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LAW SOCIETY OF UPPER CANADA

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C O N V O C A T I O N

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IN PUBLIC SESSION

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THURSDAY, FEBRUARY 24th, 2011 - 9:00 a.m.

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OSGOODE HALL, TORONTO

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1 CONVOCAATION ATTENDANCE - MORNING SESSION

2 Treasurer - Laurie Pawlitza
3 W. Dan Chilcott (T) E. Susan Elliott
4 George D. Hunter (T) Vern Krishna
5 Gavin MacKenzie Marion Boyd
6 Seymour Epstein Dow Marmur (T)
7 Jack Rabinovitch Catherine Strosberg
8 Patrick Furlong Ross Murray
9 Raj Anand Constance Backhouse
10 Christopher D. Bredt John A. Campion
11 James R. Caskey Thomas G. Conway
12 Marshall Crowe Mary Louise Dickson
13 Lawrence Eustace Julian Falconer
14 Carl Fleck Avvy Go
15 Alan D. Gold Jennifer Halajian (T)
16 Carol Hartman (T) Thomas Giles Heintzman
17 William E. Kaplan Susan T. McGrath
18 Janet E. Minor Julian Porter
19 Judith M. Potter Nicholas John Pustina
20 Susan Richer Heather Ross
21 Linda Rothstein (T) Mark Sandler
22 Paul Schabas Alan G. Silverstein
23 William J. Simpson Gerald A. Swaye
24 Beth Symes Bonnie A. Tough
25 Bradley H. Wright W. Paul Dray
1 Michelle Haigh
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6 TREASURER PAWLITZA: Now, moving on, there
7 are a few -- can I remind everyone who is on the phone --
8 hello, is there anyone on the phone? We're getting
9 feedback. Could you please star 6 to mute if you're not
10 speaking, because otherwise we hear absolutely everything
11 that's happening in the room in which you're calling from.

12 There are a few things I would like to
13 mention this morning in the Treasurer's remarks. I would
14 like to take a moment this morning to speak about paralegal
15 scope of practice.

16 You will recall that at the Law Society's
17 Annual General Meeting in 2010, we committed to review the
18 scope of practice of paralegals and since then we have
19 considered how to approach the review and the steps that
20 might be involved in that review.

21 As the regulator, the Law Society must ensure
22 that our lawyers and paralegals are well trained and fully
23 capable of serving the needs of their clients. As clients'
24 needs change, our mandate requires that we address the
25 growing variety of legal needs in a creative and accessible
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1 way. In doing so, the Law Society's obliged to consider how
2 we can assist the people of Ontario in finding the legal
3 services they require from qualified legal professionals,
4 which includes lawyers and paralegals.

5 Subsection 4.2(5) of the Law Society Act
6 specifically refers to our need to set standards of learning
7 and that restrictions on who may provide particular legal
8 services ought to be proportionate to the significance of
9 the regulatory objectives we are seeking to realize. Of
10 course, our primary goal is to ensure that competent ethical
11 and accessible legal services are available to the people of
12 Ontario.

1 TREASURER PAWLITZA: As we consider the
18 expansion of the scope of paralegal practices to address the
19 evolving needs of Ontarians, as would be the case in any
20 expansion in the provision of legal services, we must
21 carefully consider the issues of training, of entry level
22 competence, and accreditation.

23 So to begin the analysis of need, required
24 competencies and the training necessary to meet the
25 competencies, we must have a starting point. Now, any
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1 discussion of a starting point is, by its very nature,
2 arbitrary and it may be controversial. Nevertheless, we
3 need to choose a specific starting point in order to move
4 forward with the analysis.

5 The legal practice activities identified in
6 the 2000 report, A Framework for Regulating Paralegal
7 Practice in Ontario, are reasonable areas for examination.
8 Significant work is necessary to complete an initial
9 assessment of need and then to determine the knowledge,
10 skills, and abilities that would be required to provide
11 those services competently.

12 I want to stress that by using these
13 activities as the starting point, we are not predetermining
14 any part of the analysis. Once this work is completed, it
15 will be reviewed by Convocation's committees and brought to
16 Convocation for consideration, likely in the fall of 2011.
17 Following consideration by Convocation, it's expected that a
18 framework will then be established for a broader
19 consultation with paralegals, with lawyers, the courts, and
20 with others concerned with the provision of legal services.

