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Law Society anxious to see paralegals advance

The Law Society of BC has a vision that would see paralegals taking on a broader range of legal tasks than are currently permitted. It's exciting, new ground that will be good for paralegals and for any member of the public seeking legal services.

In British Columbia, paralegals work under the supervision of lawyers, who are regulated by the Law Society. The Society sets and enforces standards of professional conduct that ensure the public is well served by a competent, honourable legal profession.

The Law Society also brings a voice to issues affecting the justice system and the delivery of legal services. One of the Society's strategic goals is to improve the public's access to legal services and justice. In 2009, the Law Society proposed some new and innovative suggestions and in 2010 a series of recommendations were made, including an expanded role for lawyer-supervised paralegals and articulated law students.

The *Professional Conduct Handbook* sets out for lawyers the restrictions of use for legal assistants (including "paralegals" which is not a defined term in British Columbia). The Law Society is exploring the elimination of two restrictions: the prohibitions against legal assistants providing legal advice and appearing in court as advocates.

The purpose of eliminating the restriction on paralegals providing legal advice is to allow lawyers to provide clients an option where the supervised paralegal handles files and provides legal advice to clients. The degree of direct involvement between the lawyer and the client would vary depending on the circumstances.

The Law Society believes this expanded role for paralegals before courts and tribunals can increase the public's access to lower cost, competent legal services and provide an alternative to people representing themselves in legal matters. Self-represented litigants are a growing phenomenon and can place considerable burden on the justice system. By creating new business models for lawyers to work with paralegals, the public and the justice system can both be better served.

The move should also result in a more rewarding employment opportunity for paralegals to be involved in traditional solicitors' work and behind-the-scenes matters that have the potential to end in a court or tribunal appearance

The next steps will be to explore the concept with the Supreme Court of British Columbia and the British Columbia Provincial Court in order to determine what advocacy roles the courts might permit supervised paralegals to perform. Preliminary meetings have already been held with court officials.

Also, the Law Society is creating guidelines for lawyers who are supervising paralegals. The guidelines will likely contain best practices for supervision, training and assessing competence and are important, since the model of expanded roles for paralegals will still be a lawyer-supervised model. This means that

any misconduct by a paralegal will be dealt with through regulation of the supervising lawyer by the Law Society.

This important work is continuing in 2011 and the Law Society is optimistic that paralegals will soon find themselves able to offer high-quality, practical and more affordable legal services to the public.