



TAB 5

**Report to Convocation
October 25th, 2012**

Paralegal Standing Committee

Committee Members
Cathy Corsetti, Chair
Susan McGrath, Vice-Chair
Marion Boyd
Robert Burd
Paul Dray
Ross Earnshaw
Robert Evans
Michelle Haigh
Jacqueline Horvat
Dow Marmur
Malcolm M. Mercer
Kenneth Mitchell
Jan Richardson

Purpose of Report: Decision and Information

Prepared by the Policy Secretariat
Julia Bass 416 947 5228

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Quarterly Report from the Professional Regulation Division

Committee Process

1. The Committee met on October 11th, 2012. Committee members present were Cathy Corsetti (Chair), Susan McGrath (Vice-Chair), Marion Boyd, Robert Burd (by telephone), Paul Dray, Ross Earnshaw, Robert Evans, Michelle Haigh (by telephone), Jacqueline Horvat, Dow Marmur, Malcolm M. Mercer and Kenneth Mitchell. Staff members attending were Zeynep Onen, Diana Miles, Terry Knott, Annette Diamond, Sheena Weir, and Julia Bass.

PARALEGAL RULES RE: COMMUNICATING WITH A REPRESENTED PARTY

Motion

2. That Convocation approve amendments to the *Paralegal Rules of Conduct* to consolidate the provisions on communication with a represented party by:
 - a. adopting new Rule 7.02, as set out at [TAB 5.1.1](#), and
 - b. deleting subrules 4.02(2) to (6) and 7.01(6) to (6.2).

Background

3. Rule 7.01 of the Paralegal Rules is entitled “Courtesy and Good Faith.” A concern has been raised that Rule 7.01 (6) may be too broadly worded for its intended purpose. The rule currently states,

(6) A paralegal shall not communicate with or attempt to negotiate or compromise a matter directly with any person who is represented by another licensee, except with the consent of that licensee.

4. Read literally, this prevents all communication with a person who is represented by a licensee, even with respect to unrelated matters.
5. The wording of the Paralegal Rule is broader than the equivalent lawyer rule, Rule 6.03 (7), which prohibits communications only with respect to the matter at issue. The lawyers’ rule reads as follows:

Communications with a represented person

(7) Subject to subrules (7.1) and (8), if a person is represented by a legal practitioner in respect of a matter, a lawyer shall not, except through or with the consent of the legal practitioner,

- (a) approach or communicate or deal with the person *on the matter*, or
- (b) attempt to negotiate or compromise *the matter* directly with the person.[emphasis added]

6. Accordingly, it is recommended that the wording of the paralegal rule be modified to be more consistent with the lawyers' Rules.

Rule 4

7. It is also appropriate to modify Rule 4.02 (2) to similar effect. The rule currently states,

(2) A paralegal shall not approach or deal with a person who is represented by another licensee, except through or with the consent of that licensee.

8. It is more broadly worded than Paralegal Rule 4.02 (3), governing represented corporations and organizations. The two provisions should be consistent.

Communication for the Purpose of Obtaining a Second Opinion

9. A related issue concerning communications with represented parties is the ability to give a second opinion. An exception regarding second opinions was added to the lawyers' rules in 2009, as Rule 6.03(7). It would be appropriate to add a similar provision to the paralegal rules. The lawyers' rule reads as follows:

Second Opinions

(8) A lawyer who is not otherwise interested in a matter may give a second opinion to a person who is represented by a legal practitioner with respect to that matter.

The Committee's Deliberations

10. To accommodate the policy changes described above, the Committee is recommending a reorganization of the Rules whereby all the provisions affecting communication with a represented party would be consolidated into a new Rule 7.02.
11. Existing subrules 4.02(2) to (6) and 7.01(6) to (6.2) would be folded into this new rule, together with the proposed new rule on second opinions. The new rule would be entitled "Communication with a Represented Person, Corporation or Organization" and would appear under Rule 7, entitled "Duty to Licensees and Others".
12. This approach has the following advantages:
 - a. the rules related to dealing with represented persons will all appear in one place;

- b. there will be no confusion that the rules set out in the current 4.02(2) to (6) are confined only to advocacy matters; and
 - c. the paralegal rules will more closely parallel the lawyer rules.
13. The proposed new draft is shown at **TAB 5.1.1.** and has been reviewed by the Law Society's Rules drafter, Don Revell. For reference, existing rules 4.02 and 7.01 appear at **TAB 5.1.2.**
14. The Committee recommends the above changes.

