

Rule 8

Rule 8 Practice Management

8.01 GENERAL OBLIGATIONS

Professional Responsibility

8.01 (1) A paralegal shall, in accordance with the By-Laws, assume complete professional responsibility for all business entrusted to him or her.

[Amended October 2008]

Financial Responsibility

(2) A paralegal shall promptly meet financial obligations incurred in the course of practice on behalf of clients unless, before incurring such an obligation, the paralegal clearly indicates in writing to the person to whom it is to be owed that it is not to be a personal obligation of the paralegal.

[Amended January 2009]

Supervisory Responsibility

(3) A paralegal shall, in accordance with the By-Laws, directly supervise staff and assistants to whom particular tasks and functions are delegated.

[Amended October 2008]

Delegation

(4) A paralegal shall not permit a non-licensuree,

(a) to provide legal services;

(b) to be held out as a licensee; or

(c) to perform any of the duties that only paralegals may perform or do things that paralegals themselves may not do.

(5) A paralegal in a multi-discipline practice shall ensure that non-licensuree partners and associates comply with these rules and all ethical principles that govern a paralegal in the discharge of his or her professional obligations.

[New October 2008]

8.02 MAKING LEGAL SERVICES AVAILABLE

8.02 (1) A paralegal shall make legal services available to the public in an efficient and convenient way.

Restrictions

- (2) In offering legal services, a paralegal shall not use means
 - (a) that are false or misleading,
 - (b) that amount to coercion, duress or harassment,
 - (c) that take advantage of a person who is vulnerable or who has suffered a traumatic experience and has not yet had a chance to recover,
 - (d) that are intended to influence a person who has retained another paralegal or a lawyer for a particular matter to change his or her representative for that matter, unless the change is initiated by the person or the other representative, or
 - (e) that otherwise bring the paralegal profession or the administration of justice into disrepute.
- (3) A paralegal shall not advertise services that are beyond the permissible scope of practice of a paralegal.

[Amended November 2008]

Rule 8

8.03 MARKETING

- (1) In this Rule, “marketing” includes advertisements and other similar communications in various media as well as firm names (including trade names), letterhead, business cards and logos.
- (2) A paralegal may market legal services if the marketing
 - (a) is demonstrably true, accurate and verifiable,
 - (b) is neither misleading, confusing, or deceptive, nor likely to mislead, confuse or deceive, and
 - (c) is in the best interests of the public and is consistent with a high standard of professionalism.

Advertising of Fees

- (3) A paralegal may advertise fees charged by the paralegal for legal services if
 - (a) the advertising is reasonably precise as to the services offered for each fee quoted,
 - (b) the advertising states whether other amounts, such as disbursements and taxes will be charged in addition to the fee, and
 - (c) the paralegal adheres to the advertised fee.

[Amended November 2008]

8.04 COMPULSORY ERRORS AND OMISSIONS INSURANCE

Duty to Obtain and Maintain Insurance

8.04 (1) All paralegals practising in Ontario shall obtain and maintain adequate errors and omissions insurance as required by the Law Society.

(2) A paralegal shall give prompt notice of any circumstance that the paralegal may reasonably expect to give rise to a claim to an insurer or other indemnitor so that the client's protection from that source will not be prejudiced.

(3) When a claim of professional negligence is made against a paralegal, he or she shall assist and cooperate with the insurer or other indemnitor to the extent necessary to enable the claim to be dealt with promptly.

(4) In cases where liability is clear and the insurer or other indemnitor is prepared to pay its portion of the claim, the paralegal shall pay the balance.

[Amended January 28, 2010]