



# LAW SOCIETY Paralegal UPDATE

OCTOBER 2009 – Paralegal UPDATE 13

## Civility Forum

Paralegals and lawyers are invited to participate in a province-wide series of meetings to discuss the importance of civility and professionalism and their effect on the administration of justice. A total of 11 sessions are being held in major centres from November 3 to February 16. Each forum will take place from 5 to 7 p.m.

Chaired by Treasurer W. A. Derry Millar, the sessions will include speakers from the local judiciary as well as senior practitioners from each region. Allan Stitt of ADR Chambers will facilitate the meetings which will also feature a presentation from the Law Society's Professional Regulation division. Participants will explore further initiatives and actions that lawyers and paralegals can take to improve professionalism.

Anyone planning to attend is asked to **register** in advance. **More information** and a **schedule** of dates and locations are available. Admission is free and refreshments will be served.



## News BRIEFS

### Paralegal Education Program Audits

As part of the regulatory process to ensure compliance with standards and competencies, the Law Society is launching audits of accredited paralegal education programs. Audits help promote consistency of practice between institutions offering paralegal education programs, and ensure that students are exposed to and develop the knowledge and skills required to provide legal services to the public.

The first two audits will take place this fall, while others will take place in the spring and fall of 2010. The audits will be conducted in two parts – documentation review, and site visits to accredited schools where Law Society representatives will meet with program directors, senior administrators, faculty and students. They will also observe classes in session and speak to field placement co-ordinators.

All accredited school programs are scheduled to be audited within the first three years of receiving accreditation, and at least once every five years after that. **An Audit Policy Framework** for Accredited Paralegal Education Programs is available.

### Continuing Legal Education (CLE)

The Law Society's CLE programming specifically for paralegals kicks off this fall with **The New Paralegal – Practical Tips for Challenging Times** on **October 24**. This half-day program will provide you with practical advice to maximize your efficiency and provide better client service. Speakers will share valuable practice management tips to help avoid common "books and records" pitfalls, and methods to structure work with non-legal professionals – if you plan to expand your practice.

More than half of the presenters of this new course are paralegals. The program is ideal for anyone who is new to the profession – or as a practice refresher for those with practice experience. You can attend the session in person or view it via webcast.

**Best Practices for Paralegals before the Landlord and Tenant Board** is being offered by the Law Society on **November 27**. This half-day session will address core paralegal practice areas and will help you improve your practice when representing either landlords or tenants. You will hear directly from senior

## Paralegal Stats Update

The number of licensed paralegals in Ontario continues to grow. As of October 13, 2009, a total of 2,577 paralegals are licensed to provide legal services. The accompanying chart shows where the largest numbers of licensed paralegals are working.

As well, there are seven licensees in other provinces (Alberta, British Columbia, Manitoba, and Quebec) and two licensees in Asia. (While these licensees may live and work outside of Ontario, they are not necessarily permitted to provide legal services in those provinces or countries.)

Another 319 candidates are currently in the licensing process.

Geographic Location	Number of Licensed Paralegals
Metro Toronto	952
Peel Region	364
York Region	332
Durham Region	102
Simcoe County	90
Middlesex County	84
Halton Region	81
Hamilton-Wentworth	81
Ottawa-Carleton	77
Waterloo Region	56
Sudbury District	36
Other Areas	322
Total:	2,577

## Accredited Colleges

The paralegal program offered by St. Clair College of Applied Arts and Technology has been accredited by the Law Society, increasing the number of accredited college programs to a total of 10.

Institutions that **currently** offer a legal services program and want to ensure that their 2010 graduates are eligible for licensing must obtain accredited status **on or before June 30, 2010**. Information on **accredited colleges** is available.

Students in non-accredited programs and/or those who have graduated from a non-accredited program **within the three years prior to June 30, 2010**, will only be accepted for the Paralegal Licensing Process **until June 30, 2010**, provided that they: (a) submit the Paralegal Licensing Process application by **December 7, 2009**, or after this date submit a late application prior to June 30, 2010, and (b) graduate from a legal services program prior to June 30, 2010.