TAB 5.1.1

**7.02 COMMUNICATION WITH A REPRESENTED PERSON,
CORPORATION OR ORGANIZATION**

(1) Subject to subrules (2) and (3), if a person is represented by a legal practitioner in respect of a matter, a paralegal shall not, except through or with the consent of the legal practitioner,

- (a) approach or communicate or deal with the person on the matter, or
- (b) attempt to negotiate or compromise the matter directly with the person.

(2) Subject to subrule (3), if a person is receiving legal services from a legal practitioner under a limited scope retainer on a particular matter, a paralegal may, without the consent of the legal practitioner, approach, communicate or deal directly with the person on the matter, unless the paralegal receives written notice of the limited nature of the legal services being provided by the legal practitioner and the approach, communication or dealing falls within the scope of the limited scope retainer.

(3) A paralegal who is not otherwise interested in a matter may give a second opinion to a person who is represented by a legal practitioner with respect to that matter.

(4) A paralegal retained to act on a matter involving a corporation or organization that is represented by a legal practitioner in respect of that matter shall not, without the legal practitioner's consent or unless otherwise authorized or required by law, communicate, facilitate communication with or deal with a person

- (a) who is a director or officer, or another person who is authorized to act on behalf of the corporation or organization,
- (b) who is likely involved in decision-making for the corporation or organization or who provides advice in relation to the particular matter,
- (c) whose act or omission may be binding on or imputed to the corporation or organization for the purposes of its liability, or
- (d) who supervises, directs or regularly consults with the legal practitioner and who makes decisions based on the legal practitioner's advice.

(5) If a person described in subrule (4) (a), (b), (c) or (d) is represented in the matter by a legal practitioner, the consent of the legal practitioner is sufficient to allow a paralegal to communicate, facilitate communication with or deal with the person.

(6) In subrule (4), "organization" includes a partnership, limited partnership, association, union, fund, trust, co-operative, unincorporated association, sole proprietorship and a government department, agency, or regulatory body.

(7) This rule applies to communications with any person, whether or not a party to a formal adjudicative proceeding, contract, or negotiation, who is represented by a licensee concerning the matter to which the communication relates.

(8) The prohibition on communications with a represented person applies if the paralegal has direct knowledge of the representation or if he or she should be able to infer the representation from the circumstances.

PARALEGAL RULES OF CONDUCT

CURRENT RULES 4.02 and 7.01

4.02 INTERVIEWING WITNESSES

Interviewing Witnesses

4.02 (1) Subject to subrules (2) and (3), a paralegal may seek information from any potential witness, whether under subpoena or not, but shall disclose the paralegal's interest and take care not to subvert or suppress any evidence or procure the witness to stay out of the way.

(2) A paralegal shall not approach or deal with a person who is represented by another licensee, except through or with the consent of that licensee.

(3) A paralegal retained to act on a matter involving a corporation or organization that is represented by a legal practitioner in respect of that matter shall not, without the legal practitioner's consent or unless otherwise authorized or required by law, communicate, facilitate communication with or deal with a person

- (a) who is a director or officer, or another person who is authorized to act on behalf of the corporation or organization,
- (b) who is likely involved in decision-making for the corporation or organization or who provides advice in relation to the particular matter,
- (c) whose act or omission may be binding on or imputed to the corporation or organization for the purposes of its liability, or
- (d) who supervises, directs or regularly consults with the legal practitioner and who makes decisions based on the legal practitioner's advice.

(3.1) If a person described in subrule (3) (a), (b), (c) or (d) is represented in the matter by a legal practitioner, the consent of the legal practitioner is sufficient to allow a paralegal to communicate, facilitate communication with or deal with the person.

