



Entry-Level Paralegal Competencies

Entry-Level Paralegal Competencies by Category

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I. Practice Management Issues

Practice Management Issues

A. Ethical and Professional Responsibilities

Ethical and Professional Responsibilities

Theory of the Case

1. Demonstrates integrity (e.g., honesty, meeting financial obligations, responsibility to the Law Society, responsibility to other licensees).
2. Demonstrates civility and professionalism in dealings with others (e.g., displays courtesy, respect, good faith, candour and fairness, including notifying a sender of inadvertent disclosure).

4. Creates and maintains an ongoing electronic or written record for each matter for which the paralegal is retained.
5. Understands duties related to advising clients (e.g., honesty and candour).
6. Demonstrates an understanding of the obligation to represent the client within the limits of the law (e.g., declines to assist or encourage dishonesty, fraud, crime or illegal conduct).
7. Takes appropriate steps to determine who the client is and the client's role in the matter (e.g., multiple parties, spouses/family members, business partners, corporations, authority to bind).
8. Accepts only retainers that are capable of performance under the law.
9. Recognizes situations that constitute a conflict of interest or potential conflict of interest (e.g., representing opposing parties in a dispute; close personal or sexual relationship with a client; personal financial interest in a client's affairs or a matter in which the paralegal is requested to act; third parties; paralegal serving as a director of a public or private corporation for which the paralegal or paralegal firm acts; acting against former clients; joint retainers; transfers between paralegal firms; doing business with a client).
10. Understands the obligation to maintain a conflicts checking system.
11. Understands the obligation to maintain reminder systems (e.g., limitation periods, important dates).
12. Meets all financial obligations (e.g., obligations incurred by the paralegal, obligations incurred on the client's behalf).
13. Understands the meaning and enforceability of undertakings and trust conditions, fulfils all undertakings and trust conditions, and does not give an undertaking or agree to a trust condition that cannot be fulfilled.
14. Declines to act when a matter is outside the permitted scope of practice.
15. Avoids becoming the tool or dupe of an unscrupulous client (e.g., proceeds of crime, evidence, fraud).

17. Understands the obligations related to the discovery and reporting of errors or omissions (e.g., duty to disclose to the client and insurer, advises the client to obtain independent legal advice).
18. Identifies potential conflicts of interest before acquiring confidential information.
19. Recognizes and fulfils duties related to joint retainers (e.g., required disclosure prior to accepting retainer, obligations if a conflict develops that cannot be resolved).
20. Recognizes issues related to communicating with witnesses at any time and especially when dealing with the provision of testimony (e.g., during and after examination-in-chief, cross-examination and re-examination, during out-of-court examinations).
21. Identifies the instructing client (e.g., who has the authority to provide instructions).
22. Avoids engaging in sharp practice (e.g., taking advantage of slips by other licensees not going to the merits or involving a sacrifice of the client's rights).
23. Communicates with clients in a timely and effective manner (e.g., returns messages in a timely manner, copies the client on correspondence as appropriate).
24. Manages and updates the client's expectations with respect to timeframes, results and costs.
25. Takes appropriate steps to avoid problems associated with phantom clients.
26. Establishes the scope of the retainer (e.g., confirms the identity of the client and the actions to be taken, outlines the capacities being represented, explains any limitations related to client instructions).
27. Sets out and explains the basis for fees and disbursements in the retainer (e.g., special or extraordinary disbursements, hidden fees, rates for various personnel performing the work, hourly versus alternative rates, periodic rate increases, contingency arrangements).

