



THE
STRATEGIC
COUNSEL

25

TORONTO | OTTAWA | CALGARY

www.thestrategiccounsel.com

EXPERIENCE • PASSION • CREATIVITY
CUSTOM SOLUTIONS FOR COMPLEX ISSUES



Law Society
of Ontario

Barreau
de l'Ontario

A REPORT TO
LAW SOCIETY OF ONTARIO

SURVEY OF FAMILY LAW BAR MEMBER BUSINESS MODELS AND BILLING PRACTICES

Proposed Licence for the Family Legal Services Provider

April 2021

CONTENTS

1.) About the Research	3
2.) Key Findings	5
3.) Detailed Findings	11
Practice Information	12
Billing	15
Other Support Staff	18
Overhead Costs	23
Association/Affiliation with Paralegals/Paralegal Firms	25
Family Law Service Provider License Initiative	27
Final Comments and Region of Practice	34

1

ABOUT THE RESEARCH

OBJECTIVES

This study is part of a larger research program conducted by The Law Society of Ontario (LSO) into its proposed Family Legal Service Provider (FLSP) Licence model. In addition to a survey among end users of family legal services, the study involved three surveys among internal stakeholders two of who are regulated by the LSO (family lawyers and paralegals) and law clerks.

This report showcases results from the survey among family lawyers and looks at their business practices and perspectives of the FLSP initiative.

More specifically, the objectives of this research are to:

- Better understand the current business model and practices of family lawyers;
- Assess awareness of and attitudes toward the FLSP license initiative, including willingness to offer a placement and hire a FLSP; and
- Identify expectations in regard to the length of the qualifying program and placements required for the FLSP licensing of paralegals and law clerks.

METHODOLOGY AND RELATED CONSIDERATIONS

- An email invitation for the survey was sent to 5,535 Family Law bar members within the LSO database, along with a link to the questionnaire. In all, 935 members responded, for a 16.9% response rate, which is an excellent response rate for this type of survey, given that most business type surveys receive a response rate of 10% at best.
- In order to assess the extent to which respondents reflect the demographics and regional distribution of bar members who are family lawyers, comparisons were made, where possible, with the LSO database. In most cases, the characteristics of those responding were similar to those in the database.
- The major difference between the membership in the LSO data base and survey respondents is that the latter has a larger proportion of family lawyers whose practice/firm is largely dedicated to family law. In all, 59% of survey responses came from lawyers who say that 75% or more of their practice or firm is dedicated to family law matters, while just 44% in the LSO data base belong to this group. Given that the FLSP license initiative could potentially have the most impact on this group, it was decided, in consultation with the LSO, to leave the data as is, and not weight it, so that the larger proportion of affected lawyers remained in place for analysis.

2

KEY FINDINGS

Key Findings

PRACTICE INFORMATION

Family lawyers are a diverse group, but most operate in small offices or practices primarily focused on family law.

- A quarter of respondents are sole practitioners and operate without apparent support staff. The balance practice in offices of varying sizes, but most are relatively small. Less than one-in-ten (19%) are part of offices of more than 10 staff.
- The majority (59%) have practices which are 75% or more devoted to Family Law.
 - Some key differences in attitude emerge based on the proportion of practice involved in Family Law, notably, which are included in the detailed findings of this report
- The vast majority of family lawyers (76%) have been in practice for more than 5 years, with 6 in 10 in practice for more than 10 years and well-established
- In all, 22% are at the partner level and 18% are associates/employees.

BILLING PROCESS AND FAMILY LAWYER RATES

Retainers and hourly billing rates are the most common billing practices among family lawyers.

- Almost all (88%) charge a retainer at the start of a case, and the median amount of the retainer is close to \$3,000.
- Almost all (84%) also charge by the hour, with a median rate of \$330. This does vary by seniority, with associates or employees at \$290 and partners at \$362 per hour.
- Other somewhat frequently-cited, billing options include: limited scope retainers (63%) and flexible payment plans (45%). Less frequently cited are flat fees (32%).
- There are two principle billing methods cited: as needed (37%) and monthly (33%).
- A significant minority (43%) also indicate that they provide pro bono services in some family law cases.

Key Findings

USE OF SUPPORT STAFF

Three-quarters of family lawyers report some form of support within their firm or practice. In many but not all of these cases, that support is billed directly.

- Two thirds of family lawyers (66%) report having an assistant, making this the most common form of support. Only 30% report billing this support directly, however, with a median rate of \$104 per hour.
- Over half (58%) report making use of law clerks, and most of these (68%) report billing this support out and at a rate of \$131 per hour.
- A quarter (27%) of family lawyers report employing an articling candidate, with the median billing rate at \$139 per hour.
- The least used support (17%) is paralegals and the median billing rate is \$125, slightly lower than the rate for law clerks.