(3.2) In subrule (3), "organization" includes a partnership, limited partnership, association, union, fund, trust, co-operative, unincorporated association, sole proprietorship and a government department, agency, or regulatory body.

[Amended - November 2010]

(4) This rule applies to communications with any person, whether or not a party to a formal adjudicative proceeding, contract, or negotiation, who is represented by a licensee concerning the matter to which the communication relates.

(5) The prohibition on communications with a represented person applies if the paralegal has direct knowledge of the representation or if he or she should be able to infer the representation from the circumstances.

Definition

(6) In this rule, “organization” includes a partnership, limited partnership, sole proprietorship, association, union, unincorporated group, government department, government agency, tribunal, and regulatory body.

7.01 COURTESY AND GOOD FAITH

(1) A paralegal shall avoid sharp practice and shall not take advantage of or act without fair warning on slips, irregularities or mistakes on the part of other licensees not going to the merits or involving the sacrifice of a client's rights.

(2) A paralegal shall agree to reasonable requests concerning trial dates, adjournments, waiver of procedural formalities and similar matters that do not prejudice the rights of the client.

(3) A paralegal shall not, in the course of a providing legal services, communicate, in writing or otherwise, with a client, another licensee, or any other person in a manner that is abusive, offensive, or otherwise inconsistent with the proper tone of a professional communication from a paralegal.

(4) A paralegal shall not engage in ill-considered or uninformed criticism of the competence, conduct, advice or charges of other licensees, but should be prepared, when requested, to represent a client in a complaint involving another licensee.

(5) A paralegal shall answer with reasonable promptness, all professional letters and communications from other licensees that require an answer, and a paralegal shall be punctual in fulfilling all commitments.

(6) A paralegal shall not communicate with or attempt to negotiate or compromise a matter directly with any person who is represented by another licensee, except with the consent of that licensee.

(6.1) If a person is receiving legal services from a legal practitioner under a limited scope retainer on a particular matter, a paralegal may, without the consent of the legal practitioner, approach, communicate or deal directly with the person on the matter, unless the paralegal receives written notice of the limited nature of the legal services being provided by the legal practitioner and the approach, communication or dealing falls within the scope of the limited scope retainer.

[New – September 2011]

(7) A paralegal shall not use a tape recorder or other device to record a conversation between the paralegal and a client or another licensee, even if lawful, without first informing the other person of the intention to do so.

PROPOSED REVISION OF THE PARALEGAL LICENSING PROCESS

Motion

- 15. That Convocation approve the proposed project for revision of the paralegal licensing process set out in this report and detailed in the report at [Tab 5.2.1](#).**

Background

16. After the conclusion of the Law Society's Five Year Review of Paralegal Regulation, and taking into account the information from the associated submissions and surveys, together with the information from stakeholders in connection with the Legal Needs Analysis, an important theme that the Committee has noted is a desire to strengthen the initial licensing process for paralegals, including the addition of substantive legal knowledge to the licensing examination.
17. Accordingly, at the Committee's request, the Director of Professional Development & Competence prepared the Report shown at **TAB 5.2.1**, as the first step in a proposed approach towards a strengthened competence basis for the paralegal profession.
18. The report forms part of an approach to address the strategic priorities related to paralegal members, with a framework for working through those matters methodically, reflecting strategic directions arising from Convocation's priority-setting exercises and the Committee's focus on competence issues.
19. The identified needs include enhancement of the entry level requirements for paralegals, including the addition of substantive legal knowledge to the licensing examination. Further steps will include consideration of the current field placement system to determine the interest in, and feasibility of a lengthier experiential component with greater emphasis on the demonstrated application of core skills and tasks during the work term.

