From:	Murray.Rankin.C1@parl.gc.ca
To:	Consultation 2018
Cc:	Murray.Rankin.P9@parl.gc.ca
Subject:	Feedback on consultation paper
Date:	December-14-18 12:29:35 PM
Attachments:	doc02202220181214124813.pdf

Good afternoon,

Please find attached a letter from MP Murray Rankin regarding the Law Society of BC's consultation paper on alternate legal services.

Thank you,
Krystal

Krystal Thomson
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December 13, 2018

Dear Members of the Law Society Alternate Legal Providers Working Group,

Thank you for the opportunity to provide feedback on the Law Society's proposal to establish a new class of legal service professional who would hold a limited scope license to practice in the area of family law. I am writing to support the Alternate Legal Service Provider initiative of the Law Society of British Columbia. I believe this is a desirable initiative that is very much needed by B.C. families.

As mentioned in the consultation paper, access to justice for families is a significant issue and the current cost of legal services is far too high. The current cost of legal services for a family law trial can exceed $75,000, which is approximately the median annual family income in British Columbia.

Family law paralegals – some of whom are already permitted to provide legal advice and attend family law mediations – are highly trained is substantive and procedural areas of family law. They can provide a wide range of family law services to British Columbians at a much lower cost than lawyers. As outlined in the consultation paper, those who can afford a layer will continue to seek services through a lawyer while a paralegal would target those who would otherwise receive no legal help. And as we know, self-represented litigants, through no fault of their own, are a strain on our legal system.

We must enhance our access to justice in British Columbia and this initiative must be part of the solution.

Thank you for the work that has gone into this initiative.

Sincerely,

Murray Rankin, QC, MP

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CANADA 150

From:	Katherine Fraser
To:	Consultation 2018
Subject:	Submissions - Draft Proposal Family Law Legal Service Providers
Date:	December-18-18 10:16:01 AM
Attachments:	Working Paper Submissions 18.12.18.pdf

To whom it may concern:

Please find attached my submissions in response to the Draft Proposal regarding Family Law Legal Service Providers.

Thank you.

Katherine L. Fraser

Barrister and Solicitor
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I am opposed to the proposal to allow family law legal service providers ("LSPs") for a number of reasons. I've read the excellent submissions already provided, and don't want to reiterate what has been covered by others. I will try to address concerns that I have not seen raised in other submissions.

The working paper, in my view, is based on some incomplete or incorrect assumptions, including the following:

(a) <u>That the high incidence of self-represented litigants in family due is largely due to high legal fees</u>

Experienced family lawyers know that there are family litigants who have:

(i) mental health issues,
(ii) personality disorders (i.e. – "high conflict personalities"),
(iii) alcohol or drug addictions, and/or
(iv) violent and aggressive personalities.

These individuals are most likely to have difficult retaining counsel because they don't listen to counsel's legal advice and are challenging for lawyers and staff to deal with. I suspect they are among the most prolific of the repeated applicants (or respondents) on family files in the court system.

It is highly unlikely that a LSP would be better able to handle difficult clients like this, particularly as the proposal is that the LSP have less training than lawyers. Dealing with clients like this can be extremely challenging.

Further, the paper skirts the fact that the high incidence of self-represented litigants is also due to the serious cutbacks in Legal Aid that have plagued this Province for over twenty years.

(b) <u>That the LSPs "will have lower costs of entry to the profession and will therefore be able to charge less than a lawyer would charge."</u>

1. Lawyers do not base their hourly rate on how much tuition they paid.

2. Legal fees include a component to cover overhead, which includes:

(i) rent;
(ii) salaries and other expenses related to staffing;
(iii) bookkeeping/accounting expenses;
(iv) professional fees and insurance; and
(v) general office expenses, including supplies, phones, fax lines, internet providers, etc.

Legal service providers would have <u>all these same expenses</u> (although what would they pay in Law Society fees and insurance?).

If they have the same expenses as lawyers have, won't they have to charge a decent hourly rate in order to cover those expenses and earn some income?