If both conditions are fulfilled, a graduate from the non-accredited program will be permitted to enter the Paralegal Licensing Process for 2010/2011, and will be eligible to write the licensing exam in August 2010, October 2010, or February 2011. Anyone applying to the Paralegal Licensing Process **on or after July 1, 2010**, must have graduated from an accredited legal services program.

The Law Society has produced an **Information Sheet** outlining its policies about the paralegal licensing application and program accreditation deadlines.

## Practice tips

### Practice Tip 2.3

*In this edition of Paralegal UPDATE, we are pleased to bring you new practice tips designed to help you in your day-to-day practice. Previously published paralegal practice tips are available **online**.*

#### **Q: What should generally go into a retainer agreement?**

**A:** The retainer agreement is a legal document, a contract between you and your client. The agreement should define the scope of your legal services, and describe the manner in which fees and expenses are to be charged and paid.

Each retainer is unique and may require different terms or considerations, but usually contains the identification of the client, a description of the services you will provide, and the method and frequency of communications you will have with the client. For further details on what should go into a retainer agreement, including tips on establishing the paralegal-client relationship, refer to the Knowledge Tree article, **Establishing the Retainer**.

#### **Q: If an individual calls my office, only speaks to my receptionist and never retains the firm, is that person a "client"?**

**A:** Individuals who call your office, communicate only with your receptionist and never retain, meet or even speak to you still may be your clients. The paralegal-client relationship arises as soon as a potential client has first dealings with a paralegal's office for the purpose of obtaining legal advice; it arises before the retainer is established and even if no retainer materializes.\* Once the relationship exists, paralegals must maintain client confidentiality and avoid conflicts of interest relating to the client.

To help manage these obligations, a record should be kept of calls from individuals seeking legal services. These measures will assist the paralegal in complying with professional obligations to all of his or her clients.

\* See *Descôteaux v. Mierzwinski* [1982] 1 S.C.R. 860 at 876, 141 D.L.R. (3d) 590, 44 N.R. 462, 70 C.C.C. (2d) 385, 2 C.R.R. 3188.

Landlord and Tenant Board representatives about Board processes and proposed changes. You can attend this session in person or participate via webcast.

#### **CLE Discounts & Archived Programs**

The Law Society offers CLE **group discounts** for participants registering from the same firm, at the same time. Also keep in mind that now, all CLE program registrants can access an archive of the program for 30 days. Video archives are also available to non-registrants for purchase following the delivery of a program – so even if you can't attend in person or via webcast, you can always view the program of your choice at a later date. Check out the **CLE Calendar** for details.

#### **Discrimination & Harassment Counsel**

The Law Society provides a Discrimination and Harassment Counsel (DHC) Program free-of-charge to lawyers, paralegals and the Ontario public, as part of its efforts to promote equity and diversity in the workplace and within the legal professions – and to help stop discrimination and harassment.

The DHC helps people who feel they have been discriminated against within a legal clinic or law or paralegal firm. The DHC can assist in resolving a complaint by acting as a neutral facilitator or by conducting formal mediation, where appropriate.

The DHC can also help lawyers, paralegals, legal clinics and law and paralegal firms to develop procedures to respond to internal complaints and co-ordinate ongoing training to prevent discrimination and harassment in the workplace.

The program can be reached at 1-877-790-2200. Information is also available on the **DHC website**.

#### **Contact Us**

If you have questions about any aspect of paralegal regulation, please contact the Law Society's Resource Centre at 416-947-3315, or 1-800-668-7380, ext. 3315, or send an e-mail to [lawsociety@lsuc.on.ca](mailto:lawsociety@lsuc.on.ca).

This is the 13th edition of *Paralegal UPDATE*. Past issues are available **online**.

This information bulletin is provided on a regular basis by the Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario M5H 2N6.

Visit the Law Society of Upper Canada's **website** for more information.