29. Recognizes duties to the administration of justice (e.g., encourages respect for the administration of justice, assists to protect the security of court facilities).
30. Understands the obligation to use technology in a competent manner (e.g., adopts adequate security measures, employs back-up and disaster recovery plans, considers obsolescence).
31. Recognizes the regulatory authority of the Law Society (e.g., professional misconduct, conduct unbecoming).
32. Understands the obligations related to acting as a mediator (e.g., cannot represent the parties, ensures the parties understand the role of the mediator, communications with mediator are not covered by confidentiality).
33. Understands the obligations related to dealing with unrepresented persons.
34. Demonstrates an understanding of restrictions regarding the firm name, letterhead and signs (e.g., does not mislead regarding the firm, the paralegals employed, the jurisdiction where services are offered).
35. Maintains competence (e.g., skill and knowledge, care and diligence, client service) and quality of service and declines to act or seeks appropriate assistance when the matter is beyond the paralegal's own abilities.
36. Recognizes and fulfils duties related to confidentiality, including recognizing situations where disclosure is required or may be justified.
37. Demonstrates an understanding of the obligations related to acting as an advocate (e.g., raise every issue and advance every argument; attempt to secure every lawful benefit, remedy or defence; advise and assist with the disclosure of documents) or as a witness (e.g., abstain from submitting one's own affidavit when acting as advocate, obtain other representation when acting as witness).
38. Complies with requirements of the Law Society related to bookkeeping (e.g., understands general accounting principles, obligations related to

trust accounts, books and record keeping requirements) and preservation of clients' property.

39. Ensures that staff is properly trained to understand and adhere to relevant *Paralegal Rules of Conduct* (e.g., confidentiality, conflicts, integrity, honesty, civility, discrimination and harassment) and delegates and supervises staff appropriately (e.g., enhances cost efficiencies for the client, does not delegate unless the employee is competent and permitted to perform the task, ensures the employee does not provide legal services, perform work only a paralegal can perform, or hold him- or herself out to be a paralegal).
40. Takes appropriate action in situations where an actual or potential conflict of interest is identified (e.g., referral for independent legal advice, declines to act, discloses the conflict to the client and obtains consent, establishes reasonable measures to ensure non-disclosure of confidential information, advises the client of the consequences in the event the potential conflict materializes, documents the steps taken when a potential conflict of interest has been identified, withdraws when appropriate).
41. Withdraws from representation in compliance with the *Paralegal Rules of Conduct* or rules of the tribunal (e.g., good cause, notice to the client, serious loss of confidence, non-payment of fees, mandatory withdrawal in cases of discharge by the client, client's instructions require the paralegal to act contrary to the *Paralegal Rules of Conduct*, lack of competence, withdrawal from quasi-criminal and criminal proceedings, manner of withdrawal, appropriate file transfer).
42. Understands the requirements to maintain sufficient insurance, file required documentation with the insurer, pay fees to the insurer, and cooperate with the insurer regarding any claims made against the paralegal.
43. Demonstrates an understanding of the duties owed to the Law Society (e.g., to reply promptly and completely to any communication from the

Law Society, to report one's own or another licensee's misconduct, to report to the Law Society criminal charges/convictions in accordance with applicable By-Laws).

44. Charges fair and reasonable fees and disbursements (e.g., based on time, effort, difficulty or special skill; disclosure of fees; use of contingency fees only where permitted and appropriate; non-appropriation of funds).
45. Understands the obligation to properly open, maintain, close and store client files (e.g., file organization, file storage, closing, retaining and disposing of client files and closed file storage).
46. Demonstrates an understanding of referral fees (e.g., reasonableness, cannot increase total fee, client consent, conflict of interest, or non-licensees) and fee splitting (e.g., apportionment of fees between multiple clients, splitting fees with other licensees, or non-licensees).
47. Recognizes how cultural differences may impact interactions between lawyers, paralegals, clients and others from diverse cultural groups.
48. Analyzes how cultural differences may impact interactions between lawyers, paralegals, clients and others from diverse cultural groups.
49. Adjusts perceptions and behaviours to respond to lawyers, paralegals, clients and others from diverse cultural groups.
50. Implements appropriate policies and practices that support the integration of cultural diversity, equality, and inclusion in the provision of legal services.

