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## Rural areas losing lawyers

DEAN JOBB HALIFAX

The first lawyer to live and practice in Barrington, a municipality with a population of about 9,000 at the southern tip of Nova Scotia, is worried he may be the last.

David Eldridge, who turned 60 last summer, has been trying for five years to find someone to take over the solo practice he established in 1978. He's taken out advertisements, approached law firms in nearby towns, even chatted up local students who went to law school.

There have been no takers.

"Rural practice does not mean low income...a lawyer can make a very good living," Eldridge insists,

### RURAL PRACTICE

Story 1 of a 2-part series



and could be clearing six figures within a few years instead of struggling to climb the ladder in a large firm. "The demand is still here. The door is wide open for someone to come in."

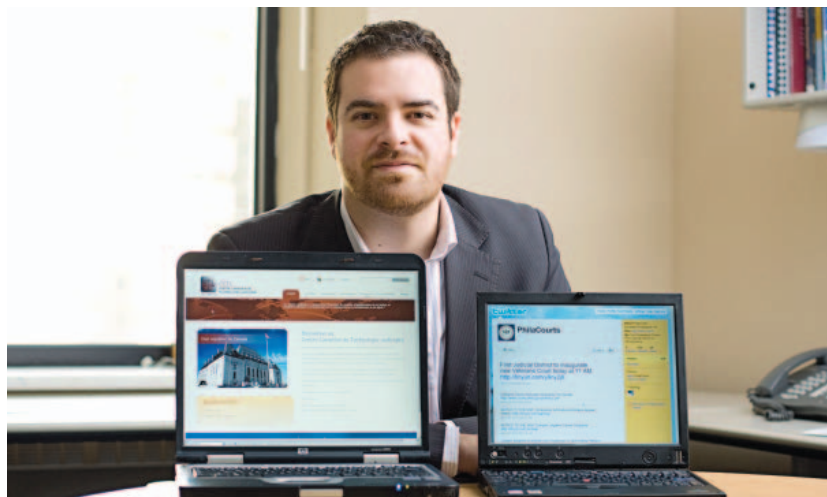
But the rules of supply and demand no longer seem to apply to the legal profession in small and remote communities. While there's a demand for legal services, the supply of lawyers is not keeping pace. And the implications for access to justice in small-town Canada are serious.

It's a trend across the country—lawyers outside major cities are older than their urban counterparts and not enough young lawyers and graduating students are taking their place.

Some communities in British Columbia "are facing a pretty severe shortage of lawyers," says Michael Litchfield, who recruits

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## JUSTICE ON THE WEB



WASSIM NJEIM LAWRENCE FOR THE LAWYERS WEEKLY

Dominic Jaar, CEO of the Canadian Centre for Court Technology (CCCT), founded a working group to modernize Canadian court websites. At left is the CCCT's website, at right is the Twitter page for the Philadelphia Courts.

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## Lawyers debate what makes top court candidates supreme

CRISTIN SCHMITZ OTTAWA

Few lawyers would deny that only the best qualified jurists should be appointed to Canada's top court—but what is best is partly in the eye of the beholder.

With three Supreme Court of Canada judges facing mandatory retirement over the next five years (2 from Quebec and 1 in Ontario) the government making the next appointments will have to decide what it wants, beyond impeccable legal credentials, good character and sound judgment.

There are already plenty of ideas on offer about what other characteristics and qualifications the next Supreme Court nominees should possess.

On Parliament Hill, for example, NDP, Liberal and Bloc Quebecois MPs have joined

“At the lower level nationally, the Federal Court, they have to be bilingual, so why not the Supreme Court?”

ranks to back a private member's bill which would require all new Supreme Court appointees to be able to hear appeals in both official languages, without the assistance of interpreters.

The Conservative government opposes Bill C-232, but was unable to kill it at second reading debate last May, when the bill passed by a vote of 140 to 133.

If passed at third reading next month, Bill C-232 would rule out many otherwise well-qualified candidates for the

high court, particularly for the upcoming vacancy in Ontario, and future openings in the West (for example, Stephen Harper's first appointee after he became prime minister, Justice Marshall Rothstein of Manitoba, was not bilingual).

Bill C-232's sponsor, New Brunswick NDP MP Yvon Godin, argues that all Canadians are entitled to have the nuances of their arguments in both official languages fully understood by all the members of the top court.

He says he has no sympathy for eminent jurists who could find their Supreme Court aspirations dashed by his bill.

"That's not what should be the test," the former miner and union official told *The Lawyers Weekly*. "At the lower level nationally, the Federal Court, they have to be bilingual, so why

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## NEWS

# Group aims to standardize and improve court websites

LUIGI BENETTON TORONTO

Do Canadian court websites do anything well?