OTHER OVERHAED

Most family lawyers have a wide variety of overhead costs, with rent and employee salaries likely the most significant.

- Membership fees, insurance, practice software, office rent and employee's salaries are the main expenses cited by family lawyers.
- 85% report working from an owned or rented office, suggesting that rents or mortgage payments are a widespread and considerable cost.
- Similarly, most practices have support staff and, as noted, some are not billed, so employee salaries are also an expense for some firms.

Key Findings

AWARENESS OF FAMILY LAW INITIATIVE

Two thirds of family lawyers are aware of the proposed FLSP license initiative and many are not receptive.

- While more than six-in-ten report awareness of the FLSP initiative, this increases to 71% among those where 75% or more of their practice is dedicated to family law.
- When asked to identify the benefits of the FLSP initiative, 45% say there are no benefits (51% among those with 75% of their practice made up of family law), and almost all cite various forms of challenges.
- The majority of family lawyers (54%) either have no suggestions concerning the kind of work that an FLSP might reasonably do, or feel that there is nothing that an FLSP should reasonably be doing to improve access to legal services among litigants. Those who do have suggestions tend to focus on administrative work, with few citing actual types of case work, aside from simple or uncontested divorces (11%).

LENGTH OF TRAINING AND PLACEMENTS

Most family lawyers would like to see relatively long training programs and placement periods for licensees.

- Almost half of family lawyers believe the instructional training should be more than two years in length, and three quarters say the placement should be more than 12 weeks in length (the longest period cited in the survey).

Key Findings

7 LIKELIHOOD OF OFFERING CO-OP/ARTICLING PLACEMENT FOR FAMILY LAW

The likelihood of a family lawyer offering a co-op or placement to an FLSP is fairly low.

- While 21% of family lawyers indicate that they are at least somewhat likely to offer a co-op or placement to an FLSP, just 6% are very likely to do so. (For comparison, 27% report employing an articling candidate).
- This finding is fairly consistent across practices, regardless of how much is dedicated to family law. But, among those whose practices are more dedicated, *resistance* to offering a co-op or placement to an FLSP is greater (42% not at all likely vs. 37% among others).

8 LIKELIHOOD OF HIRING A FLSP

The likelihood of hiring an FLSP is also low.

- Just 17% report that they are at all likely to hire an FLSP to support their practice, with only 4% very likely to do so.
- Among those whose practice is 75% or more devoted to family law, the overall likelihood of such a hire declines further to 12%.
- A range of reasons are given by family lawyers for not considering this kind of hire to support their practice.

Key Findings

FINAL COMMENTS

Final comments on the survey reveal a generally negative view of the FLSP License Initiative

- While most respondents (63%) did not offer a final comment, those who did were largely negative about the initiative:
 - This is a bad idea/I don't agree with expanding the scope of paralegals – 22%
 - Could cause tremendous harm to families – 7%
 - Would not solve access to justice issue – 7%
 - Concerned that there will not be enough education – 5%
- Very few positive comments were offered:
 - This initiative is essential – 2%

3

DETAILED FINDINGS

PRACTICE INFORMATION

CURRENT EMPLOYMENT STATUS AND NUMBER OF PEOPLE EMPLOYED AT FIRM/PROFESSIONAL BUSINESS/OFFICE IN WHICH WORK

Half of family lawyers are sole practitioners, and half of this group appear to have no support staff (representing 25% of family lawyers, in all).

- Family law practices tend to be relatively small with just a third reporting 6 or more staff.

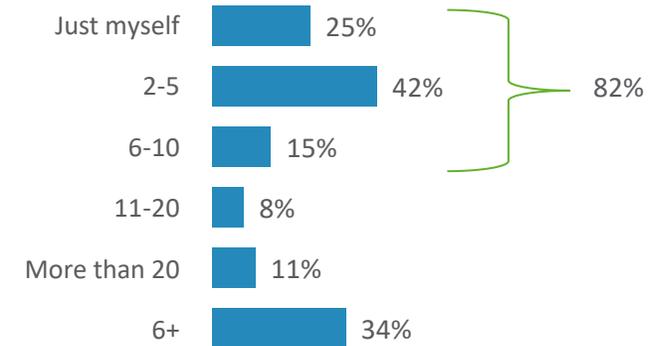
CURRENT EMPLOYMENT STATUS

(among Total sample)

Sole practitioner	53%
Partner in a law firm/professional business	18%
Associate/employee at a law firm/profession business	14%
Partner in a law firm/professional business with lawyers and paralegals	4%
Associate/employee at a law firm/professional business with lawyers and paralegals	4%
Legal aid or clinic lawyer	2%
Employed in education or government in Ontario	1%
In-House	1%
Not in Ontario	<1%
Not currently providing legal services	2%

NUMBER OF PEOPLE EMPLOYED AT FIRM/PROFESSIONAL BUSINESS/OFFICE IN WHICH WORK

(among those who practice Family Law)



Q1. What is your current employment status in Ontario?