B. Canadian Law

Jurisdiction and Fundamentals

51. Demonstrates an understanding of the structure of the Canadian government/political system.
52. Demonstrates an understanding of the organization of the Canadian court system.
53. Demonstrates an understanding of jurisdiction.
54. Demonstrates an understanding of the Canadian legal system.

56. Demonstrates an understanding of legal terminology.
57. Demonstrates an understanding of the *Constitution Act*.
58. Demonstrates an understanding of the *Canadian Charter of Rights and Freedoms* rights and remedies.
59. Demonstrates an understanding of the enabling legislation and regulations for courts and tribunals (e.g., *Workplace Safety and Insurance Act*, *Residential Tenancies Act*, *Human Rights Code*, *Provincial Offences Act*, *Courts of Justice Act*, *Insurance Act*).
60. Demonstrates an understanding of business law (e.g., corporations, partnerships, sole proprietorships and the advantages and disadvantages of each; registration of businesses).
61. Demonstrates an understanding of property law (e.g., real property—interests in land, systems of land registration, mortgages; intellectual property; negotiable instruments; *Personal Property Security Act*).
62. Demonstrates an understanding of consumer/commercial Law (e.g., *Consumer Protection Act, 2002*, *Sale of Goods Act*, *Food and Drugs Act*, *Repair and Storage Liens Act*).

Evidence

63. Applies the appropriate statutory rules of evidence.
64. Applies the appropriate common law rules of evidence.
65. Demonstrates an understanding of types of evidence and methods of presentation (e.g., testimony, documentary, photographic, video, audio).
66. Demonstrates an understanding of the basic principles of admissibility (e.g., voir dire, confessions, relevance, materiality, weight, prejudicial effect, probative value).
67. Demonstrates an understanding of the exceptions to admissibility (e.g., hearsay, opinion, privilege, improperly obtained evidence, settlement discussions).
68. Demonstrates an understanding of different rules of evidence for various courts and tribunals.

70. Demonstrates an understanding of any notice and delivery requirements for specific documentary evidence (e.g., business records, medical and other expert reports).

C. Civil Litigation

Small Claims Court

71. Demonstrates an understanding of how to draft pleadings.
72. Demonstrates an understanding of service of pleadings and documents.
73. Demonstrates an understanding of the purposes of settlement conferences.
74. Demonstrates an understanding of the minutes of settlement.
75. Demonstrates an understanding of the purposes of motions.
76. Demonstrates an understanding of *ex parte* motions.
77. Demonstrates an understanding of default proceedings.
78. Demonstrates an understanding of cost awards.
79. Demonstrates an understanding of contempt process.

Torts

80. Demonstrates an understanding of intentional torts (e.g., assault, false imprisonment, defamation).
81. Demonstrates an understanding of the elements of negligence (e.g., duty of care, standard of care, breach of duty, causation, remoteness, contributory negligence).
82. Demonstrates an understanding of strict liability law.
83. Demonstrates an understanding of remedies in tort law.
84. Demonstrates an understanding of types of damages in tort law.
85. Demonstrates an understanding of product liability issues.

Contracts

86. Demonstrates an understanding of the elements of a valid contract (e.g., intention, consideration, capacity, certainty).

88. Demonstrates an understanding of conditions, warranties and implied terms.
89. Identifies contractual defects (e.g., misrepresentation, mistake, undue influence, duress, and illegality).
90. Demonstrates an understanding of remedies for breach of contract.
91. Demonstrates an understanding of the types of damages in contract law.
92. Demonstrates an understanding of the principles of unjust enrichment.

D. Criminal/Quasi-Criminal Law & Procedure

General Principles

93. Demonstrates an understanding of the difference between criminal offences and provincial offences.
94. Demonstrates an understanding of *Charter* motions (e.g., section 11(b)).
95. Demonstrates an understanding of arrest and compelling the attendance of the defendant.
96. Demonstrates an understanding of compelling witnesses.
97. Demonstrates an understanding of sentencing (e.g., purpose and objectives, principles of sentencing, sentencing powers and restrictions).

