
INTRODUCTION TO THE *PARALEGAL PROFESSIONAL CONDUCT GUIDELINES*

Purpose

1. Under the *Law Society Act*, the Law Society has the right to make rules and regulations to govern the professional conduct of lawyers and paralegals. The *Act* also gives the Society the ability to discipline those lawyers or paralegals who do not adhere to the rules. Regulations include the By-Laws under the *Act* and the *Paralegal Rules of Conduct*, which were adopted to govern the professional conduct of licensed paralegals.
2. The *Paralegal Professional Conduct Guidelines* (“Guidelines”) have been created to assist paralegals with the interpretation and application of the *Paralegal Rules of Conduct* (“Rules”). The Guidelines should be considered along with the *Rules*, the *Law Society Act* (the “*Act*”), the By-Laws made under the *Act* and any other relevant case law or legislation. Neither the *Rules* nor the Guidelines can cover every situation; they should be interpreted and applied with common sense and in a manner consistent with the public interest and the integrity of the profession. It is expected that a paralegal will exercise his or her professional judgment in interpreting the Guidelines, keeping in mind the paralegal’s obligations to the client, the court or tribunal and the Law Society.

Accessing the Guidelines

3. The Guidelines are available in electronic form. They are cross-referenced to the *Rules* and are linked directly to the *Rules* on the Law Society’s website.

Terminology

4. For the purposes of these Guidelines, the word
 - “*Act*” refers to the *Law Society Act*,
 - “Guidelines” refers to the *Paralegal Professional Conduct Guidelines*,
 - “*Rules*” refers to the *Paralegal Rules of Conduct*,
 - “paralegal” refers to paralegals licensed to provide legal services by the Law Society of Upper Canada, and
 - “lawyer” refers to lawyers licensed to practise law by the Law Society of Upper Canada.
5. The following may be of assistance in interpreting the Guidelines:
 - The terms “shall” or “must” are used in those instances where compliance is mandated by either the by-laws made pursuant to the *Law Society Act* or the *Rules*.
 - The term “should” and the phrase “should consider” indicate a recommendation. These terms refer to those practices or policies that are considered by the Law Society to be a reasonable goal for maintaining or enhancing professional conduct.

- The term “may” and the phrase “may consider” convey discretion. After considering suggested policies or procedures preceded by “may” or “may consider”, a paralegal has discretion whether or not to follow the suggestions, depending upon the paralegal’s particular circumstances, areas of professional business or clientele, or the circumstances of a particular client or matter.