Base: Total sample n=935

Q4. Including yourself, how many people are employed at the firm/professional business/office in which you work?

Base: Practices family law at Q2 n=884

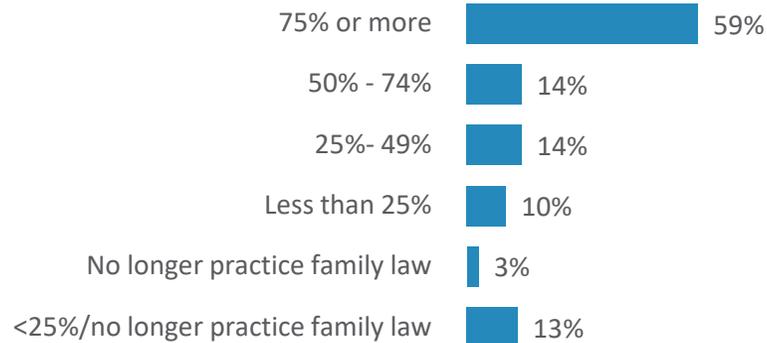
PERCENTAGE OF PRACTICE DEVOTED TO FAMILY LAW, YEARS OF EXPERIENCE

The majority of those responding to the survey (61%) say that family law makes up 75% or more of their practice.

- Their practices are also well established as the majority (76%) have been practicing family law for more than 5 years (61% more than 10 years).

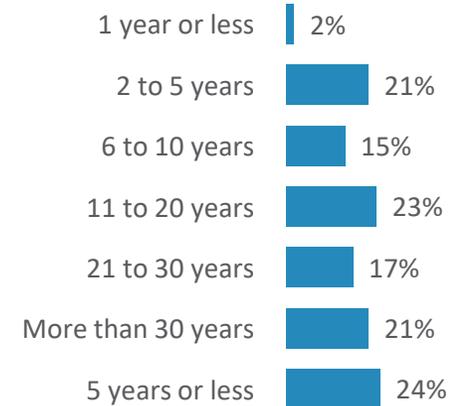
PERCENTAGE OF PRACTICE DEVOTED TO FAMILY LAW

(among those providing legal services)



YEARS OF EXPERIENCE IN PRACTISING FAMILY LAW

(among those practicing family law)



Q2. What percentage of your practice is devoted to family law?

Base: In Ontario providing legal services at Q1 n=912

Q3. How many years of experience in practising family law do you have?

Base: Practices family law at Q2 n=884

BILLING

BILLING OPTIONS USED FOR FAMILY LAW CASES AND TYPICAL RETAINER AMOUNT CHARGED FOR FAMILY LAW CASES

The great majority of family lawyers report using a retainer and hourly rates for family law cases, while a smaller majority report limited scope retainers and flexible payment plans.

- The majority of those who report using a retainer (or limited scope retainer) report that the amount for these is \$2,000 or more (72%). The median amount is almost \$3,000.
- Most (69%) of those offering a limited scope retainer also say they offer legal coaching for Family Law cases.

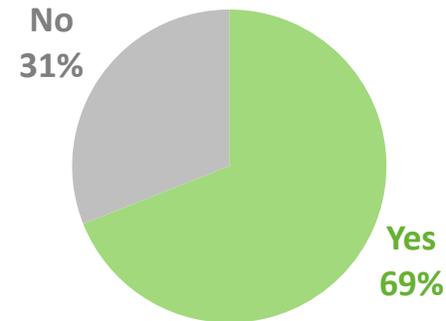
BILLING OPTIONS USED FOR FAMILY LAW CASES

(among those practicing family law)

A retainer at the beginning of the matter	88%
An hourly rate for services provided	84%
Limited scope retainer/unbundling (e.g. charging to assist with only part of a client's legal matter)	62%
Flexible payment plans	54%
A block fee, which is a fee for a specific service (e.g. charging to draft an affidavit)	45%
A flat fee, which is a set fee for the entire matter from start to finish (e.g. charging \$3500 for a variation proceeding)	32%
Reduced fees through Employee Assistance Plans	21%
We offer our services at no charge	3%
Don't know/not sure as I am not involved in the billing	2%

