



Report on Paralegal Survey Results

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INTRODUCTION

In April 2003, the Paralegal Task Force sought the Executive Committee's permission to conduct a survey on its proposal for a certification program. The Executive Committee approved the request and the survey was developed and conducted electronically.

An introductory e-mail was sent to all the lawyers in the province asking that they have paralegals in their employment and supervision complete the survey (see Appendix 1). The e-mail provided a link to the proposal for certification and the survey (see Appendix 2). In addition, the British Columbia Association of Legal Assistants and the Canadian Association of Paralegals sent out an introductory memorandum to their members with a link to the proposal and the survey.

628 Respondents completed the survey. While it is not known how many paralegals there are in the province, it is clear that the interest in the paralegal certification issue is very high.

PARALEGAL SURVEY RESULTS

In the sections below, the question that was posed in the paralegal survey is set out together with the results.

1.1.1. How many years in total have you been employed as a paralegal in British Columbia?		
Number of years	Number of respondents	Percentage
0 - 5	206	33.8
5 - 10	153	25.1
10 - 15	127	20.8
15 - 20	56	9.2
20 - 25	41	6.7
25 - 30	22	3.6
30 - 35	3	0.5
35 - 40	1	0.2
40 - 45	1	0.2
45 - 50	0	0.0
Total	610	100.0

The average response was 12.4 years and the median was 10 years.

2. How many of those years have been in the past five years?		
Number of years	Number of respondents	Percentage
0 - 5	557	92.1
5 - 10	24	3.9
10 - 15	14	2.3
15 - 20	3	0.5
20 - 25	5	0.8
25 - 30	2	0.3
30 - 35	0	0.0
35 - 40	0	0.0
40 - 45	0	0.0
45 - 50	0	0.0
Total	605	100.0

The average response was 4.8 years and the median was 5 years.

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3. If you worked as a paralegal in any of the following areas of law over the past year, please indicate the percentage of time you spent in each area (These areas should total 100%).	
Litigation	46%
Corporate	13%
Real Estate	11%
Will/Estates	8%
Family	6%
Other	5%
Securities	3%
Administrative	2%
Criminal	2%
Intellectual Property	2%
Labour	1%
Taxation	1%
Maritime	0%

The majority of Respondents worked in litigation. 70% of Respondents worked in the top three areas of litigation, corporate, and real estate.

In the “Other” category, the most frequently reported other areas of law in which paralegals spent time were the commercial or bankruptcy, insolvency and foreclosure areas.

4. What is the highest level of education you have completed? (Choose one):	
High School	14%
College	56%
Undergraduate Degree	17.5%
Law Degree	2.5%
Masters Degree+	1%
Other	8%

The average number of years of college was reported as 2.9.

In the comments on this question, a number of Respondents noted they had taken courses in a wide variety of areas. Several had some university or college education even if a degree or program had not been completed. One person noted that he or she had never completed high school.

5. Are you a graduate of any of the following? (Choose one or more)	
Capilano College Legal Assistant Program – diploma program	22.1%
Capilano College Legal Assistant Program – certificate program	22.8%
Vancouver Community College/Selkirk College Legal Assistant program	8.3%
Other paralegal program	7.9%
A Canadian law school	0.8%
A foreign law school	1.6%

A total of 44.9 % of the Respondents had completed either the Capilano College legal assistant diploma program or the certificate program.

7.9 % of Respondents indicated they had completed another paralegal program. No single school stood out as having a significant percentage of attendees from among these Respondents although Grant MacEwan Community College, Red Deer College, Selkirk College, and the Southern Alberta Institute of Technology were all facilities attended by more than one respondent.

0.8 % of the Respondents had attended a Canadian law school and obtained a Bachelor of Law degrees; one person indicated he or she was a law clerk.

1.6 % of the Respondents indicated that they had attended a foreign law school. There were Respondents with law degrees from Romania, the United States, England, the Philippines, Singapore, South Africa, Serbia, and Yugoslavia.

6. Will you apply to become a Certified Paralegal?		
	Number of Respondents	Percentage
Yes	572	91.7
No	37	5.9
Not Answered	15	2.4

The Respondents overwhelmingly indicated that they would apply to become certified paralegals.

Of those who indicated they would not apply, some indicated that they were planning on retiring in the near future. Others indicated that certification was not necessary for their jobs and unless they could see what the clear benefits were to applying, they would not do so. Finally, some indicated that they were undecided and that it would depend upon the process and the monies charged.

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A fairly typical response is:

“I am as yet undecided. I have been doing this work for almost 15 years. If certification was a term of employment, then I would apply, but quite frankly, this comes a bit too late in the game for me; I only intend to work for about another five years.”