3. There are notaries who charge more than lawyers for the same service, even though notaries have lower costs of entry to the profession.

4. Lawyer's hourly rates can vary depending on the lawyers' geographic region. For example, family lawyers in downtown Vancouver bill at a higher hourly rate than lawyers in the suburbs.

   What would an LSP practicing in Vancouver charge? Would it be the same as a lawyer practicing outside of the downtown core?

   If so, what is the benefit to the public of having a Vancouver LSP, who has easy entry to the legal profession and inferior training, providing legal advice to clients who could obtain the same service from a lawyer who is practicing in the suburbs and has considerably more experience?

Obligation to protect the public interest

The Law Society's mandate, as set out clearly on its website, is "Protecting the Public Interest". In my view, this means ensuring that clients are provided with adequate legal services.

Citing section 3 of the *Legal Profession Act*, the paper states, on page 3, that: "Creating options for the provision of legal services at a lower cost aims at reaching at least a portion of those who are currently seeking no advice at all."

But section 3 of the *Legal Profession Act* says nothing about the Law Society's having an obligation to provide low-cost legal services.

In fact, it refers to ensuring the competency of lawyers (and, with the most recent revision, includes the LSPs that haven't yet been approved).

I am concerned that the Law Society has taken it upon its shoulders to fill the gap that's been left by the government's underfunding of the Legal Services Society.

That is not the Law Society's mandate. It is, in my respectful opinion, *ultra vires* the Law Society, particularly when this falls within the scope of the Legal Services Society as set out in the *Legal Services Society Act,* SBC 2002, Chapter 30, section 9 (reproduced below):

Part 2 — Role of the Legal Services Society

Objects

9 (1) The objects of the society are,

(a) subject to section 10 (3), to assist individuals to resolve their legal problems and facilitate their access to justice,

(b) subject to section 10 (3), to establish and administer an effective and efficient system for providing legal aid to individuals in British Columbia, and

(c) to provide advice to the Attorney General respecting legal aid and access to justice for individuals in British Columbia.

(2) The society is to be guided by the following principles:

(a) the society is to give priority to identifying and assessing the legal needs of low-income individuals in British Columbia;

(b) the society is to consider the perspectives of both justice system service providers and the general public;

(c) the society is to coordinate legal aid with other aspects of the justice system and with community services;

(d) the society is to be flexible and innovative in the manner in which it carries out its objects.

Note that section 10(3), which is referred to in 9(1) above, states as follows:

(3) The society must not engage in an activity unless

(a) it does so without using any of the funding provided to it by the government, or

(b) it does so in accordance with this Act, the regulations and the memorandum of understanding referred to in section 21 and money for that activity is available within the budget approved by the Attorney General under section 18.

The problem – the core of the issue – is that the Legal Services Society is not being adequately funded, which is hampering its ability to provide the services set out in the legislation; the Law Society has taken it upon itself try to fulfill what the LSS is unable to do because the Provincial Government is not providing adequate funding to allow it to meet its mandate.

Ensuring the Economic Viability of the LSPs

In paragraph 20 of the paper, the authors ask the readers: "In formulating your feedback it is important to keep in mind that the object is to improve access to legal services. *In practical terms, this requires the legal professionals to have a sufficient scope of practice to be economically viable as a career."* (emphasis mine).

Since when does a decision of such importance rest on the potential financial viability of the LSP's business?

Further, this fails to take into account the possible adverse financial impact to members of the Law Society who practice family law. The scope of set out in Schedule A to the working paper encompasses work that most family lawyers do. The excluded areas (such as family trusts, family corporations, and Hague Convention matters) are ones that I haven't dealt with in twenty-five years of practice.

In essence, the proposed list involves almost everything lawyers do, with limited training.

To expand the scope so vastly, simply to ensure that the LSP's practice is "economically viable" fails to take into consideration:

(a) the public, who will be dealing with LSPs who will not have the full training lawyers have and would not be experienced in dealing with complex issues, and

(b) the potential financial impact upon practicing family lawyers.