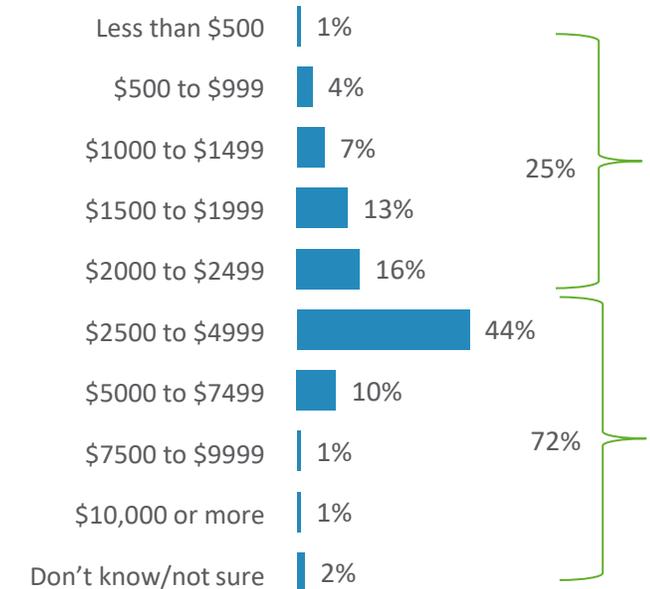
OFFERS LEGAL COACHING FOR FAMILY LAW CASES

(among those practicing family law)



TYPICAL RETAINER AMOUNT CHARGED FOR FAMILY LAW CASES

(among those who said "Yes" to a retainer or limited scope retainer)



Q5. Which of the following billing options are used by you or your firm for family law cases? (Please check all that apply)

Base: Practices family law at Q2 n=884

Q6. What is the typical retainer amount that you or your firm charges for family law cases?

Base: Yes to retainer or limited scope retainer at Q5 n=781

Q7. For family law cases, do you offer legal coaching (e.g. providing supporting services to assist a client in bringing a motion or appearing in court)?

Base: Yes to limited scope retainer/unbundling at Q5 n=549

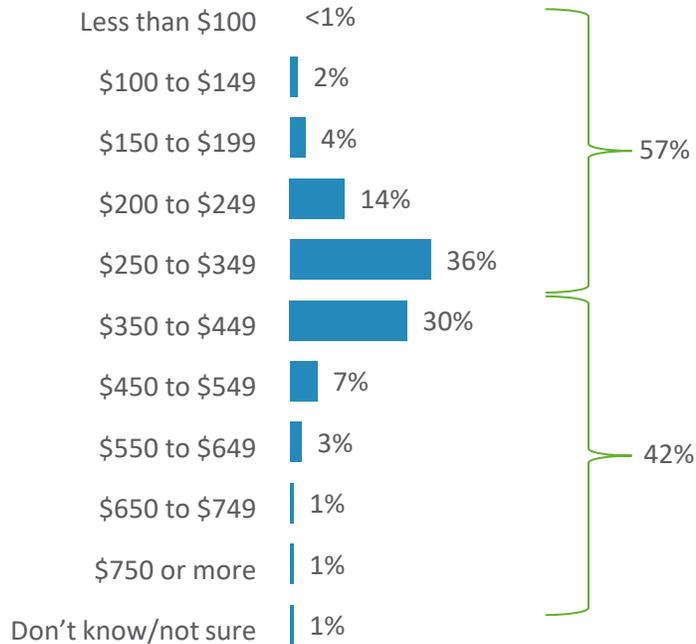
HOURLY RATE CHARGED FOR SERVICES IN FAMILY LAW CASES, FREQUENCY IN BILLING AND EXTENT OFFERS PRO BONO LEGAL SERVICES

Among those who charge an hourly rate for family law services, the median amount is \$330, with partners billing the highest amount, at \$362, and associates/employees the lowest, at \$290.

- Billings are generally done on either a monthly or as needed basis.
- And four-in-ten report providing pro bono legal services in Family Law cases.

