



## Better connecting consumers of legal services to legal assistants / paralegals *Future of Legal Services Committee*

Given several important initiatives underway, the Future of Legal Services Committee is highlighting key information regarding access to justice and the work of the [Committee](#). Look for information to follow on continued next steps in implementing the Legal Services Task Team recommendations [report](#).

In this series of articles, the focus has been on connecting consumer of legal services to [lawyers](#) and [alternative legal service providers](#) effectively. In this article, the focus turns to connecting consumers of legal services and legal assistants / paralegals more effectively.

### KEY DATA

According to 2016 census data, there are approximately 1,370 individuals identifying as either legal assistants or paralegals in Saskatchewan.

According to census data, there are approximately 1,370 individuals identifying as either legal assistants or paralegals as of 2016 in Saskatchewan. This is an important group of legal service providers and the Law Society is considering ways to reduce regulatory barriers, while maintaining protection of the public, to help drive efficiencies in the provision of legal services by legal assistants and paralegals.

In focus are options to expand the scope of practice and degree of independence for supervised staff like legal assistants and paralegals. This can enable lawyers to charge less for services that are provided by staff, thereby increasing access to legal services and consumer choice.

While there is no official designation of 'paralegal', in Saskatchewan, those working under the supervision of a lawyer may refer to themselves as paralegals. Similarly, there are no formal educational requirements for those working as paralegals under the supervision of a lawyer, although education programs of varying scope and length are offered throughout Canada, including in Saskatchewan. While there is no governing body for these paraprofessionals, their work is directly supervised by practicing lawyers. Under the Saskatchewan Code of Professional Conduct:

*"A lawyer has complete professional responsibility for all business entrusted to him or her and must directly supervise staff and assistants to whom the lawyer delegates particular tasks and functions."*

The policy basis for direct supervision is to ensure that legal work is completed properly and ethically so that clients receive competent and professional legal services. Commentary in the Code expands on the understanding of this arrangement and is more permissive:

- allowing lawyers to permit delegation of some tasks to a staff person working under their supervision; and
- setting out a list of activities that non-lawyers, even under the supervision of a lawyer, must not do.

The Task Team considered whether expanding the scope of practice and degree of independence for supervised staff such as legal assistants and paralegals working in law firms could enable lawyers to charge less for services, thereby increasing access to legal services and consumer choice. Importantly, some legal matters can be performed unsupervised by paralegals and legal assistants and this can benefit access to legal services and offer more affordable legal services.

Approaches in different jurisdictions offer ideas for consideration in Saskatchewan. In particular, the parameters of the Law Society of British Columbia’s approach to ‘designated paralegals,’ has attributes that can support greater independence of paraprofessionals working under the supervision of a lawyer in Saskatchewan. For instance, the scope and independence of a legal assistant or paralegal is specific to the staff person’s level of skill and training and may not be the same as the parameters of another staff person’s scope and degree of independence. Additionally, delegation is an active process whereby the supervising lawyer affords a staff person independence based on their skills, training, and character to perform enhanced functions.

A survey of lawyers and clients in British Columbia about the use of designated paralegals indicated that the cost of legal services was lowered in those cases and that clients were satisfied with the service they received.<sup>1</sup>

The overall aim of reviewing direct supervision requirements in Saskatchewan is to expand the scope of practice and degree of independence for supervised staff. This removes a regulatory barrier that could enable lawyers to charge less for services provided by staff, thereby increasing access to legal services and consumer choice. The Task Team concluded that:

- each lawyer supervising staff in Saskatchewan should be permitted to make their own determinations about the staff person’s qualifications, knowing that they would ultimately be responsible for that work; and
- it had not received enough guidance through consultation to recommend specific parameters for an expanded set of functions that could be delegated to staff persons.

### Consulting on the role of legal assistants and paralegals in Saskatchewan

As the Law Society advances amendments to the Saskatchewan Code relating to direct supervision of legal assistants and paralegals, we invite feedback and input from lawyers and legal assistants and paralegals on this important topic. Consultation is planned during December 2021 and January 2022 in a variety of formats:

JOIN AN ONLINE WEBINAR DISCUSSION	COMPLETE A SURVEY (coming soon)	CONTACT THE LAW SOCIETY DIRECTLY
<ul style="list-style-type: none"> <li>• December 9, 2021 @ 12:00 PM</li> <li>• January 12, 2022 @ 12:00 PM</li> </ul>	<ul style="list-style-type: none"> <li>• Survey for lawyers</li> <li>• Survey for legal assistants / paralegals</li> </ul>	<a href="mailto:consultation@lawsociety.sk.ca">consultation@lawsociety.sk.ca</a>

The Law Society looks forward to receiving feedback on taking forward permissive and effective regulation that permits a lawyer to delegate work and duties appropriately, according to the skills, training and character suitability of the supervised legal assistant or paralegal. This can help increase access to legal services and more effectively connect consumers of legal services and legal assistants / paralegals to support greater access to justice.

*The Future of Legal Services Committee will continue to provide updates on important initiatives and invites comments and input at: [consultation@lawsociety.sk.ca](mailto:consultation@lawsociety.sk.ca).*

<sup>1</sup> See: Law Society of British Columbia, ‘Designated Paralegal Survey 2016’, available: <https://www.lawsociety.bc.ca/Website/media/Shared/docs/practice/resources/DesignatedParalegalSurvey.pdf>