Provincial Offences Act

98. Demonstrates an understanding of the various procedural streams.
99. Demonstrates an understanding of the role of the police, prosecution, provincial offences officers, and defendants in the provincial offences system.
100. Demonstrates an understanding of the classification of offences (i.e., *mens rea*, strict liability, and absolute liability).
101. Demonstrates an understanding of common offences under the *Highway Traffic Act* and related statutes (e.g., speeding, failing to stop, making an improper turn, following too closely, careless driving, failing to report, failing to remain, seatbelt violations, driving under suspension, stunt driving, no insurance).

103. Demonstrates an understanding of charging documents (e.g., identifying fatal defects, proof of service, filing dates).
104. Demonstrates an understanding of the provincial offences trial process (e.g., pre-trial conference, pre-trial motions and applications, trials).
105. Demonstrates an understanding of plea enquiry in *Provincial Offences Act* matters (i.e., obtains instructions, voluntary, informed, and waiving of the trial and original charge, and consequences).
106. Demonstrates an understanding of judicial interim release or bail in *Provincial Offences Act* matters.
107. Demonstrates an understanding of enforcement proceedings in *Provincial Offences Act* matters.

Summary Conviction

108. Demonstrates an understanding of the elements of a crime.
109. Demonstrates an understanding of relevant legislation (e.g., *Criminal Code, Charter, Controlled Drugs and Substances Act, Criminal Rules of the Ontario Court of Justice*).
110. Demonstrates an understanding of the role of the police, Crown and accused in criminal proceedings.
111. Demonstrates an understanding of charging documents.
112. Demonstrates an understanding of the summary conviction trial process (e.g., pre-trial conference, pre-trial motions and applications, trials).
113. Demonstrates an understanding of common summary conviction offences.
114. Demonstrates an understanding of defences to summary conviction offences (e.g., procedural and substantive).
115. Demonstrates an understanding of judicial interim release or bail in summary conviction matters.
116. Demonstrates an understanding of plea enquiry in summary conviction matters (i.e., obtains instructions, voluntary, informed, and waiving of the trial and original charge, and consequences).
117. Demonstrates an understanding of diversion options.

119. Demonstrates an understanding of relevant primary legislation (e.g., *Judicial Review Procedure Act*, *Statutory Powers Procedure Act*, federal and provincial human rights legislation, the *Charter*).
120. Demonstrates an understanding of the basic principles of administrative law (e.g., natural justice, fairness, discretion, bias, substantive review of public decision making).
121. Demonstrates an understanding of who has standing to bring an action.
122. Demonstrates an understanding of the difference between courts and administrative tribunals.
123. Demonstrates an understanding of general practice and procedure before administrative tribunals (e.g., burden of proof, who hears cases, record of proceedings, documentation, and tribunal process).
124. Demonstrates an understanding of judicial review.

Workplace Safety and Insurance Board/ Workplace Safety and Insurance Appeals Tribunal

125. Demonstrates a basic understanding of the nature of the employer-employee relationship.
126. Demonstrates an understanding of the practice and procedure related to the Workplace Safety and Insurance Board (e.g., time limits, special categories of appeals, service requirements, parties, witnesses, evidence, types of benefits the Board can grant).
127. Demonstrates an understanding of the practice and procedure related to the Workplace Safety and Insurance Appeals Tribunal (e.g., time limits, service requirements, parties, witnesses, evidence, types of benefits the Tribunal can grant).

Landlord and Tenant

128. Demonstrates an understanding of the types of tenancies.
129. Demonstrates an understanding of the rights and responsibilities of tenants and landlords (e.g., quiet enjoyment, essential services, pets).

131. Demonstrates a basic understanding of the threshold and requirements for filing an application.
132. Demonstrates an understanding of federal versus provincially regulated human rights matters.
133. Demonstrates an understanding of disability and the duty to accommodate.
134. Demonstrates an understanding of the practice and procedure related to the Human Rights Tribunal of Ontario (e.g., time limits, service requirements, parties, witnesses, evidence, types of remedies the Tribunal can grant).