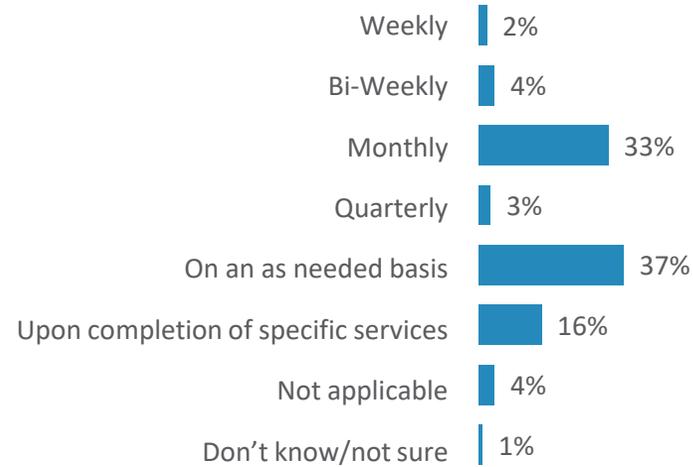
HOURLY RATE CHARGED FOR SERVICES IN FAMILY LAW CASES

(among those who said "Yes" to hourly rate)



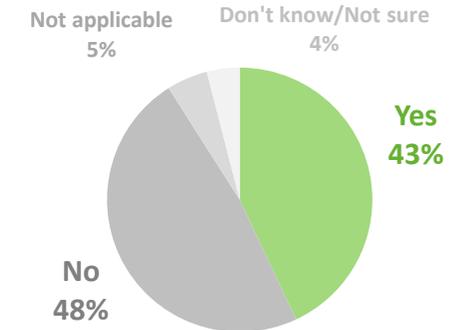
FREQUENCY IN BILLING CLIENTS

(among those practicing family law)



OFFERS PRO BONO LEGAL SERVICES IN FAMILY LAW CASES

(among those who practice family law)



Q8. What is the hourly rate which you or your firm charges for your services in family law cases?

Base: Yes to hourly rate at Q5 n=740

Q9. How frequently do you or your firm bill your clients?

Base: Practices family law at Q2 n=884

Q10. Do you, or your firm, offer pro bono legal services in family law cases?

Base: Practices family law at Q2 n=884

OTHER SUPPORT STAFF (Assistants, Law Clerks, Paralegals, Articling Candidates)

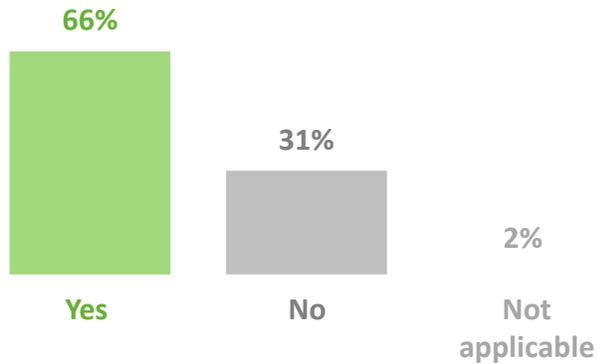
MAKE USE OF OR HAVE AN ASSISTANT, BILL FOR ASSISTANT'S TIME AND HOURLY RATE

Two thirds of family lawyers report having or making use of an assistant, but most (63%) do not bill out their time.

- Among those who do, one-half bill their assistant's hourly rate at \$100 or more , with a median amount of \$104.

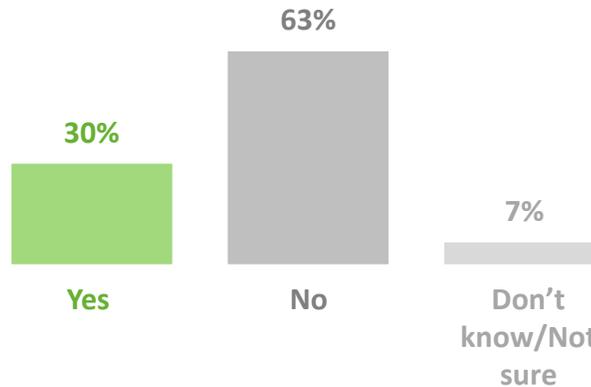
MAKE USE OF OR HAVE AN ASSISTANT

(among those who practice family law)



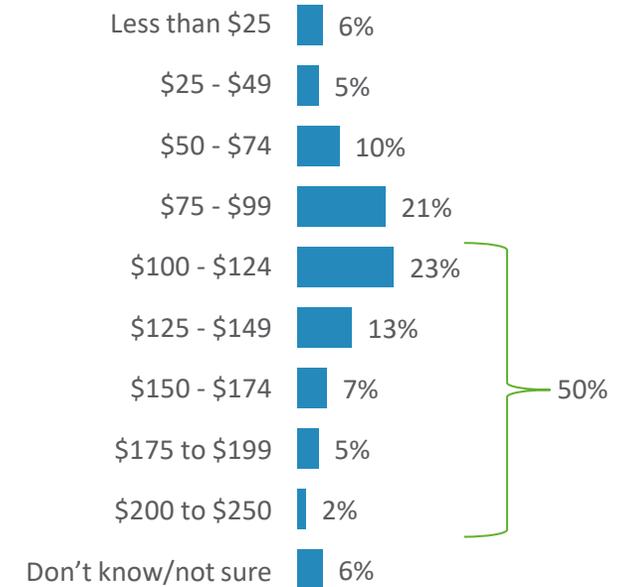
BILL FOR ASSISTANT'S TIME FOR SPECIFIC TASKS

(among those who said "Yes" uses an assistant)



ASSISTANT'S HOURLY RATE

(among those who said "Yes" assistant's time is billed)



Q22. Do you or your firm make use of or have an assistant?

