Support for sole practitioners and small firms

“Sole practitioners and small firms are an essential part of the bar,” said Treasurer W.A. Derry Millar. “For the average resident of Ontario, they are the face of the profession. Our mandate to ensure access to justice means that we have to work to ensure the continued vitality of this segment of the Bar.”

Some 34 per cent of lawyers working in private practice are sole practitioners, and a further 29 per cent work in firms of two to 10 lawyers. Research shows that 77 per cent of the work undertaken by sole and small practitioners is for individuals. Research also confirms that sole and small practices undertake more legal aid work than larger practices, supporting the most vulnerable in society, and they also provide more services in languages other than English, French and Italian.

Support for sole practitioners and small firms is one of Convocation’s eight priorities for its work over the 2007-2011 term. A number of potential initiatives have been identified, including a study of the risk factors that affect sole practitioners; incentives to encourage young people to work in non-urban centres; creation of networking opportunities for sole and small firm practitioners; assistance in managing life cycles through a parental leave program and locum registry; and succession planning.

In February, Convocation received a report from the Working Group on Sole Practitioner and Small Firm Lawyers which detailed the supports that have been put in place by the Law Society, the Ontario Bar Association (OBA) and the County and District Law Presidents’ Association (CDLPA) since the 2005 Final Report of the Sole Practitioner and Small Firm Task Force.

In introducing the report, Bencher Judith Potter said, “The original task force’s mandate was to examine the nature of sole and small firm practice, including the challenges and pressures that these lawyers face. The task force’s recommendations focused on facilitating the ability of sole and small firm lawyers to continue to provide their unique services to the public of Ontario.”

The working group was established in 2006 to continue work raised by the task force report. The working group is made up of two benchers, two representatives of the OBA, and two representatives of CDLPA. The working group report comprises a compendium of resources from each of the organizations, which Ms. Potter described as a report “that speaks to our common desire and commitment to ensuring that sole practitioners and small firm lawyers, the backbone of the profession, continue to serve the public and will continue to survive and thrive.”

Some of the highlights of the Law Society’s activities include:

- The development of a home page for sole and small firm practitioners on the Resource Centre section of the Law Society website.
- The publication of The Guide to Opening Your Practice, which outlines the steps involved in opening a law practice and includes a self-assessment checklist to enable lawyers to consider whether they have the personal competencies to be a sole practitioner.
- The publication of The Succession Planning Toolkit.
- The development of a locum registry for sole and small firm lawyers looking for short-term contract work or for someone to take over their practice.
As of April 2009, lawyers can access the Practice Locum Registry through the Law Society website at www.lsuc.on.ca.

A locum is a lawyer who stands in for another practitioner while the practitioner is away from his or her practice, whether for a short period, such as a vacation, or for an extended leave. Generally, the locum will be retained to work in the contracting law firm/lawyer’s office and deal with every type of file handled by the practice. However, the locum may also be brought in to handle specific matters or a special project. The locum could work full-time or part-time, depending on the arrangement made between the parties.

Lawyers who are interested in offering their services as a locum will find information on the process and will be able to register their profile, with details about number of years of practice, availability and areas of interest/expertise.

Law firms seeking to retain a locum will also be able to register a profile giving information about the firm and setting out their requirements.

The website will also provide hypothetical locum scenarios and guidance on drafting the locum contract, including sample clauses; and information on dealing with conflicts of interest. Other ethical considerations will also be provided.

A practice locum registry was one of the recommendations put forward by the Retention of Women in Private Practice Working Group to support women in sole practice and small firms to take maternity leaves. Practice locums will be of great benefit to all sole practitioners and small firm lawyers, giving them an opportunity for a break, secure in the knowledge that their practice is being looked after.

There are many reasons why a lawyer might retain a locum, including a maternity leave, a vacation or medical leave, caring for an ill or elderly family member, or a sabbatical to pursue other interests. Sole and small firm practitioners have difficulty taking breaks from their practice and the locum program is designed to address this need. A positive professional life depends on a healthy lifestyle, and periodic breaks from work are essential for maintaining work-life balance.