20. These steps will form the background to any future development of the profession.
21. The process for the revision of the licensing examination will require two steps:
 - a. Part one proposes to add substantive and procedural law concepts to the existing licensing examination. This would be an expansion of the examination that will be focused at broadly-based substantive and procedural law concepts to ensure that the testing platform has more breadth while still maintaining standardized, fair, transparent and defensible criteria.
 - b. Part two of this revision then requires that the expanded scope of validated competencies for testing be traced back to the college program curricula. Colleges will be required to confirm and or make changes to their learning outcomes to ensure that these new competencies are embedded within their course structures.
22. The revision of the licensing examination to incorporate substantive legal topics is a major project requiring the redefinition of required competencies; altogether this process will require three years for full implementation. The budget for the work in the first year is estimated at \$200,000 and has been included in the draft 2013 budget. The total budget and timeline is set out in the Director's Report. The total estimated cost over three years would be \$457,000.
23. The Committee has reviewed the approach in the Director's Report and recommends it to Convocation for approval.



TAB 5.2.1

Proposal for Revisions to Paralegal Licensing Examination

Prepared for:
Paralegal Standing Committee

Prepared by:
Diana C. Miles
Director, Professional Development
and Competence
416-947-3328
dmiles@lsuc.on.ca

October 2012

Proposal for Revisions to Paralegal Licensing Examination

1. During the Legal Needs Analysis and in discussions with members of the Paralegal Standing Committee and other representatives of the paralegal profession, concerns have been raised about the breadth and focus of entry-level assessment. Some paralegals believe that it is time to revise the licensing assessment process and implement a broader spectrum of substantive and procedural competency assurance prior to entry into the paralegal profession.
2. The interest in moving toward a more robust pre-licensing training and testing system is borne of the desire to ensure that the paralegal profession moves forward to solidify what has now become a very positive regulated reputation in the legal market. In addition, many paralegals have expressed the desire to continue to grow that positive reputation and future opportunities by refining the system that was originally used for the grandparenting process, integrating more specific testing and training requirements that will bring added assurance for all involved in the system, and in particular for the public.
3. The change in the licensing assessment process is a two-part review and revision process. Part one proposes to add substantive and procedural law concepts to the existing licensing examination. This would be an expansion of the examination that will be focused at broadly-based substantive and procedural law concepts to ensure that the testing platform has more breadth while still maintaining standardized, fair, transparent and defensible criteria.
4. Part two of this revision then requires that the expanded scope of validated competencies for testing be traced back to the college program curricula, and colleges will be required to confirm and or make changes to their learning outcomes to ensure that these new competencies are embedded within their course structures.

Background

5. Under the current licensing regime, paralegals must successfully complete the paralegal licensing examination, which consists of 120 multiple choice items aligned with the Paralegal Competencies. The Paralegal Competencies, developed in 2006 and 2007 to support the grandparenting process, set out approximately 100 required areas of knowledge and expected skills and behaviours for a minimally competent, entry-level paralegal.

6. The Competencies are focused on topics of ethics, professional responsibility and practice management. They were designed to reflect the core obligations expressed in the *Paralegal Rules of Conduct* in support of a general licence to practice at a time when the first grandparented candidates were being admitted to the profession. These Competencies continue to form the basis of the paralegal licensing examinations today, although paralegal candidates are now required to have graduated from an accredited paralegal education program.
7. In fulfillment of its mandate for the regulation of paralegals, the Law Society began accrediting Ministry of Training, Colleges and Universities' (MTCU) approved paralegal education programs after the licensing process for grandparented and transitional applicants concluded in October 2008. The objective of the accreditation process is to ensure that all paralegal candidates entering the licensing process have graduated from education programs that comply with the Competency Profile for Paralegal Education Programs.
8. The Competency Profile for college programs is much broader than the examination Competencies, specifying 18 required courses and over 300 required substantive, procedural, and practice management knowledge areas, skills and behaviours within a paralegal's scope of practice. In particular, accredited paralegal programs must provide a minimum number of classroom instructional hours as well as practical work experience hours through Field Placements. The accreditation requirements also specify standards related to program infrastructure, including the number and qualifications of faculty and thoroughness of the institution's assessment practices and examinations.
9. Once accredited, each institution participates in a rigorous audit process in order to demonstrate that the program's curriculum, infrastructure and systems support the accreditation criteria. All programs are audited within three years of the date of their accreditation and at least once every five years thereafter. Audits consist of a documentation review and a two-day site visit at the institution to observe classes and facilities, and meet with program administrators, faculty and students. Teaching and assessment methodologies, curriculum development protocols, and academic policies are also reviewed. Audit and reporting processes are conducted in a standardized, fair and transparent manner. A draft report is sent to the college administrators for clarification before it is finalized and issued. Program deficiencies are discussed with the program administrators, documented, and brought forward for follow-up as appropriate.

