every 30 minutes, they will move to another table. After the networking break, the secretaries will provide a four minute summary. A final report will be given to the Rules Committee.

The end key note will be provided by Justice Malcolm Macaulay.

CPD: 4.0 hours including 0 hours in professional responsibility, client care and relations, and practice management.

Register on-line at:



WWW.LAWCOURTSCENTER.COM

Law Courts Center 150-840 Howe Street, Vancouver, BC Canada V6Z 2L2

Questions? write: <dom@lawcourtscenter.com> or call 604.685.2727

The 2011 Review of SCBC Rules of Court

At a Law Courts Center Conference last September 30, 2011, the delegates were given the opportunity to share their observations about the Supreme Court of BC Rules in an unSession. Their work was submitted to Justice Nathan Smith, the chair of the Rules Committee last December 16, 2011. The following is a summary of their submission.

Group 1. Civil Law Pleadings

Do the current forms compelled parties to draft pleadings narrower towards material facts? It was acknowledged that the intent of the redesigned forms was to have parties draft concise pleadings that clearly set out the nature of the claim and the facts in dispute. However, the consensus was that the current forms have not resulted in pleadings being drafted narrower towards material facts.

A number of recommendations were tabled that may aid in narrowing the scope of pleadings including making it easier to amend pleadings, re-introducing Interrogatories, doing away with Demand for Particulars, requiring parties to prepare “Without Prejudice” briefs. The group’s discussion ended with the recognition that counsel needs to move from the adversarial stances of the past to a more settlement-focused approach. Until that happens, it is the group’s view that the “kitchen sink” approach to drafting pleadings will likely continue.

Group 2. Civil Law Document Discovery

Do the current Rules encouraged parties to narrow the scope of their production of documents? It was agreed that listing of documents was still extremely broad, as many parties continue to list everything regardless of relevancy. The overall consensus was that the changes made as a result of Rule 7-1 and Form 22 have improved the document production process, particularly by having one continuous list rather than several supplemental lists.

Group 3. Civil Law Case Planning Conferences and Trial Management Conferences

Are these conferences assisting in the litigation process? Case Planning Conferences were found to be beneficial in particular for Self-Represented Litigants: because CPCs provide for agreed various steps; and the order from a CPC would give the SRL some leverage if the represented party is slow to respond.

For Trial Management Conferences having written briefs was found to be useful and the potential that the process could lead to settlement or at the very least, a better understanding of issues noted in the trial brief was found to be attractive.

Group 4. Family Law Rules

The group discussed what they believed was working and what could be improved under the current Family Rules, keeping in mind that one of the primary objectives of the Family Rules set out at Rule 1-3.

What’s working?

1. Broader scope of orders that can be made at a JCC and TMC
2. Lists of Documents continue as one document after being amended
3. Requisitions with Orders endorsed thereon
4. Desk order applications
5. Joint financial expert reports

The group identified a number of court Forms (ie F3 and F20) and Rules (ie Rule 4-1(1), 4-5(1), 9-1(1), 10-6 and 13-6) that could benefit from some adjustments.

A copy of the report is available.!





Law Courts Center Desk Reference Manual Price List.xls

<http://tinyurl.com/lccpublications>

Current to: 8/15/13

Title	Code	Last Updated	Price
BC Civil Litigation Guide v9.0	BCCLG	130600	750
Bills of Costs 101	BOC 101	130701	225
Business Corporations Act 101	BCA 101	130808	225
Case Planning Procedures	CAP 102	120108	225
Chambers Application Procedures	CHA 101	110300	225
Civil Litigation 102	CIV 102	120524	225
Clinical Records 101	CRS 101		225
Conveyancing 101	CON 101	130701	225
Discovery Procedures 101	DIS 101	130601	225
Document Disclosure 101	DOD 101	130531	225
Drafting Applications Workbook	DAW 101	110200	225
Family Chambers Applications Procedures 1	FCAP 102	130315	225
Family Law 102	FAM 102	130400	225
Fast Track Litigation	FTL 101	110421	225
Heads of Damages 101	HOD 101	130415	225
Law Office Management 101	LOM 101	111201	225
List of Documents 201	LOD 201	120500	225
Managing MVA Files 103	MVA 103	110705	225
Part 7 Benefits 101	P7B 101	110325	225
Personal Injury Book of Letters	PIBL	120500	225
Personal Injury Studies 201	PIS 201	130601	225
Pleadings 101	PLE 101	120430	225
PST & GST FAQs for BC Law Firms		130510	100
Return to GST for BC Law Firms Recorded	GST 102v	130228	125
Trial Preparation for Defence Firms	TPD 101	120500	225
Trial Preparation for Family Law 101	TPF 101	130601	225
Trial Preparation for Plaintiff Firms	TPP 101	101115	225
Trust Accounting 101	TRA 101	101028	225
Trust Assurance Management Recorded Lec	TAM 10v	120329	125
Trust Assurance Management Recorded Lec	Tam 102v	130712	125
Trust Assurance Seminar Recording	TAS 102v	130328	300