Base: Practices family law at Q2 n=884

Q23. Do you or your firm bill for the assistant's time for specific tasks, such as research or filing?

Base: Yes at Q22 n=586

Q24. What is the assistant's hourly rate?

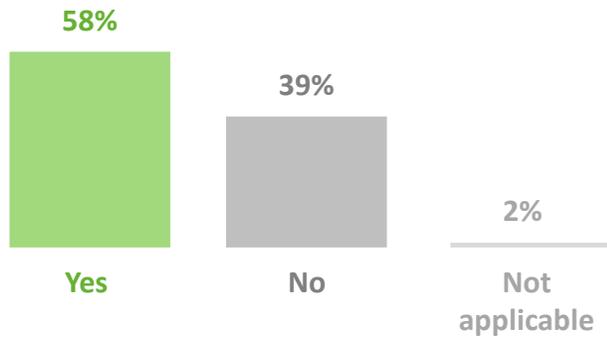
Base: Yes at Q23 n=174

The majority of family lawyers employ a law clerk, and the majority of those bill out their time

- Among those who bill out for their time, most (70%) do so at \$100 or more per hour, with a median amount of \$132.

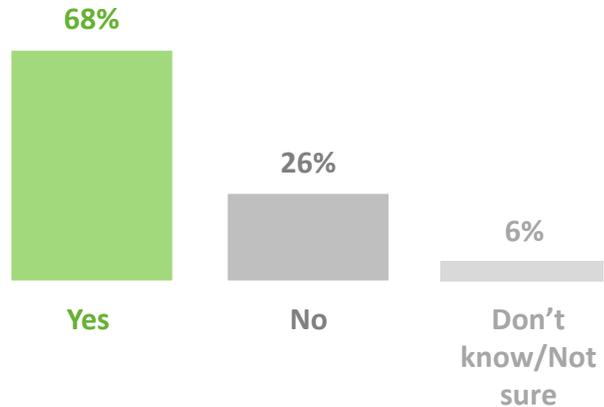
EMPLOYMENT OF A LAW CLERK

(among those who practice family law)



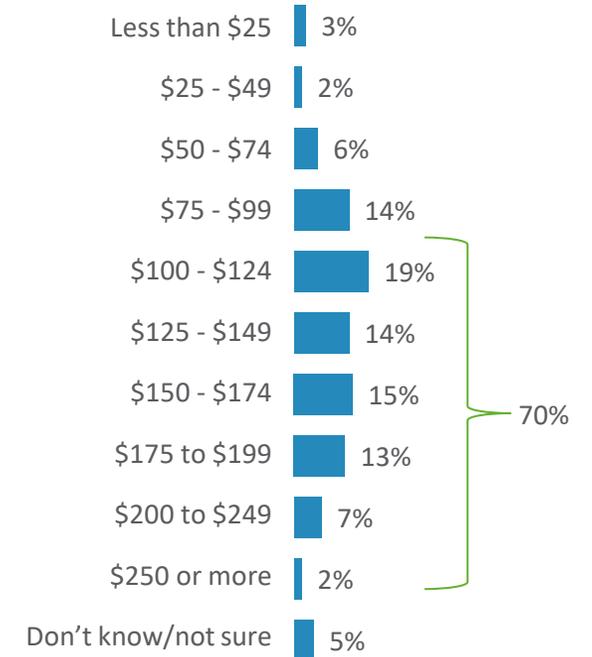
LAW CLERKS TIME BILLED OUT

(among those who said "Yes" firm employs a law clerk)



LAW CLERK'S HOURLY BILLING RATE

(among those who said "Yes" law clerks time billed out)



