

From: Maria Sokolova
To: [Consultation 2018](#)
Subject: Alternate Service Providers
Date: October-06-18 12:08:51 PM

Hello,

I write to express my deep opposition to the Law Society's potential idea of creating a regulatory system for "alternative service providers" (paralegals). As a long time legal aid lawyer, I consider that this is the path not towards access to justice, but away from it.

I articulated with the LSS Appeals department and am a contract lawyer there. In my private practice, although I could do other files, I focus exclusively on legal aid files. I do little family law myself, although we frequently encounter it in the appeals departments. I do a lot of immigration law, which is already de-regulated. As such, I do not have a vested interest in legal service providers of family law services, but I do have experience with alternate service providers in immigration.

In my view, permitting alternate legal service providers in any area of law moves away from what the Law Society should be doing, which is, at minimum, supporting a robust public system of legal service provision for the disadvantaged by competent counsel, and further entrenches inequality by creating two-tiered justice. It accepts that some people are just not entitled to competent legal representation and that "something" is better than "nothing". It is not good enough to say - what is the alternative, having a paralegal is better than having nothing - the alternative is adequate funding and support for legal aid and adequate regulation from the Law Society to support practitioners who practice in areas such as family law, which, for example, involves better regulation to force firms to support female lawyers. The recent proposal to cut fees for public interest practitioners was also great initiative which would actually advance access to justice. It appears it did not occur, in favour of this.

Alternative legal service providers are like the alternative medicine of law - as they say, if they were real service providers, they would be lawyers. Their services are like the homeopathy of the law - incompetent; ineffective; a waste of already scarce resources; they do more harm than good. They are not competent and their ability to comply with ethical requirements is in question.

Every empirical study done in any area of law that one may pick backs up the experience, which is certainly my anecdotal experience with immigration consultants, that alternative service providers are just not good enough. For example, Professor Rehaag at Osgoode Hall did a study called the Role of Counsel in Canada's Refugee Determination System, which examined the role of consultants since the de-regulation of immigration legal services. He found that in life or death matters, consultants succeed 70% more often than self-represented litigants and lawyers succeed 275% more often. The reasons were not entirely explained by the type of case and he was forced to conclude that the difference was at least in part due to competence. This is simply unacceptable.

The ethical issues of such consultants are reported in the media almost daily and do not require elaboration other than to say frequently these service providers are ripping off clients and are charging more than any lawyer would do.

Similar studies have been done at Harvard Law School in the area of housing by Professor Greiner, whose aim in doing the study was to find ways for alternative legal service providers to be effective and yet it could not be done. These studies show that real lawyers are essential to protect tenants from homelessness.

In short, in most areas of law (family, housing, refugee) which are most important to real people and frequently to the most disadvantaged (the poor, women) lawyers are essential. And yet, those are the areas and the people who will get the "half" services of alternative legal service providers, further cementing their lack of equality before the law. Ironically, those areas tend to be more complex and need more legal skill. Corporate clients and wealthy litigants will never get an alternate service provider. Likewise, would the government send in a paralegal or a consultant to speak to even the most simple of motions in court?

This is not access to justice. I urge the Law Society not to follow those jurisdictions which have permitted alternative legal service providers. The Law Society has rightly resisted this trend for a long time. Lawyer regulation is here for a reason and has proven justified by years of experience and common sense. To get rid of it is to make the access to justice crisis worse.

Thank you for considering my input. Please contact me with any questions or concerns.

Maria Sokolova

From: Tom Do
To: [Consultation 2018](#)
Subject: Feedback on alternate legal service providers
Date: October-06-18 3:33:51 PM

I am against the proposal in its entirety.

"Lesser-type" legal works gives a "foundational" income sources to lawyers.

Don't take these "lesser-type" works from us.

Tom

From: Rebecca Darnell - Darnell & Company
To: [Consultation 2018](#)
Subject: FW: Family Law Legal Service Providers: Consultation Paper
Date: October-09-18 3:41:33 PM

I may have sent this to the wrong email so am sending it again.