Summary of Recent Audit Activities

10. The Paralegal College Program accreditation and audit team in the Professional Development and Competence department began the process of accrediting paralegal education programs in the summer of 2008. The accreditation process involved an intensive review of detailed information from each institution by several staff members over many months, particularly during the first year. At that time, several post-secondary institutions were already operating Court and Tribunal Agent education programs which were closely aligned with the Competency Profile. In addition, new programs were introduced by both community college and private colleges and submitted for accreditation.
11. As of July 2012, the Law Society has accredited 25 paralegal college programs at 34 college campus locations throughout Ontario. Applications from non-accredited programs continue to be received and reviewed by staff, including resubmissions from colleges that had previously been denied on the basis that they did not meet the accreditation criteria.
12. Audits of accredited college paralegal programs began in November 2009. As of July 2012, the paralegal accreditation team has audited 21 paralegal programs, at more than 30 campus locations. See *Appendix A – Accredited Paralegal Education Programs* for an up to date listing of accredited programs.
13. Feedback from the colleges on the accreditation and audit processes has been very positive to date. PD&C staff has fostered an open dialogue with program administrators and has encouraged program administrators to raise questions about the accreditation process as they arise.
14. Overall, the paralegal education programs have complied with the accreditation requirements and audit standards. Administrators at both community and private career colleges have demonstrated a sincere commitment to ensuring their programs remain in compliance with the accreditation criteria.
15. However, based on the more than 20 audits that have been completed thus far, several themes have emerged that raise questions about the consistency of the application of competencies training by the accredited colleges and lead the PD&C team to consider the need for elevating the licensing assessment regime to mitigate the risk that this inconsistency may be causing now and in the future. In light of the college program platform, their restrictions on funding, the minimal oversight of government related to content and delivery, and the two-track system of education involving community and

private colleges, the need for a more robust regulatory testing regime appears to be appropriate and will ensure all candidates are sufficiently assessed prior to licensing.

16. The audits have determined some weaknesses in the college training platform across some, not all, of the institutions that support having the Law Society develop and implement a new licensing examination. They include:
 - a. While the competencies are required achievements for each mandatory course, they are open to some interpretation in the application of content for the curriculum. This leads to uneven, and at times inadequate, coverage of core topics for candidates.
 - b. Assessment methodologies are not uniform and do not consistently follow best practices. Deficiencies have been noted in areas of content, accuracy of marking, feedback to students and inappropriate levels of cognitive and analytical analysis that would otherwise be expected in college-level, professional training courses.
 - c. Some instructors observed during the audits do not demonstrate the experience, knowledge or skills to be completely effective at a college level. Some colleges do not appear to be equipped to train their instructors, who are often balancing other responsibilities including running their own legal services practices or engaging in other employment.
17. In addition to issues observed during the audits, the audit process itself poses a challenge for the Law Society that impacts the ability to assure the quality of the college training. Despite the extensive audit schedule that has been undertaken over the past three years and frequent contact with the administrators of the accredited programs, the Law Society's resources make it difficult to maintain the level of ongoing scrutiny required to ensure that the colleges are delivering a thorough education to paralegal candidates every month of every year of the curriculum.
18. The deficiencies described above may be due to other factors at play, such as the limited resources available to college administrators, a high variance in the literacy levels and academic abilities of candidates entering paralegal education programs, and an open marketplace in which colleges are not heavily scrutinized by the MTCU once initially approved. All of these factors taken together warrant a re-evaluation of the standards for licensing and accreditation that are currently in place and exploration of further options that allow for better regulatory control and quality assurance at the "gate" of licensing.