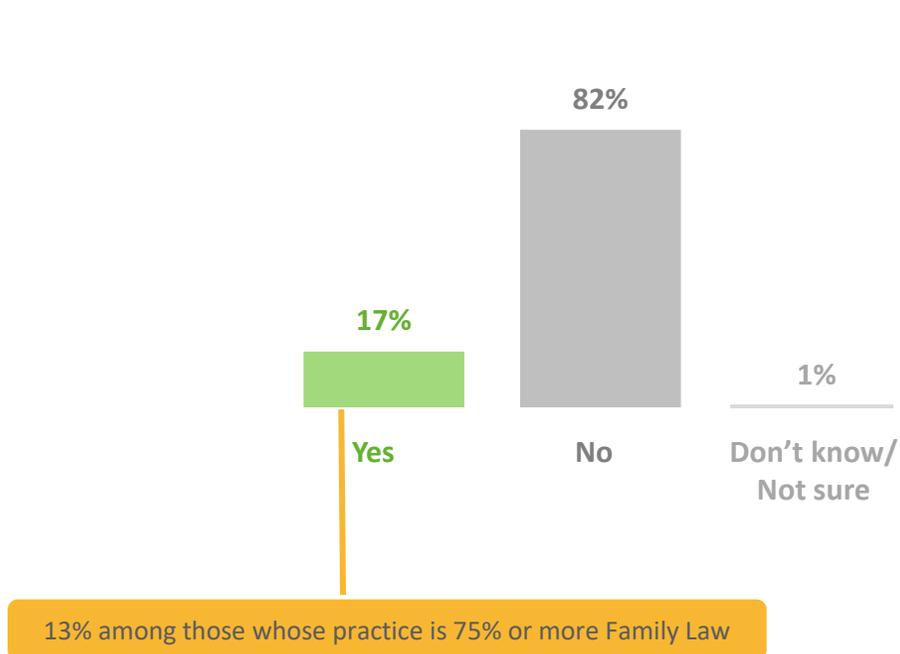
Q19. Do you, or your firm, employ a law clerk?
 Base: Practices family law at Q2 n=884
 Q20. Is the law clerk's time billed out?
 Base: Yes at Q19 n=515
 Q21. What is the law clerk's hourly billing rate?
 Base: Yes at Q20 n=349

Just under one-in five family lawyers report having paralegals on staff.

- Among those who do, a slim majority (52%) report an hourly billing rate of \$100 or more, with a median amount of \$127.

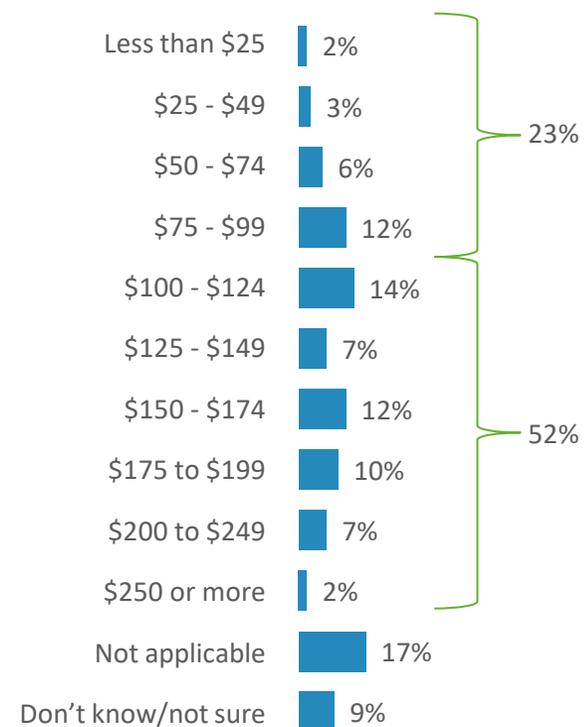
PARALEGALS ON STAFF

(among those practicing family law)



PARALEGAL'S HOURLY BILLING RATE

(among those who said "Yes" to having paralegals on staff)



Q11. Do you or your firm have any paralegals on staff?

Base: Practices family law at Q2 n=884

Q12. What is the paralegal's hourly billing rate?

Base: Yes at Q11 n=151

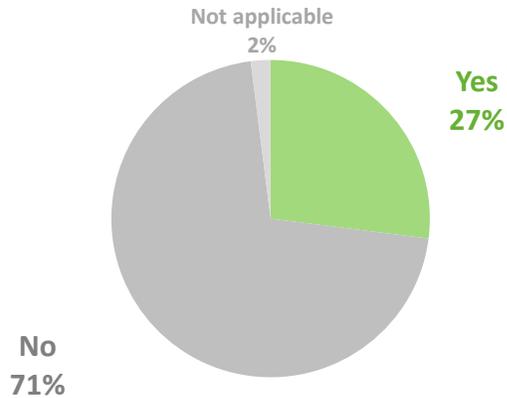
EMPLOYS AN ARTICLING CANDIDATE AND THEIR HOURLY BILLING RATE

Most family lawyers do not employ an articling candidate (71%).