Faced with this question, Patrick Cormier audibly hems and haws. "The only thing I can think of is that they all have contact information," he finally said, "and often a welcome from the chief justice."

"I'll get back to you," Dominic Jaar replies with a laugh of resignation.

Jaar, CEO of the Canadian Centre for Court Technology (CCCT), wants to provide better answers to this question one day, so he founded a CCCT working group to modernize Canadian court websites.

Cormier, whom Jaar appointed to lead this group, brought people with diverse backgrounds on board to achieve the group's ultimate objective: guidelines that

any court can use to create more serviceable websites.

"Having guidelines to establish a court website will help different jurisdictions standardize their websites," says Louis-Vincent d'Auteuil, a lieutenant-colonel and military judge with National Defence, Government of Canada.

"Guidelines will help all courts better approach website creation. And people can go from one jurisdiction to the other and find similar information in similar ways."

"If you visit certain Canadian court websites, one thing is very obvious — most of them have a very old look and feel," Cormier says. "They look like the first generation of websites, coded using HTML."

"Web 2.0 dominates everywhere else, yet when you look at court websites, there's no interactivity of any kind."

"They're all boring," Jaar adds. While he admits this concern may seem superficial, he explains further: "They reflect the impressions people have about the justice system. It isn't very appealing; it's something you would rather stay away from."

A clearer criticism is the condition of content court websites offer. Calling the information available a "mishmash," Jaar notes that jurisdictions rarely present all the information people seek: rules of court, names of judges, calendaring solutions, schedules and so forth.

On thing that lawyers, primary users of court websites and, thus, the working group's primary clients, want to find: official court decisions that are both official and posted quickly after decisions are rendered.

"Right now, courts rely on traditional Websites Page 7

## CCCT Guidelines

The CCCT court website working group is about to publish a first draft of its guidelines. To provide an idea of what's coming, Patrick Cormier, the group's leader, published the following major guideline headings in January on slaw.ca, and he advises people to follow his slaw.ca posts as events unfold.

**CONTEXT** *It's a Brave New World: Features & Characteristics of Modern, Forward-Looking and Interactive Websites*

**ISSUES** *Some Complexities Underlying Court Websites*

**PRINCIPLES** *Cutting Through Context and Issues: What Principles Should Guide the Design of Court Websites?*

**GUIDELINES** *Applying Principles to Design: What You Need to Know*

**TOOLS** *Need Help in Following the Guidelines: What You May Want to Use*

# 'If lawyers retired at normal retirement age, there'd be a real crisis'

Remote

Continued From Page 1

law students for small-town firms under a program run by the Canadian Bar Association's B.C. branch.

Only 20 per cent of the province's 10,200 lawyers practice outside the metropolitan areas of Vancouver, the Lower Mainland and Victoria, and they're older than the provincial average. The average age of the four lawyers serving some 15,000 people in Castlegar, in the Kootenay Mountains, is 63, he says.

"We know those lawyers are going to be retiring in the next 10 to 15 years," adds Litchfield, making the problem worse.

The Law Society of Saskatchewan is seeing a similar trend.

"The population of rural lawyers is aging, with many in the 50- to 65-year age band," says Executive Director Thomas Schonhoffer. And there has been "a slow decline in the numbers and centralization from small towns to some of the smaller cities."

Next door in Manitoba, lawyers in small and northern communities "are having trouble finding people to come and take over their practice," law society CEO Allan Fineblit told *The Lawyers Weekly*.

"There just isn't that kind of natural, healthy refreshing of the profession...eventually that is unsustainable — people will reach

a point where they are physically or mentally incapable of continuing, or will die."

It's a good thing many lawyers are choosing to soldier on, he adds. "If lawyers retired at normal retirement age, there'd be a real crisis."

Of the 1,830 lawyers practising in Manitoba in 2007, Fineblit noted in a memo to benchers, only 42 worked in northern communities like Flin Flon, Thompson and

The Pas.

The Law Society of Upper Canada is taking a different approach. Rather than viewing the problem as rural versus urban, it is concerned about the impact of an aging bar on the two-thirds of Ontario lawyers in private practice who are sole practitioners or in firms with fewer than 10 members.

With an estimated 40 per cent of the province's lawyers over 50, society treasurer W.A. Derry Millar last year urged members working in "soles and smalls" to have succession plans in place "to guarantee that our obligations to clients can be met."

In Nova Scotia, close to three-quarters of all lawyers practice within a one-hour drive of downtown Halifax, creating "an imbalance between where the population is and where the lawyers are," says Victoria Rees, acting executive director of the Nova Scotia Barristers' Society.

"Where a small community

loses a lawyer due to illness or death, and there's no succession plan in place, it can have a direct impact on access to justice," she adds.