Rebecca Darnell **Darnell & Company Law Office**
Lawyer *Barristers & Solicitors*
 202 - 6351 - 197 Street
 Langley, BC V2Y 1X8
Phone: 604.532.9119 Email: rebecca.darnell@langleylaw.ca
Fax: 604.532.9127 Web Site: <http://www.langleylaw.ca>

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From: Rebecca Darnell - Darnell & Company
Sent: October-09-18 3:40 PM
To: 'mlucas@lsbc.org'
Subject: Family Law Legal Service Providers: Consultation Paper

Please see my submissions below as requested by The Law Society. I am opposed to this initiative.

Rebecca Darnell **Darnell & Company Law Office**
Lawyer *Barristers & Solicitors*
 202 - 6351 - 197 Street
 Langley, BC V2Y 1X8
Phone: 604.532.9119 Email: rebecca.darnell@langleylaw.ca
Fax: 604.532.9127 Web Site: <http://www.langleylaw.ca>

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From: Rebecca Darnell [mailto:sharky10@shaw.ca]
Sent: October-07-18 1:35 PM
To: Rebecca Darnell - Darnell & Company
Subject: Family Law Legal Service Providers: Consultation Paper

The following are my comments with respect to the Law Society paper of September 2018 proposing to create categories of members, who are not lawyers, and to permit them to provide some legal services directly to client as regulated alternate legal service providers.

It is my view that the underfunding of legal aid in British Columbia is the single most egregious factor which has led to underserved segments of the population. This cannot be resolved by endorsing unauthorized practice. This profession already has a slew of mediators who are accredited after having taken courses at the Justice Institute and from other lay educators. They have created havoc. They don't know any area of law, let alone family law and they assist people to enter into

agreements that do not recognize the law as it relates to support, parenting time and property division.

I am completely at a loss as to why the Law Society imagines that family law is somehow so simple that it can be practiced by those who do not have a law degree. In reality there are many lawyers out there who have a law degree that probably shouldn't be practising family law.

Family law is a specialized area of law that requires in depth knowledge of many areas of law, including contracts, tax law, pensions, immigration, trusts, estates, criminal law, conflicts of law and bankruptcy/insolvency. There are also very complicated matters that involve the valuation of property, including real property, corporate property and going concern corporate interests.

There are numerous individuals and organizations out there who purport to offer legal expertise, the worst of which is on the internet and secondly the new partners who incite and interfere – usually because they been through this before and know all about it.

Further, there is a suggestion that the Law Society will licence and regulate these service providers. The cost of regulation will then, of course, be passed along to the profession. It already takes months and even years to get through the disciplinary process. The cost to the Law Society and the Professional to regulate service providers who are “highly trained” is insurmountable.

This professional is already inundated with frequent flyers who incur enormous expense in disciplinary cases.

This is, quite possibly, the very worst suggestion I have ever heard in my entire life.

Family Lawyers are highly trained professionals who need to be validated and revered. Dumbing down this practice area is the worst possible proposal and will create havoc for children and parents.

I wholeheartedly support the Members' Resolution put forward by Peter Leask, QC and Karen Nordlinger, QC.

I respectfully suggest that the Law Society take steps to ensure the government **FUNDS LEGAL AID**. Perhaps we could implement a nominal Legal Aid Administration Fee to that end – which will relieve the government of responsibility to fund. We did just that in response to the Wirick Fiasco – so how about an end run around the funding by self-funding. If our paying clients all contributed \$10 per account the result would be meaningful legal aid. The key is to ensure that the funding, administration and regulation of legal aid be placed squarely in the hands of the Law Society. Imagine the opportunities to our law students to participate in clinic work etc.

Funding proper representation v. dumbing down a profession.

Judges will go crazy trying to right the wrongs and children will suffer irreparable harm.