7. If you do not meet either the General or Grandparenting requirements for certification, would you be willing to write a challenge exam to become a Certified Paralegal?		
	Number of Respondents	Percentage
Yes	91	14.6
No	34	5.5
Meet Requirements	470	75.3
Not Answered	29	4.7

Although over 75 % of the Respondents indicated that they met the requirements, of those who did not meet the requirements, there was a clear willingness to write a challenge exam to become a certified paralegal.

In the comments section of this question, many noted the need for any certification exam to be geared towards a particular area of practice.

One such comment:

“A challenge exam is not a bad idea, provided that the exam is based on the field of expertise. It’s highly unlikely that someone in the litigation field is going to have extensive knowledge of the conveyancing or wills and estates fields and vice versa.”

Some of the Respondents indicated in the comments that all those applying to be grandparented should also have to write a challenge examination. For example:

“I think individuals seeking to be certified via grandparenting should be required to write a challenge exam.”

8. Are you in favour of the title "Certified Paralegal"?		
	Number of Respondents	Percentage
Yes	582	93.3
No	30	4.8
Not Answered	12	1.9

The title “certified paralegals” met with overwhelming approval.

Of those with comments on this question, a number suggested that the title should also include the area of law. Some indicated they preferred the title paralegal without “certified”. Some Respondents preferred the title “certified legal assistant” or “law clerk”. Others suggested “registered paralegal” or “paralegal clerk”.

Some of the comments noted the confusion in titles in the legal field. For example:

“There is a huge difference between the tasks performed by a legal secretary or assistant, and those which a paralegal can perform and to have a defined legal definition to go with the title will be a beneficial distinction that is much needed.”

9. Are you in favour of requiring a Certified Paralegal to renew his or her certification each year?		
	Number of Respondents	Percentage
Yes	332	53.2
No	280	44.9
Not Answered	12	1.9

Those in favour of requiring annual renewals were slightly greater than those opposed. In the comments section, it was clear that there was confusion about what the renewal of the certificate meant. Those who considered this to be an annual licensing fee were generally not opposed. However, a number understood from the question that it would be necessary for them to actually re-certify. In those cases, a number suggested that a more appropriate renewal period would be two to five years. The following comments reflect the confusion:

“It depends on what it means to ‘renew’ his/her certification, i.e.: membership fees or written exams?”

“If a Certified Paralegal remains actively employed as a Certified Paralegal, I don’t see why it would be necessary to renew each year. It would make more sense to make that a requirement if a paralegal has not worked as such for a set number of years (2? 5?).”

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10. How would you rate the Capilano College <i>Diploma</i> program curriculum as a benchmark for paralegal education in British Columbia?		
	Number of Respondents	Percentage
Too High	43	6.9
Too Low	20	3.2
Appropriate	278	44.6
Don't Know	267	42.8
Not Answered	16	2.6

11. How would you rate the Capilano College <i>Certificate</i> program curriculum as a benchmark for paralegal education in British Columbia?		
	Number of Respondents	Percentage
Too High	20	3.2
Too Low	47	7.5
Appropriate	251	40.2
Don't Know	287	46.0
Not Answered	19	3.0

The cumulative majority of Respondents to these two questions indicated that they did not know if the curricula were appropriate benchmarks. Slightly more of the Respondents appeared familiar with the diploma program than the certificate program. Of those familiar with the programs, the vast majority found the curricula appropriate.

Some comments from Respondents on both questions 10 and 11 indicate concerns about using the named college programs as the benchmark. A number of Respondents indicated that the Task Force should set the criteria so that any college could develop programs modelled on the criteria.

A typical comment was:

“ . . . I would suggest that the Task Force put into place its own criteria for paralegal courses (even if it is based on the Capilano College course) and have paralegals review and comment on it.”

Several Respondents also indicated that experience in addition to completion of the program should be required.

For example, one Respondent commented:

“I don't believe that the Capilano College program adequately prepares you to be a paralegal in the real estate area of law. You really must have hands-on experience for about five years.”

Both in the response to this question and in response to some later questions, some Respondents indicated that the Capilano College program was litigation-oriented and its materials in the corporate and securities areas were not thorough. Some Respondents indicated that the Vancouver Community College program was superior in particular areas.

12. Do you agree that a Certified Paralegal should be required to complete a minimum number of continuing legal education course hours each year?		
	Number of Respondents	Percentage
Yes	346	55.5
No	265	42.5
Not Answered	13	2.1

While the majority of Respondents favoured requiring continuing legal education, a number of concerns were raised about whether courses would be available in certain areas and at necessary skill levels. A number of Respondents indicated that finding appropriate course materials that are beneficial to them in their areas of practice was difficult. A number of other Respondents indicated their concerns about the cost of programs, especially if they resided outside the Lower Mainland. CLE courses were described as expensive and often very basic. Some Respondents noted that it was difficult for a paralegal to complete such courses if there is not support for them in their law firms. Finally, a number of Respondents noted that lawyers are not required to complete a certain number of continuing education hours.