Additional Input: Legal Needs Assessment

19. The Legal Needs Analysis referenced in the Treasurer’s April 2012 report to Convocation highlighted a number of issues related to the role of paralegals in the legal system. The analysis echoed a number of the themes outlined above, and provided further insight into opportunities for enhancement of the current system. The need to increase the basic competency, including the knowledge and skills, was identified as one of the key underlying challenges in the system today. Further, the appropriate level of competency of legal services providers at an entry level was cited as a significant foundational issue. Participants’ feedback related to paralegal education and/or licensing included the following:

- Inconsistent college education programs that lack the basics for new graduates
- Field placements are not long or rigorous enough
- New graduates of paralegal programs are often young and lack the experience to start their own legal services practices immediately after becoming licensed
- Paralegal business model does not allow many opportunities to train and mentor younger paralegals
- Need for more rigorous training and testing to support any expansion of the current scope of practice, perhaps in the form of substantive exams

20. While the Law Society’s consultation process on these matters with the legal professions was limited, there are many indications that the licensing process for paralegals should be enhanced as a means to ensure entry-level competence and to promote the maturation of the paralegal profession. This would most effectively be achieved through a process that is controlled by the regulator in full – and points to a change in the licensing examination for paralegals.

21. The development of a substantive licensing examination would parallel the underlying competencies that are now mandated in accredited paralegal education programs and allow for a more robust assessment of candidates. Furthermore, substantive examinations may assist in improving the quality of accredited paralegal education programs, given that there will be a clearer measure of a particular institution’s effectiveness in delivering the required competencies to its students by virtue of their ability to be successful in the new examination process. Results of substantive examinations, on an aggregate level, would reveal which college’s students are “poor performers” and allow the Law Society to take steps privately with those institutions to bring them into compliance with the criteria or, in extreme cases, revoke accreditation.

Proposed Plan for Implementation of Revised Licensing Examination

22. In light of all of the above, the recommendation for the next step in the evolution of the paralegal training and assessment processes is to undertake a review of the competencies for testing in the licensing process with a view to revising the licensing examination. The competencies review informs all other aspects of the educational and assessment processes for paralegal candidates and future training and is fundamental to ensuring that the regime is adequately assessing new registrants.

Overview of Development Process

23. The implementation of a substantive and procedural examination for paralegals would follow the highly standardized process that has been used for the development of the current lawyer licensing regime and recent revision to the lawyer competencies. Given that paralegals provide legal services in nearly 20 disparate contexts, the new competency framework would likely be based on core substantive and procedural areas such as administrative law, evidence and the litigation process, criminal procedure, torts and contracts, advocacy, ADR and Small Claims Court practice and procedure, as well as the professional responsibility and ethics concepts represented in the current examination competencies. The Competency Profile for Accredited Paralegal Education Programs would form a natural starting point for the development process.
24. Extensive consultation with internal and external subject-matter experts will be undertaken to assist in validating and refining the required knowledge areas and skills that should form the basis of entry into the profession. Focus groups would include a cross-section of paralegals providing legal services in major practice areas, including Small Claims Court, *Provincial Offences Act/Highway Traffic Act*, landlord and tenant, and WSIB to ensure a balance of perspectives are represented. See *Appendix B—Proposed Development Process for Paralegal Substantive Exams* for a description of each phase of the process.

Estimated Costs and Timeframes

25. The proposed development process is based on an implementation date for the first offering of the new examination in August 2015, with work commencing in early 2013.
26. The estimated cost for the development of the new licensing examination is approximately \$450,000. This cost will be spread across three fiscal periods – 2013 through to 2015. In each of 2013 and 2014, project costs will be contained at \$200,000. In the final year, 2015, the remaining costs will be incurred.

27. For 2013, the amount of \$200,000 has already been included in the paralegal budget in anticipation of the approval of this project.

