



BRITISH
COLUMBIA

VIA EMAIL

Ref. 637720

May 25, 2023

Christopher A. McPherson, KC
President
Law Society of British Columbia
845 Cambie Street
Vancouver BC V6B 4Z9
Email: president@lsbc.org

Dear Christopher A. McPherson:

Thank you for your letter of March 21, 2023, in which you requested on behalf of the Benchers that government bring into force the amendments to the *Legal Profession Act* as set out in *Bill 57 – 2018 Attorney General Statutes Amendment Act* (the “2018 amendments”).

I am grateful for the Law Society’s express commitment towards a more diverse legal profession, and for our shared commitment towards the creation of additional categories of licensed legal professionals in British Columbia, including licensed paralegals.

As you know, the purposes of the 2018 amendments were to enable the Law Society to license a new category of legal service provider called licensed paralegals, and to give the Benchers the authority to make rules establishing the scope of practice of licensed paralegals or a class of licensed paralegals. At the Law Society’s request, these amendments have not to date been brought into force so that the Law Society could explore different approaches to the regulation of alternate legal service providers, primarily through its Innovation Sandbox initiative.

The ministry understands that your intention at the outset would be to seek to license these professionals on a case-by-case basis, similar to the way in which participants have been authorized to provide custom legal services within the Innovation Sandbox. This would be in preference to establishing a scope of practice for licensed paralegals at the outset. The ministry further understands that you would seek to develop, in tandem with the BC Paralegal Association, an approach to establishing criteria against which licensed paralegal applicants would be assessed.

As you are aware, for more than a year the ministry has been working on a significant legislative reform project to modernize the regulation of the legal profession writ large. This project includes proposals for, among other things:

.../2

- The (re) establishment of a category of legal service providers called licensed paralegals, with an explicit legislative authority to license on both a class and case by case basis;
- The establishment of a single legal regulator responsible for the regulation of lawyers, notaries, licensed paralegals and potential other future categories of legal professionals under a single statute; and
- A revitalized mandate for the regulator that includes an explicit reference to facilitating access to legal services.

The ministry supports all efforts to move to be ready to license paralegals at the earliest opportunity and as such we welcome proposals and initiatives that will prepare for that outcome at the earliest opportunity. Unfortunately, bringing the 2018 amendments into force cannot occur without a significant investment of time and resources. To do so would require numerous consequential amendments across our book of statutes, and though some of these are consistent with the changes contemplated in the current legislative reform project, many are not. To bring the 2018 amendments into force now would result therefore in government undertaking two rounds of consequential amendments to numerous statutes. Further, given the amount of time that has elapsed since the amendments were passed (approximately five years), the consequential amendments, as they currently stand in Bill 57, would require close review to ensure they are not out of date. If they are, additional work would be required.

The ministry anticipates that the reform project currently underway will lead to a bill being introduced as early as this coming fall. This bill will mark the culmination of a great deal of work and collaboration with the Law Society, the Notaries Society, and the BC Paralegal Association, and will reflect the significant input that the ministry has received and continues to receive from Indigenous partners, individual legal professionals, non-profit organizations, academics, members of the public and others. Given that we are close to significant reform, we unfortunately must conclude that at this time it is not possible to allocate the resources that would be required to both maintain momentum on the current project and also bring into force the amendments made five years ago.

Please be assured that we remain committed to legislating the creation and regulation of licensed paralegals as soon as possible. We look forward to continued collaboration toward that goal including provisions in the proposed legislation to facilitate licensing paralegals at the earliest opportunity.

Sincerely,

A handwritten signature in black ink, appearing to be 'Niki Sharma', with a long horizontal stroke extending to the right.

Niki Sharma, KC
Attorney General

pc: Madeleine Holm-Porter