How many hours per year would be appropriate?		
Interval	Number of Respondents	Percentage
0 - 10	182	61.9
10 - 20	83	28.2
20 - 30	15	5.1
30 - 40	10	3.4
40 - 50	2	0.7
50 - 60	0	0.0
60 - 70	0	0.0
70 - 80	0	0.0
80 - 90	0	0.0
90 - 100	2	0.7
Total	294	100.0

The average number of required continuing education hours by those in favour of mandatory CLE was 12.7 and the median was 10.

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13. What qualifications should a person from a foreign jurisdiction have to apply to be a Certified Paralegal? (Choose one or more)	
Don't Know	60.9%
An LL.B.	20.3%
A law degree other than an LL.B.	16.2%

The majority of Respondents to this question indicated they did not know. Of the remaining, most favoured an LL.B. with slightly fewer favouring an alternate law degree.

In the comments section for this question, a number of Respondents noted that a person from a foreign jurisdiction should be required to demonstrate proficiency in the English language. Many of the Respondents favoured an examination. Others suggested that there be a comparison of the course curriculum the person had taken with the British Columbia required curriculum.

A number of Respondents considered an LL.B. excessive. A typical response was:

“Should be able to speak/write fluently in English. Recognition from another paralegal program, but each applicant should be considered on an individual basis, possibly even undergo interview and examination.”

14. How would you rate the standards for certification set out in the proposed General Certification scheme?		
	Number of Respondents	Percentage
Too High	31	5.0
Too Low	39	6.3
Appropriate	482	77.3
Don't Know	53	8.5
Not Answered	19	3.0

The responses indicated general approval for the general certification scheme with over $\frac{3}{4}$ of Respondents indicating that the general certification scheme was appropriate. Slightly more Respondents considered the standards too low (6.3%) than too high (5%). A number of Respondents indicated that there should be a greater work experience requirement for all applicants. Others considered that there should be challenge exams for all applicants.

A typical comment from someone who considered the standards too low was:

“I think more than one year’s work experience should be required for someone just out of school.”

15. Are there paralegals with other background qualifications who should be eligible for certification under the General Certification Scheme?		
	Number of Respondents	Percentage
Yes	57	9.1
No	162	26.0
Don't Know	389	62.3
Not Answered	16	2.6

Most Respondents indicated they did not know of other backgrounds that should qualify an applicant for certification. In the comments section of this question, a number of individuals indicated that the scheme is either too British Columbia oriented or too Lower Mainland oriented.

Some Respondents commented on the importance of experience even if it is in non-law areas. For example:

“ . . . a person with a B.Sc. background working in Intell. Property.”

16. How would you rate the standards set out in the proposed Grandparenting Certification Scheme?		
	Number of Respondents	Percentage
Too High	44	7.1
Too Low	80	12.8
Appropriate	447	71.6
Don't Know	34	5.5
Not Answered	19	3.0

The majority of Respondents indicated that the grandparenting certification scheme was appropriate. Of the remainder, more Respondents viewed the standards as too low than too high. Many of the Respondents indicated in the comments section that where one was grandparenting for experience only or experience with a Vancouver Community College or Selkirk background, the applicant should be required to write an examination.

A comment reflecting that view:

“ . . . I think that those who are grandparenting should be required to write an exam like the others wanting certification that did not attend an ‘accepted’ school.”

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17. Are there paralegals with other background qualifications who should be eligible for certification through grandparenting?		
	Number of Respondents	Percentage
Yes	61	9.8
No	150	24.0
Don't Know	394	63.1
Not Answered	19	3.0

The majority of Respondents indicated that they did not know whether there should be other background qualifications eligible for certification through grandparenting. However, one person suggested that the Camosun College Legal Assistants Certificate Program should be considered; another suggested the Institute of Legal Executives (England) or the Institute of Law Clerks of Ontario should also be considered. Others suggested that people in different related fields might be considered, e.g. a nurse or someone with specialized medical training. Some Respondents indicated that all backgrounds and experience should be considered for grandparenting. Finally, a number of people suggested that paralegals from other jurisdictions should be considered.

18. How would you rate a five-year window of opportunity during which a paralegal may apply for certification through grandparenting?		
	Number of Respondents	Percentage
Too Long	92	14.7
Too Short	46	7.4
Appropriate	432	69.2
Don't Know	34	5.5
Not Answered	20	3.2

While most of the Respondents indicated that the five-year window of opportunity was appropriate, a significant number thought that it was too long and that two to three years for the grandparenting window should be sufficient.