Education and Training

The list fails to consider that family law encompasses so much more than what's on the list. What about real estate, tax issues, wills and estates, conflict of laws, for example?

Questions arising out of the Proposal

There are a number of issues I see arising out of the proposal which are not addressed in the working paper, including the following:

(a) Who will be paying for the additional PLTC instructors, licensing of the LSPs, reviews and disciplinary oversight of the LSPs?

(b) Will LSPs be subject to the same oversight (including citations and disciplinary hearings) as are members of the Law Society?

(c) Will this oversight include trust audits by the Law Society? Who will be paying for that?

(d) How much insurance coverage will they be required to have? The proposal is to give the LSPs almost the same scope of work as lawyers, with significantly less training; this could potentially give rise to increased claims.

(e) Who will be the insurer? If it's to be the Lawyers' Insurance Fund (LIF), has their feedback been sought with respect to this proposal? And if the LIF agrees to insure them, would that increase insurance premiums for lawyers?

Response to Questions – paragraph 21

What do you dislike about the framework outlined in Schedule A? - see above

Is the framework likely to achieve the desired outcomes? If not, how might it be modified to achieve the outcomes?

- No, because there's no guarantee as to what the LSPs would charge.

- Even if they bill at a rate lower than lawyers, they are also offering a service with significantly less training. This could be costly for the clients in the long run (for example, if it takes them longer to get work done).

- I don't believe there is a way to modify it to "achieve the outcomes", as I am concerned that, in essence, the desired outcome is to find some way to provide Legal Aid to British Columbians.

Does the framework miss any types of legal services that you consider should be included?

No – in my view, the scope is too expansive.

Does the framework include any legal services you think should be excluded?

Yes – many of them.

Should the service providers be "officers of the court?"

The Law Society can't have it both ways – if the Law Society is going to allow the LSPs to appear in court, the LSPs should be officers of the court. Frankly, I don't understand how it could be anything but, especially if they're going to be permitted to provide "advocacy services".

Is there a broader possible scope of practice, not contained in the framework that is appropriate for alternate legal professionals who are engaged in collaborative or non-adversarial processes?

No.

What services contained in the framework are the most complex and fraught with risk of significant and/or enduring harm to the client (or their children) if not performed by an experienced lawyer?

I am flummoxed by this question. If the Law Society does not know the answer to the question, it shouldn't be offering such a broad scope of permitted services to the LSPs.

Family law is an extremely complex area. It involves complex legislation, case law, and other areas of law, including but not limited to tax, real estate, criminal, debtor/collector, conflict of laws, in addition to the emotional overlay and potential complexities, including high conflict personalities.

This means that virtually any file has the potential to involve risk to clients if not performed by a family lawyer.

How are these risks mitigated now where they are performed by less experienced lawyers?

This question raises so many concerns for me. Is this the justification for offering these services to LSPs – because junior lawyers may make mistakes?

Junior lawyers have had significantly more training including three years of law school, PLTC, and articling and often have had at least one degree (four years' university) prior to commencing law school. They also usually have oversight in working under a more senior lawyer.

Further, junior lawyers learn by doing – that's how they become *experienced* lawyers. If the LSPs are to do the work that otherwise would go to junior lawyers, then those junior lawyers will be deprived of the opportunity to learn, and to thereby gain the experience needed to become *experienced* family lawyers. This could lead to a loss of family lawyers due to attrition, which will not benefit the legal profession – or clients - overall.

Should the proposed new service providers be subject to the same (or similar) professional conduct/ethical responsibilities as lawyers? Should they be subject to the CBA Best Practice Guidelines for lawyers practicing family law?

Yes, of course they should – if they're performing the same services as lawyers, they should be subject to all of the **same** professional conduct/ethical responsibilities, and have to follow the Best Practice Guidelines.