Conclusion

28. The implementation of a substantive examination regime would appear to be the next step in the evolution of the Law Society's regulation of paralegals and of the paralegal profession itself. As the paralegal profession grows and possibly expands into other areas of practice, it is critical that the standards for entry are made as rigorous and defensible as are proportionately appropriate in the regulatory circumstances to ensure that the public interest is protected and that all stakeholders are assured that the quality of new paralegal licensees is maintained. While audits of accredited paralegal education programs have allowed the Law Society to monitor and address a number of competence areas, a continuous audit model is unlikely to be sustainable in the long term, nor is it as objective as the examination process.

APPENDIX A

Accredited Paralegal Education Programs

Accredited Program	Location(s)	Date Accredited	Date Audited
Academy of Learning	Brampton	February 9, 2012	Not yet audited
Algonquin Careers Academy	Mississauga	September 10, 2008	Aug/Sept 2010
Algonquin Careers Academy	Ottawa	September 10, 2008	Aug/Sept 2010
Algonquin College	Ottawa	June 4, 2008	November 2009
Canadian Business College	Toronto, Mississauga	April 20, 2011	March/April 2012
CDI College	Ajax	January 15, 2010	Apr/May 2011
Centennial College	Scarborough	August 16, 2011	Not yet audited
Conestoga College	Kitchener	September 7, 2011	Not yet audited
CTS Canadian Career College	Barrie	June 4, 2010	June 2011
CTS Canadian Career College	Sudbury	June 4, 2010	Jun/Aug 2011
CTS Canadian Career College	North Bay	April 24, 2012	Not yet audited
Durham College (Certificate)	Oshawa	July 11, 2008	March 2010
Durham College (Diploma)	Oshawa	July 11, 2008	March 2010
Everest College	Toronto	May 12, 2010	February 2011
Everest College	Nepean	May 12, 2010	February 2011
Fanshawe College	London	September 7, 2011	Not yet audited
Fleming College	Peterborough	March 18, 2010	January 2011
George Brown College	Toronto	June 29, 2010	Oct/Nov 2011
Herzing College	Ottawa	February 25, 2010	May 2011
Herzing College	Toronto	December 15, 2009	Nov/Dec 2010
Humber Institute (Diploma)	Toronto	July 11, 2008	October 2010
Humber Institute (Degree)	Toronto	August 29, 2008	October 2010
La Cité collégiale	Ottawa	July 30, 2010	November 2011
Loyalist College	Belleville	June 7, 2010	March 2011
Metro College	Toronto	July 11, 2012	Not yet audited
Seneca College of Applied Arts and Technology	Toronto	June 4, 2008	November 2009
Sheridan College	Brampton	June 24, 2008	March 2010
St. Clair College of Applied Arts & Technology	Windsor	July 10, 2009	November 2010
triOS College Business Technology Healthcare	Hamilton	September 13, 2010	Sept/Oct 2011
triOS College Business Technology Healthcare	Kitchener	June 22, 2010	Sept/Nov 2011
triOS College Business Technology Healthcare	London	June 22, 2010	Sept/Dec 2011
triOS College Business Technology Healthcare	Mississauga	June 22, 2010	July 2011
triOS College Business Technology Healthcare	Oshawa	September 13, 2010	Aug/Nov 2011 Jan/Feb 2012
triOS College Business Technology Healthcare	Toronto	June 22, 2010	July 2011
triOS College Business Technology Healthcare	Windsor	June 22, 2010	September 2011
Westervelt College	London	July 11, 2008	April 2010