A typical comment was:

“I think five years is way too long. If someone wants to be grandfathered in, they should do it immediately. . .”

19. Should Certified Paralegals be entitled to perform legal functions in addition to those now permitted under Chapter 12 of the Professional Conduct Handbook?		
	Number of Respondents	Percentage
Yes	444	71.2
No	74	11.9
Don't Know	78	12.5
Not Answered	28	4.5

Over 71 percent of Respondents considered that certified paralegals should be entitled to perform services in addition to those currently set out in Chapter 12 of the *Professional Conduct Handbook*. Those of the view that certified paralegals should not be entitled to provide additional services was almost equal to those uncertain whether they should be.

20. Should paralegals who are not certified be entitled to perform legal functions in addition to those now permitted under Chapter 12 of the Professional Conduct Handbook?		
	Number of Respondents	Percentage
Yes	56	9.0
No	472	75.6
Don't Know	80	12.8
Not Answered	16	2.6

Over 75 percent of Respondents thought that paralegals who are not certified should not be entitled to provide services in addition to those permitted by Chapter 12 of the *Professional Conduct Handbook*.

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21. What additional functions (if any) should a Certified Paralegal supervised by a lawyer be permitted to perform? (Choose as many as apply)	
Appearing as a representative before administrative tribunals	41.7%
Appearing as a representative in small claims court	65.4%
Appearing as a representative in traffic court where the client cannot lose a licence or be fined over \$2,000	55.8%
Appearing as a representative on non-contentious matters in provincial court	61.4%
Appearing as a representative on Supreme Court Registrar's hearings	44.2%
Appearing as a representative on non-contentious Supreme Court Chambers matters	54.2%
Acting as a Commissioner for Oaths / Land Title Officer	72.6%
All services in connection with simple conveyances including meeting with clients to take instructions and execute documents	68.1%
All services in connection with documents relating to property that may be registered or recorded in a registry or other public office and meeting with clients to take instructions and execute documents	62.0%
All services in connection with basic wills including meeting with clients to take instructions and sign wills	59.3%
Other	9.3%

Of the responses indicating what additional functions a certified paralegal should be entitled to provide, the one most commonly indicated was acting as a commissioner for oaths or land title officer; all services in connection with a simple conveyance came second, and appearing as a representative in small claims court matters came third.

In the comments section, several of the Respondents indicated that certified paralegals should be able to provide the services that notaries public currently provide. Other Respondents mentioned services in relation to the incorporation of companies; others mentioned uncontested divorces; others letters of probate or administration.

22. What additional functions (if any) should paralegals who are not certified but who are supervised by a lawyer be permitted to perform? (Choose as many as apply)	
Appearing as a representative before administrative tribunals	3.9%
Appearing as a representative in small claims court	7.9%
Appearing as a representative in traffic court where the client cannot lose a licence or be fined over \$2,000	6.4%
Appearing as a representative on non-contentious matters in provincial court	6.9%
Appearing as a representative on Supreme Court Registrar's hearings	3.5%
Appearing as a representative on non-contentious Supreme Court Chambers matters	5.6%
Acting as a Commissioner for Oaths / Land Title Officer	11.9%
All services in connection with simple conveyances including meeting with clients to take instructions and execute documents	17.95%
All services in connection with documents relating to property that may be registered or recorded in a registry or other public office and meeting with clients to take instructions and execute documents	15.1%
All services in connection with basic wills including meeting with clients to take instructions and sign wills	14.4%
Other	3.4%

As noted above, 75% of Respondents did not believe that non-certified paralegals should provide services additional to those they are currently entitled to provide under the *Professional Conduct Handbook*. Of those they should be entitled to provide, the most commonly chosen was services in connection with a simple conveyance; the second most frequently chosen was services in relation to property that may be registered in a public office; the third was services in connection with basic wills.

In the comments on this section, most of the Respondents indicated that a paralegal who is not certified should not be entitled to offer any additional services. Some of the Respondents indicated that there would be little point in a certification scheme if non-certified paralegals could also provide the additional services. A typical response:

“None, otherwise what is the point of being certified?”

23. The Respondents were invited to provide the Task Force with additional comments in this section.

Many of the Respondents thanked the Task Force for the opportunity to comment and indicated their support for the certification process generally. Several noted the public interest in certifying legal assistants and allowing them to expand their scopes of practice. In this section, a number of the Respondents reiterated their contention that only certified paralegals should be entitled to provide additional services. The following comments capture the responses to this part of the survey:

“I wholeheartedly endorse the certification of paralegals.”

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“This issue has been discussed in the legal community for a long time. Despite some opposition that may exist, it would serve the public and the legal community greatly to enable certification now.”

“Congratulations on the excellent work done by the Task Force to date.”