The Law Society is bound by section 3 of the *Legal Profession Act*, set out below (amendments are set out beneath):

> **3** It is the object and duty of the society to uphold and protect the public interest in the administration of justice by
>
> (a) preserving and protecting the rights and freedoms of all persons,
>
> (b) ensuring the independence, integrity, honour and competence of lawyers,
>
> (c) establishing standards and programs for the education, professional responsibility and competence of lawyers and of applicants for call and admission,
>
> (d) regulating the practice of law, and
>
> (e) supporting and assisting lawyers, articled students and lawyers of other jurisdictions who are permitted to practise law in British Columbia in fulfilling their duties in the practice of law.
>
> 27 Section 3 is amended
> (a) in paragraph (b) by adding "and licensed paralegals" after "lawyers",
> (b) in paragraph (c) by striking out "lawyers and of applicants for call and admission" and substituting "lawyers, licensed paralegals, articled students and applicants", and

(c) in paragraph (e) by adding "licensed paralegals," after "lawyers,".

If the Law Society wants to provide LSPs, it has a duty, under the *Act*, to ensure the competence of the LSPs.

Schedule B

In reviewing Schedule B to the paper, I note that none of the examples from other jurisdictions allow the same broad scope being proposed for the LSPs in the Working Paper.

The scope of work permitted by Washington State and Arizona appears to be quite circumscribed, and not close to the scope being proposed for the LSPs.

While Utah has proposed a slightly broader scope, this is still "in development". California, Nevada and New York have programs that offer significantly lesser roles to the providers.

While Ontario's proposed program seems closer to what's being proposed in the working paper, it has not yet been put into effect. Further, the scope of practice areas permitted to the family law paralegals in Ontario (see page 15 of the paper) is significantly less than the scope being proposed in the Working Paper.

Due diligence suggests it would be prudent to wait and see how that the program works in Ontario before considering a similar program here: the cost involved in setting it up, arranging the training, oversight, etc., could be considerable, and should not be taken in BC without first having an opportunity to see how it works in another jurisdiction that is further along in its process.

The issues involved in establishing the program in Ontario may, in fact, answer many of the questions that are asked in the Working Paper.

All of which is respectfully submitted

Katherine L. Fraser
Barrister and Solicitor
Law Society Accredited Family Law Mediator, and Parenting Coordinator
Member of the Family Roster of Mediate BC
Member – BC Parenting Coordinators Roster Society

From: Geoffrey Trotter
To: Consultation 2018
Subject: licensed paralegal consultation
Date: December-18-18 11:14:28 AM

I am a LSBC member in good standing.

I have reviewed the September 2018 Family Law Legal Service Providers Consultation Paper and provide comments as follows.

The proposed Scope of Practice in Schedule A is extremely broad and will fundamentally reconfigure family law practice in British Columbia (and other areas as well which will follow the same template). It will not be a situation where family lawyers provide most family law legal services and paralegals handle narrow, more technical matters. Rather, it will really become a mixed bar where family law paralegals and family lawyers practice together in most situations. The excluded scope of practice will exclude only a minority of family law cases. It will be a situation where a family law paralegal can do everything that a lawyer can do, with just a few exceptions.

This is a double edged sword. On one hand it will, no doubt, achieve the goal of substantially lowering the cost of family law legal services in the non-excluded areas, and thus increase accessibility to legal advice and representation within those areas. But on the other hand it must be asked: If a law degree and articling is not required for a paralegal to practice family law competently and ethically, why is it required for a lawyer practicing family law, when the scopes of practice are so similar? As noted in the consultation paper, the objective is to lower barriers to entry and thus cost. But why such different entry requirements for two different classes of professionals who have such similar scopes? All of the same arguments about why lawyers must be highly trained and experienced to ensure that the public is served by a competent and ethical profession apply equally to paralegals if they are providing most of the same services and serving most of the same clients. If less education and experience is good enough for a family law paralegal then perhaps what the law society should be doing is to instead fundamentally rethink the educational and experience requirements for lawyers (the current bottleneck in the supply of lawyers is the number of law school spaces in Canada), rather than creating this bifurcated structure with such different avenues of entry.

