

GUIDELINE 18: SUPERVISION OF STAFF

General

Rule Reference: By-Law 7.1

Rule 8.01(1), (3), (4) & (5)

By-Law 7 (Multi-discipline practices)

A paralegal may, in appropriate circumstances, provide services with the assistance of persons of whose competence the paralegal is satisfied. Proper use of support staff allows the paralegal to make efficient use of the time he or she has for providing legal services, and may result in savings to the client. Under By-Law 7.1, some tasks may be delegated to persons who are not licensed and other tasks may not. Though certain tasks may be delegated, the paralegal remains responsible for all services rendered and all communications by and prepared by his or her employees.

2. The extent of supervision required will depend on the task, including the degree of standardization and repetitiveness of the task and the experience of the employee. Extra supervisory care may be needed if there is something different or unusual in the task. The burden rests on the paralegal to educate the employee concerning the tasks that may be assigned and then to supervise the manner in which these tasks are completed.
3. A paralegal should ensure that employees who are not licensed clearly identify themselves as such when communicating with clients, prospective clients, courts or tribunals, or the public. This includes both written and verbal communications.
4. A paralegal in a multi-discipline practice is responsible the actions of his or her non-licensee partners and associates as set out in Rule 8.01(5).

Hiring & Training Staff

Rule Reference: Rule 8.01(1)

Rule 3.01(4)(c)(h)

5. In order to fulfill his or her responsibilities to clients under the *Rules* and By-Laws, a paralegal should take care to properly hire and train staff. A paralegal should obtain information about a potential employee to inform himself or herself about the employee's competence and trustworthiness. If the position involves handling money, the paralegal may ask for the applicant's consent to check his or her criminal record and credit reports. A paralegal must comply with privacy legislation and should refer to the *Rules* to review questions that can and cannot be asked of an applicant, as outlined in the *Human Rights Code*. A paralegal should confirm the information contained in a candidate's resume, consult references and verify previous employment experiences before offering employment to a candidate.
6. Proper hiring and training of persons who are not licensed will assist the paralegal in managing his or her practice effectively, as required by Rule 3.01(4)(c)(h). Since the paralegal is responsible for the professional business, it will assist the paralegal in fulfilling this responsibility if the paralegal educates staff regarding

- the types of tasks which will and will not be delegated,
- the need to act with courtesy and professionalism,
- the definition of discrimination and harassment, and the prohibition against any conduct that amounts to discrimination and harassment,
- the duty to maintain client confidentiality and methods used to protect, confidential client information (e.g. avoiding gossip inside and outside of the office),
- the definition of a conflict of interest, the duty to avoid conflicts and how to use a conflict checking system,
- proper handling of client property, including money, and
- proper record keeping.