APPENDIX B

PROPOSED DEVELOPMENT PROCESS FOR PARALEGAL SUBSTANTIVE EXAMS

	Component	Description	Approx. Projected Cost	Timing
1.	Initial 3-day Competency Development Meeting	8-10 subject matter experts to develop initial draft of substantive competencies	\$30,000	January – March 2013
2.	2-day focus group meetings	8-10 different subject matter experts from different practice areas to review draft competencies and provide recommendations	\$20,000	April 2013
3.	1-day competency consolidation meeting	Participants from initial competency development meetings review and integrate focus group input	\$12,000	May 2013
4.	Survey validation	Competency profile sent out for review and rating in a province wide validation survey. Survey results analyzed and presented in a survey report.	\$18,000	September 2013
5.	2-day competency finalization and blueprinting meetings	Content experts finalize weightings of the competencies and develop parameters for the examination blueprint	\$26,000	November – December 2013
6.	Ten 3-day item writing sessions	Groups of 4-6 content experts participate in item writing sessions to produce effective multiple-choice questions aligned with the new competencies. Items reviewed and translated into French.	\$143,000	December – March 2014
7.	Item appraisal	Items appraised for appropriateness to entry-level paralegals by practising paralegals	\$45,000	April – May 2014
8.	Pilot testing	Paralegal Advisory Group reviews new examination items to create a pilot test.	\$53,000	September – October

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		Two pilot exams will be administered to a total of 150 recent graduates.		2014
9.	Examination Study Materials development	Substantive and procedural materials will be developed in alignment with the competencies in order to support examination preparation. Materials translated into French.	\$65,000	November 2014 – May 2015
10.	4-day examination finalization meeting	Results of the pilot test will be reviewed. August examination will be compiled and a passing score will be set using Angoff method.	\$45,000	May – June 2015
	TOTAL		\$457,000	

FOR INFORMATION

UPDATE ON THE LAW SOCIETY REFERRAL SERVICE ('LSRS')

24. The Director of Membership & Complaints Services introduced Annette Diamond, the LSRS Manager & Senior Counsel, who provided a briefing on operations of the new Law Society Referral Service, including areas of practice, geographic distribution and typical firm size of members of the service. A total of 119 paralegals have joined the service so far; further details are shown in the charts at [TAB 5.3.1](#) and [TAB 5.3.2](#)

QUARTERLY REPORT FROM PROFESSIONAL REGULATION

25. The Director of Professional Regulation presented the quarterly report from her department, shown in the report from the Professional Regulation Committee.

Law Society Referral Service

May 1, 2012 to September 30, 2012

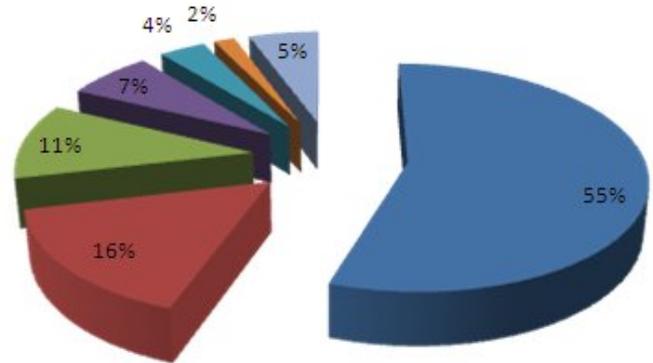


Firm Sizes of Paralegal Members



*49 Female Paralegals
69 Male Paralegals*

Most Common Referrals to Paralegals

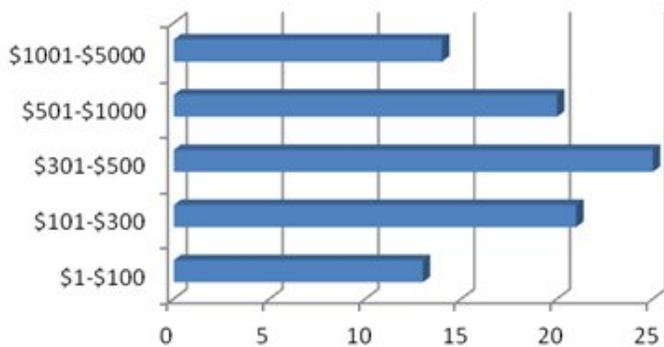


Paralegal Members' Areas of Law



1,035 Referrals Provided

Revenue Generated from Referrals



*12% of paralegals who
have had consultations
have been retained*

119 Paralegals Have Already Joined! Have You?

Law Society Referral Service

October 11, 2012