My other comment is that if family law paralegals are permitted to practice in the broad scope proposed, it will be only a matter of time before the scope is opened up further. Consider court appearances. The family law paralegal, who has represented their client generally up to the point of the court appearance, will know everything about the file and will be able to do a more effective job of making organized and legally relevant court submissions than their client in 90% of cases. Judges will, in the interest of justice and efficiency, be very much inclined to grant the family law paralegal permission to speak on behalf of their client. If this is prohibited in the court's first practice direction about family law paralegals, I expect that it will be re-written within a year or two to leave it up to the discretion of the Judge, who will exercise it liberally after confirming with the client that the client wishes for the paralegal to speak on their behalf.

I am highly sympathetic to the access to justice problem which we have in BC, which is due in part to

the cost of legal services. The high rates of people who lack legal advice and/or legal representation is bad for individuals and bad for society. But it does seem to me that this proposal, which will become the model for first the other six areas of practice identified which have been identified as underserved, and then for the legal services industry generally, will have deep 'side effects' which have not yet been fully appreciated. Taking a sober look at those side effects may lead to the conclusion that the kind of reform that is needed is not to make a new category of 'lawyer-light' who can do all of the same things, but to consider whether changes ought to be made to the path of entry to the legal profession ***for lawyers***.

Yours truly,

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From:	Stephen G. Wright
To:	Consultation 2018
Subject:	submissions
Date:	December-18-18 4:27:01 PM
Attachments:	Submission.Alt Legal Service Providers.18.pdf

I attach a submission.

Stephen G. Wright
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tel: (604) 737-0911
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**a personal law corporation*

To: The Law Society -

Re. LSBC Initiative – Alternate Family Legal Service Providers.

I am not aware of any other area of practice than family law which draws such public comment about a lack of access to justice due to cost. Not corporate/commercial, personal injury, or wills and estates. Criminal law draws mixed comments, some urging less access to lawyers for accused persons. Access to poverty law logically hasn't much to do with the price of services.

Creating an independent body of paralegals as an alternative to lawyers, under LSBC regulation, appears to be a fundamental mistake, one which ignores how lawyers come to be, and how the profession keeps developing. It ignores the underlying problems of our system of family justice. I suggest that extending the use of paralegals who work under the supervision of lawyers holds more promise of cost-effective service to the public.

I limit my comments below to the questions set out in the Consultation Paper.

1. **What do you like or dislike about the framework outlined in Schedule A**?

The underlying presumptions of the framework appear to include:

a. Family law legal services are not accessed by most who need them, because they are too costly;

b. Lawyers control the supply of family legal services, are the primary reason for this expense, and are effectively the root of the problem;

c. Lower cost legal services will be more accessible, and result in a more just, or at least a more efficient society;

d. A new class of lower-cost service provider can created, who will receive a narrowed legal training, will be completely separate and independent of lawyers , and whose members will fully replicate the work of lawyers, if restricted in scope, and;

e. The Law Society can effectively regulate, and oversee the creation, training standards and supervision of these new independent service providers.

The legal profession has continuously developed, over perhaps the past 900 years, as a community with its own culture. It has developed the law itself, through argument, decision and precedent. Ongoing training, mentoring and supervision happens inside the legal community.. The bench comes out of this community. Lawyers, judges and the law itself end up inseparable in the pursuit of justice over the generations. Isn't it possible that our community stopped simply providing service long ago, and moved to providing not just access to justice, but to defining and delivering justice itself? If so, why expect others from outside this community, and kept separate from it, to do the same?

Lawyers make one another into professionals by this ongoing community of engagement. We are measured by one another's work, having to meet the standard of

"a skilled lawyer" in every area of law we choose to work in, regardless of the extent of our experience. Those who participate fully become our leaders. Those of us who fail to participate in both the culture and community more often struggle to provide efficient, effective and ethical services. Too many are well known to the Law Society.