Even if there are other lawyers in town, they may be unable to take on additional clients or may find themselves referring more clients due to conflicts of interest. Residents may have to drive to neighbouring communities to seek legal advice.

"The clients may actually choose not to pursue their legal rights rather than bear the high cost and inconvenience of trying to find a lawyer," says Rees.

That's assuming there's another lawyer nearby. For residents of Northern Manitoba's far-flung communities, "it may mean they have to fly to another community or travel four or five hours to get to the next town that has a lawyer," Fineblit points out.

It may also mean clients don't have access to lawyers who speak their language or understand their culture, Rees adds. Nova Scotia's First Nations and much of its French-speaking Acadian minority are located in rural areas in danger of losing legal services.

Eldridge, meanwhile, has scaled back his practice to property and probate files, put a for sale sign on the building where he practiced for decades, and set up a home office.

"I feel bad that, for the benefit of the community, I wasn't able to find anyone to take over the practice and offer a full-service practice," he says. "It shouldn't end this way."



Litchfield



Fineblit



Rees



Schonhoffer



Millar



ROBIN SMITH FOR THE LAWYERS WEEKLY

David Eldridge, standing in front of his Barrington, N.S., law office.

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## NEWS

# People can interact more with courts using electronic court services

## Websites

Continued From Page 3

tional publishers to publish material of precedential value," Cormier says. He neither discounts the value those publishers add, nor does he believe courts will enter the legal publishing business, but "courts can take responsibility to issue decisions publicly and quickly," he adds.

Subscriptions (like e-mail and RSS) would also help. "People might like a notification service to help them stay informed about new decisions," adds d'Auteuil. This service need not be difficult to create: Jaar points to Philadelphia's setup, which alerts the public about newly published decisions using Twitter.

Members of the public who choose to self-represent don't always find the information that they need to do so using court websites, an understandably obvious place for people to look.

"A user cannot expect any-

thing from a court website," Jaar says. "We want to standardize content, see it in logical places across jurisdictions."

While the group has its own ideas about what court websites should offer, it also plans to learn what people currently want from court sites. "Why do search engine users land on court websites?" Jaar asks, explaining that his group will use the answers they find to drive development of content and features.

One item Jaar believes: people can interact more with courts using electronic court services.

"Right now, to schedule a court appearance, I need to show up at the courthouse with my lawyer, ask for a date, wait while everybody checks their calendars, it takes an hour to go there, an hour to come back, all to spend ten minutes there to set a date." Jaar envisions a system whereby people sign in using a name, password and case number to accomplish this and other administrative tasks.

Jaar also presumes that entrepreneurial law firms will be able to "mash" such services into their own websites to create competitive advantages.

Law enforcement organizations can also jump on the bandwagon. Several jurisdictions, for instance, already enable drivers to settle certain traffic infractions online. Other minor types of cases could be settled via the web, which would presumably reduce court and administrative workloads.

The same reasoning applies to certain aspects of more complex cases; for instance, the accused in a criminal trial may plead not by showing up in court but by clicking options on a website.

For all the great ideas pouring forth from this group, the initiative faces its challenges as well. For instance, except for certain larger jurisdictions, most courts don't have webmasters, "so they ask one clerk's uncle who runs an Internet business to develop a website," Jaar says, "but the developer doesn't

know the court system's needs."

To tackle this problem, the working group wants to develop a template that enables court administrators to handle their own jurisdictions' websites.

Given the type of information people may handle online, privacy naturally comes into play. For example, while full access to court records through the years appears to be a good idea, could a minor conviction, since pardoned, still appear on the web 20 or 30 years later when the pardoned individual seeks a new job?

Even if the record is not available from official websites, the web's indexing ability "can completely override pardons," says Cormier. "Once information is on the Internet, it's hard to take it back."

Interactivity, a clear boon to the web in many cases, could prove a double-edged sword. Consider the case of a published decision that allows comments. Having lawyers comment on that decision could

prove beneficial. But should the judge who rendered that decision add comments too?

Potential obstacles aside, Jaar reports enthusiastic responses from people who have learned about the proposed guidelines. "There's lots of pressure to get this done tomorrow," he says.

The group clearly won't meet that deadline. Aside from the vetting needed for an initiative of this scope, each of the group's members is a volunteer, taking time out from their day jobs as lawyers, judges, law librarians, academics, IT managers, consultants, journalists and law students.

To lighten the load, Cormier plans to invoke "intelligent laziness." Certain services, such as Ontario's court booking system OSCAR, are already online, and he sees these services playing a part in other Canadian court websites.

"I prefer to not reinvent the wheel," he says. "If something has been done well elsewhere, let's adopt it." ■

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