

Designated Paralegal Survey 2016

In March 2016 the Law Society invited the 481 lawyers who indicated on their Annual Practice Declaration that they supervise designated paralegals to take part in a voluntary, anonymous survey. The key findings from the survey are summarized below, as well as the next steps for the designated paralegal initiative.

Background

In October 2010 the Benchers adopted the report of the Delivery of Legal Services Task Force, creating a new category of paralegals called “designated paralegals”. The purpose of the initiative was to allow lawyers to use paralegals in new ways so as to improve the public’s access to more affordable, competently delivered legal services. For more on the history and the scope of services designated paralegals can provide see the [Designated Paralegals](#) webpage.

Next Steps

The Law Society is exploring the potential to create and credential new classes of legal service providers (see the [final report](#) of the Legal Services Regulatory Framework Task Force). How that work unfolds will inform whether, or how, to modify the designate paralegal initiative.

Key Findings

<i>Has using Designated Paralegals helped you deliver legal services at a lower cost to your clients?</i>	
Response	Count
Yes	39 (72.2%)
No	15 (27.8%)
	Total: 54

<i>Has using Designated Paralegals helped you take on matters you otherwise might have had to turn down because of the client’s ability to pay your fees?</i>	
Response	Count
Yes	24 (44.4%)
No	30 (55.6%)
	Total: 54

<i>What has been the feedback from clients whose legal needs have been served through a Designated Paralegal?</i>	
Response	Count
Very favourable	24 (44.4%)

Favourable	16 (29.6%)
Neutral	13 (24.1%)
Unfavourable	1 (1.9%)
	Total: 54

<i>Did you send your Designated Paralegal to court as part of the Family Law Pilot Project?</i>	
Response	Count
No	54 (100%)
	Total: 54

<i>Do you believe there can be an effective role for paralegals in court?</i>	
Response	Count
Yes	32 (69.6%)
No	14 (30.4%)
	Total: 46

<i>Has your Designated Paralegal appeared before an administrative tribunal?</i>	
Response	Count
Yes	1 (2.2%)
No	44 (97.8%)
	Total: 45

<i>Do you intend to permit your Designated Paralegal to appear before administrative tribunals in the future, should the right matter arise?</i>	
Response	Count
Yes	16 (37.2%)
No	27 (62.8%)
	Total: 43

<i>Have you permitted your Designated Paralegal to give legal advice directly to a client?</i>	
Response	Count
Yes	28 (60.9%)
No	18 (39.1%)
	Total: 46

<i>Do you have any plans to permit your Designated Paralegal to give legal advice to a client in the future?</i>	
Response	Count
Yes	6 (33.3%)
No	12 (66.7%)
	Total: 18

Verbatim Comments

The survey also received numerous verbatim comments. The key themes from the verbatim comments fall into several categories.

Lawyers are generally positive about the initiative

There were very few responses that expressed concern about the initiative and these fell into two categories:

- 1) lawyers who were concerned about competing with designated paralegals, and
- 2) lawyers who had concern about using designated paralegals for complex matters that require a lawyer.

For the most part, responses encouraged greater publication of the initiative to the profession, an expansion of the scope of permitted court appearances, and more training opportunities.

Family law pilot project

Many of the respondents did not practice family law and consequently would not have taken advantage of the family law pilot. A few comments spoke about the desire to make use of the ability to send a designated paralegal but that no suitable opportunity to do so presented itself. Some mentioned the paralegal not being comfortable with the concept.

Roles for designated paralegals in courts or tribunals

The survey generated numerous suggestions for matters that would be appropriate for designated paralegals to attend to, including: small claims, setting dates, non-contentious applications, some chambers matters. While the majority of the verbatim responses suggested appearances that might be appropriate, a few respondents did not feel it is appropriate to send a designated paralegal to appear in court or before a tribunal due to the potential for complex issues to arise.

Improvements to the Designated Paralegal initiative

There were a range of responses to this question. Respondents noted the need for the Law Society to let lawyers know about designated paralegals and what they can and cannot do. In addition to better promotion, the need for education was cited – both for supervising lawyers and designated paralegals. Promoting greater public awareness was cited. As with other questions, some respondents observed that they were not in favour of the initiative.