In our rapidly developing culture of ADR, collaborative models and limited scope services, we are working constantly to provide services to a broader client group, to reduce conflict, client stress and ultimately cost. In so doing, we are required to always provide the full extent of our professional skill. So, are lawyers the root problem of access to justice?

Lawyers aren't created by regulators, any more than they are created by law schools. So, why would LSBC as lawyer-regulators be able to develop an independent group of paralegals, to deliver services under the proposed framework which they don't deliver now?

Another member's submission drew a parallel with the use of independent nurse practitioners. This now occurs in Washington State. These nurses come from within the medical community. They are not trained separately from it, nor do they get their experience separately. They spend years working in hospitals and clinics with other medical professionals before they can qualify to work independently. They did not arise by legislation and regulation. They gradually created their own professional group, and obtained recognition. Regulation followed their efforts, but did not lead them.

2. **Is the framework likely to achieve the desired outcomes? If not, how might it be modified to achieve the outcomes?**

   There is no reason to expect that under this initiative, effective legal services will become cheaper or more generally available. A new class of independent service providers will face overheads, and the same disbursement costs. They will have to compete with established lawyers who are well able to provide the same services by using supervised paralegals, and offer the full range of further services as needed. They will compete with lawyers willing to accept legal aid rates. If called upon to attend hearings as advocates, they will have to put in substantial amounts of time, and their accounts for services are then unlikely to remain affordable to a person of modest means.

   It is usually the lawyer who will take a file to conclusion who is considered to provide access to justice. In British Columbia, many are unable to afford *any* family law services, despite full time employment. The bulk of those currently unable to access justice for lack of funds will be no more able after this initiative. Savings by purchasing limited services can assist more capable self-represented persons, or those with less challenging cases, but they remain on their own. But will having independent paralegals improve substantially on the limited-scope retainers already offered by lawyers?

3. **Does the framework miss any types of legal services that you consider should be included?**

   No. If the initiative is taken ahead, the framework is far too broad. In family law, facts routinely keep changing. Advice is given and decisions made which will affect the lives of clients and their children for years into the future. These clients, and their families, are

among the most vulnerable who come to lawyers for help. I do not agree that even more services should be included under the proposed framework.

As it stands, that framework creates risk for the public, and offers no reasonable assurance that it will enhance access to justice. The courts are overburdened already, and lawyers can't get timely hearings, particularly in Provincial Court family matters. Self-represented litigants are not the obvious cause, although clearly a symptom.

The long term underfunding of courts, and the concurrent advent of digital evidence such as email, social media, etc. leading to extended hearings are major contributors to a lack of access to justice. Years of government delay in making judicial appointments forced our courts to prioritize reducing backlog over innovation, streamlining procedure and modernization. The judicial tools of parenting and views-of-the-child reports, and documented access supervision are not provided through court-related services. These exist in other jurisdictions, promoting timely decisions for children based on impartial evidence (often without cost). Delay is then cut, and when family litigants see a judicial determination coming swiftly, they have more reason to settle earlier than later.

4. **Does the framework include any legal services you think should be excluded?**

As I do not believe that creation of an independent group of service providers will serve the public, all the services should be excluded.

Posing this question without defining the 'limited scope' of services to be authorized is confounding, and raises concerns of LSBC expanding authorized services later without consultation.

For alternate service providers to be commencing family law cases, advising on legal options, the likely consequences of orders and agreements and representing clients in settlement discussions, they will need a very broad scope of knowledge, and a professional support network to caucus with about difficult matters. They will not get that without a very long period of professional development and experience, within the legal community. They are not going to get that by legislation and regulation as proposed. They should be working with lawyers, not as independent competitors of lawyers.

5. **Should the service providers be "officers of the court?"**

How is anyone who provides a legal service which has the remotest chance of ending up before a Court to be excused from the standard of the lawyer's ethical duties as an officer of the court, including total candour and probity? Can affidavits and pleadings be prepared from the ethical point of view of a mere attorney, repeating whatever the client wishes, regardless of whether it seems true or not? This question seems to suggest that Courts might lower their standards.

