

Paralegal Regulation in Ontario

The Law Society of Ontario has been regulating, licensing, and disciplining paralegals since 2007, pursuant to the *Law Society Act* and its by-laws, regulations, rules, and guidelines. There are currently over 8,000 licenced paralegals in Ontario.

Scope of Practice

A paralegal may represent a party in the following contexts:

- before Small Claims Court,
- in proceedings under Ontario's *Provincial Offences Act* before the Ontario Court of Justice,
- in proceedings under Canada's *Criminal Code*, before a summary conviction court, and
- in a proceeding before an administrative tribunal established under federal or provincial legislation.

Consequently, the primary areas of practice include Small Claims Court, traffic and other provincial offences, landlord tenant disputes and various other matters handled by tribunals and administrative bodies, and minor matters under the Criminal Code.

If a specific proceeding or intended proceeding falls within the paralegal scope of practice as set out by the By-law, then the paralegal can, with respect to the proceeding:

- give a party legal advice,
- represent a party at the proceeding,
- select, draft, complete, or revise documents for use in the proceeding or that affect the party's legal interests with respect to the proceeding or its subject matter, and
- negotiate the party's legal interests, rights, or responsibilities.

Requirements to Become a Licensed Paralegal

To become a licensed paralegal, the applicant must have graduated from an accredited paralegal education program in Ontario, and must successfully complete the Law Society's paralegal licensing examination within approximately three years of registration.

Law Society Governance and Discipline of Paralegals

Once licensed, paralegals are subject to regulatory requirements that closely parallel those applicable to lawyers. Key elements include adherence to rules of professional conduct and requirements regarding trust accounts, insurance, and continuing

professional development, payment into a compensation fund, practice audits, and the application of investigative and disciplinary processes.

Review of Paralegal Regulatory System

In 2012, an independent reviewer, appointed by the provincial government, completed a five year review of the Law Society's paralegal regulatory system. The review found that the Law Society had implemented a robust and efficacious system within a very short timeframe, and that the constituents involved, in particular the paralegals, are pleased with the system and with the quality and efficacy of the processes and decisions.

Continued Evolution

In June 2020, the Law Society of Ontario's Access to Justice Committee launched a consultation on a proposed model for a Family Legal Services Provider licence, which builds upon the competencies of paralegals and would involve additional training and assessment for paralegals who wish to obtain the licence.

The link for the Consultation Paper with the model which includes the proposed scope of permissible activities, required competencies, and outline of the training program is: <https://lawsocietyontario.azureedge.net/media/lso/media/about/convocation/2020/flsp-consultation.pdf>