

From: Sean Kubara
Sent: April 10, 2008 11:53 AM
To: Caroline Nevin
Subject: Milagro's beanfield

Dear Caroline,

I am responding to your request for input in the most recent Bartalk.

I recently received from the BC Law Society a letter concerning my resignation from the LSBC which directed me to an online "Exit Survey". When I tried to access the webpage I was told it no longer exists. (I have let Lisa Nevalainen know about this) I'm disappointed because I would like to share my experience. I practiced full time in a city in Alberta for 20 years before moving to BC in 1999 where I had a part time practice in a small rural community until April 2008. (I moved to Kaslo to care for my aging mother who now lives with me).

Access to justice and legal services is challenging for residents of rural areas. There is now only one lawyer in town. The nearest courthouse (and law library) is an hour away in good driving conditions. Now that I have closed my practice, whenever there is a conflict situation or one requiring independent legal advice, or if the one remaining lawyer goes on holidays, residents needing legal services must travel to Nelson (a two hour plus round trip).

There are also many unique challenges faced by a rural practitioner. My practice was part time. Ultimately I found that the combined costs of overhead, Law Society fees and insurance, and now requirements of continuing legal education made continuing my practice not practical. I have not had a trust account since 2004 (since I chose not to do real estate it really wasn't necessary and getting rid of it was a way to reduce costs). I have felt for some time that given my clean record, service to this community, lack of trust account, and very low income level (part time practice) the fees and insurance I was required to pay were out of line.

Taking on an articling student would have been exciting, but completely economically non-feasible. Distance alone is a problem (for the student) in terms of accessing educational resources and travelling back to the "big city" when personal attendance is necessary. Because of the remoteness, a student here would miss out on valuable interactions with other students (perhaps a facebook style online interactive website could ameliorate this). Provision of legal services in rural BC will only continue to decline unless there is some financial incentive to practice outside the major centres. It is not possible to generate the same kind of income as big city practice, yet we pay the same fees and insurance and still have normal overhead. Continuing legal education is actually more expensive due to travel, or purchase of technology to support remote interaction. Only people who are willing to accept relative economic hardship in exchange for improved lifestyle will choose a rural practice. It is hard to imagine what would induce a new graduate (with a student loan, most likely) to practice in a location where economic disadvantage is guaranteed.

Hope these comments help you with your project. Good luck?

(Ms) Sean M. Kubara