Other Specific Tribunals

135. Demonstrates an understanding of the legislation, practice and procedure related to the Social Benefits Tribunal.
136. Demonstrates an understanding of the legislation, practice and procedure related to the Licence Appeal Tribunal/Financial Services Commission of Ontario/*Statutory Accident Benefits Schedule*.
137. Demonstrates an understanding of the legislation, practice and procedure related to the Local Planning Appeal Tribunal/Ontario Municipal Board.
138. Demonstrates an understanding of the legislation, practice and procedure related to the Ontario Labour Relations Board.

F. Problem/Issue Identification Analysis and Assessment

Information Gathering, Case Analysis and Planning

139. Recognizes urgency and takes emergency steps where necessary.
140. Identifies, obtains and reviews relevant facts and documents.
141. Identifies the relevant legal issues.
142. Conducts research and investigations related to the matter as appropriate.
143. Complies with all privacy legislation when gathering information.

145. Develops an appropriate plan and strategies in consultation with the client to achieve desired results.
146. Reassesses the theory as the case evolves.

G. Alternative Dispute Resolution

147. Demonstrates an understanding of various dispute resolution processes (e.g., negotiation, mediation, arbitration).
148. Identifies remedies that may be uniquely available through alternate dispute resolution (e.g., negotiation, mediation, arbitration).
149. Explains to the client the potential implications of choosing to use or not use alternative dispute resolution and prepares the client for an informed choice (how it works, what will happen).
150. Demonstrates an understanding of the obligation to encourage settlement, compromise and alternative dispute resolution where reasonable.

H. Litigation Process

Trial or Hearing Preparation

151. Demonstrates an understanding of disclosure requirements.
152. Advises the client of disclosure obligations (e.g., full and complete disclosure, ensuring the preservation of relevant evidence for disclosure, knowledge of confidentiality issues).
153. Demonstrates an understanding of capacity, litigation guardians and parties under a disability.
154. Meets required timelines for trial or hearing.
155. Demonstrates an understanding of the onus and burden of proof at each stage.
156. Demonstrates an understanding of agreed statements of facts and admissions.

158. Prepares the paralegal's own witnesses for examination.
159. Prepares for cross-examination of witnesses of other parties.
160. Anticipates and prepares for objections.
161. Prepares submissions on penalties, remedies or disposition, where applicable.

Conduct of the Trial or Hearing

162. Presents admissions effectively.
163. Demonstrates an understanding of examinations-in-chief.
164. Demonstrates an understanding of conducting cross-examinations.
165. Demonstrates an understanding of conducting re-examinations.
166. Presents reply evidence if appropriate.
167. Initiates and responds to motions/applications as appropriate.
168. Demonstrates an understanding of directed verdict and non-suit motions.
169. Revises the litigation strategy as necessary.
170. Considers and establishes an adequate record for the purpose of submissions or appellate review.
171. Raises and responds to objections appropriately on the record.

Appeals

172. Demonstrates an understanding of the rules and requirements for an appeal (e.g., procedures, timelines).
173. Considers whether an appeal is necessary.
174. Reviews the merits and consequences of an appeal with the client.
175. Obtains client instructions regarding appeals.
176. Obtains and prepares all the necessary evidence and documents for the conduct of an appeal.

Post Disposition of the Matter

177. Ensures the matter has been completed and documented appropriately in accordance with the disposition (e.g., minutes of settlement, judgment/order issued, final releases).
178. Provides final reports and accounting to clients.

180. Makes appropriate arrangements for practice absences and maintains appropriate powers of attorney respecting the practice.
181. Makes appropriate arrangements for succession/contingency planning (e.g., death, disability, business interruption, disaster).
182. Demonstrates an awareness of the ongoing costs of managing a practice.
183. Complies with continuing professional development requirements.

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