6. **Is there a broader possible scope of practice, not contained in the framework that is appropriate for alternate legal professionals who are engaged in collaborative or non-adversarial processes?**

Collaborative law participants put their trust in lawyers being able to finish their dispute out of court. That means the service provider should have the broadest range of skills possible, to deal with all eventualities as they arise. Limited alternative service providers

who are unable to finish the work as it becomes more complex, or who continue anyway, create risk to the public of inadequate representation, or of having the collaborative relationship collapse, at the client's expense.

Mediation, arbitration and other ADR processes run the same risk. A family dispute is seldom, if ever a simple or discrete one. Lawyers must carry out a process of constant re-evaluation of the client's case, considering the shifting relevance of known evidence in considering bargaining power, long term impacts of seemingly short-term proposals including tax matters, etc.

Nothing prevents the proposed reduced-skill service providers from acting as Parenting Coordinators, mediators or arbitrators if duly qualified. This already occurs, but is there really a shortage of affordable mediators and PC's hindering access to family justice?

7. What services contained in the framework are the most complex and fraught with risk of significant and/or enduring harm to the client (or their children) if not performed by an experienced lawyer? How are these risks mitigated now where they are performed by less experienced lawyers?

Very few family law cases are simple. Almost all matters in family law can quickly become complex and can lead to long term harm if handled wrongly, e.g.:

a. All child protection matters – the correlation of this area with poverty, mental health issues, systemic disadvantage and addiction is overwhelming. These parents and children are the most vulnerable, and the consequence of inadequate representation can be loss of the parent-child relationship. Are the paralegals to be expected to satisfy the Charter right of parents to counsel? See *G.(J.) v. New Brunswick [1999] 3 S.C.R. 46*

b. All abduction matters, including *Hague Convention* cases. These matters are legally complex, and require intensive, rapid marshalling of facts, working with foreign lawyers, acquiring knowledge of foreign law, and often extensive translation and interpretation.

c. parenting matters – simple agreements can already be dealt with by Family Justice Counsellors. Parenting disputes can quickly become inflamed, and at least factually complex, drifting into delay and expense. The consequences for children can be damage to the relationship with one parent.

d. child support matters, beyond the basic scope already provided by Family Justice Counsellors.

e. Spousal support matters. These often go far beyond the SSAG's, and require assessment of entitlement, and division of family property;

f. Property matters, particularly in matters involving spousal support claims, corporate income and assets, trusts, extraterritorial assets, and any excluded property issues.

Mitigation - Lawyers who are learning family law currently mitigate these risks by accessing resources in the legal community, such as supervision inside their firm, consulting with colleagues, using the TLABC listserv, etc.

8. **Should the proposed new service providers be subject to the same (or similar) professional conduct/ethical responsibilities as lawyers? Should they be subject to the CBA Best Practice Guidelines for lawyers practising family law?**

   Why should the public accept some lower standard? Simply because of proposed lower cost?

9. **Are there any other reforms to the provision of family law legal services that could be addressed through the use of alternate legal service professionals?**

   No. Continue working with supervised paralegals as at present.
   - Explore ways to extend the scope of those paralegals within law firms.
   - Explore the barriers to lawyers working this way more often (e.g. work volumes necessary to cover paralegal salaries in small/solo firms typical for family lawyers).
   Ultimately, any new group of legal service providers must arise from within the existing legal community, and not from outside it by regulation.

   Insurance issue

   It occurs to me - if alternate legal service providers are set up by LSBC under the *Legal Professions Act*, will they be covered under the same professional liability insurance umbrella as lawyers? I am presuming not. There will be no appetite among the Bar to pay increased premiums to cover the errors of independent family law service providers, over whose practice they have no control. At the same time, will that not leave alternate service providers to cover substantial premiums from their intended lower revenues?

   Regards,

   Stephen Wright