- Among those who do, the plurality report an hourly billing rate of less than \$150 per hour, with a median amount of \$139.

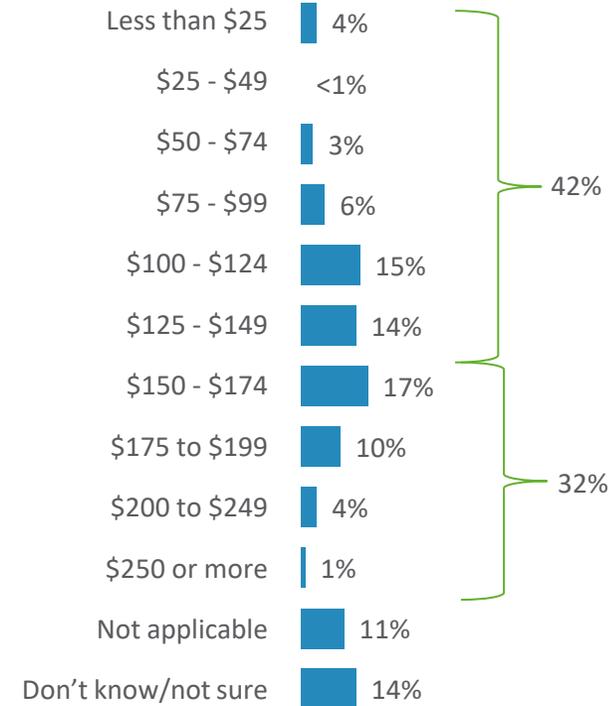
EMPLOYS AN ARTICLING CANDIDATE

(among those practicing family law)



ARTICLING CANDIDATE’S HOURLY BILLING RATE

(among those who said “Yes” to employing an articling candidate)



Q17. Do you, or your firm, employ an articling candidate?

Base: Practices family law at Q2 n=884

Q18. What is the articling candidate’s hourly billing rate?

Base: Yes at Q17 n=236

OVERHEAD COSTS

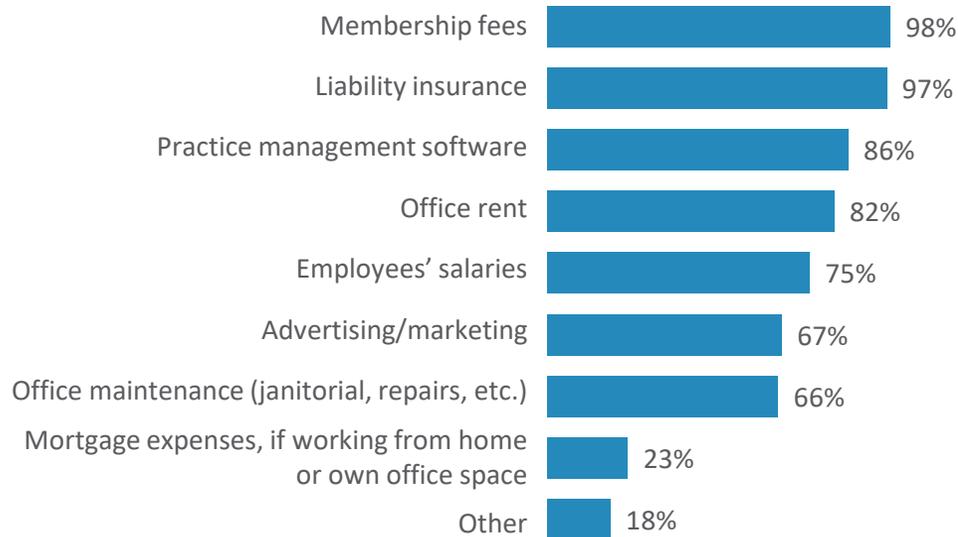
TYPICAL OVERHEAD EXPENSES AND DESCRIPTION OF WORKPLACE

Membership fees, insurance, software, office rent and employee's salaries are the main expenses cited by family lawyers.

- The majority (85%) also report working at an office or location outside of their home prior to Covid-19.

TYPICAL OVERHEAD EXPENSES

(among those who practice family law)



DESCRIPTION OF WORKPLACE

(among those who practice family law)



Q25. Which of the following are typical overhead expenses that you or your firm pays? (Check all that apply)

Base: Practices family law at Q2 n=884

Q16. Prior to COVID-19, which of the following best describes where you worked? (Please check one response only)

Base: Practices family law at Q2 n=884

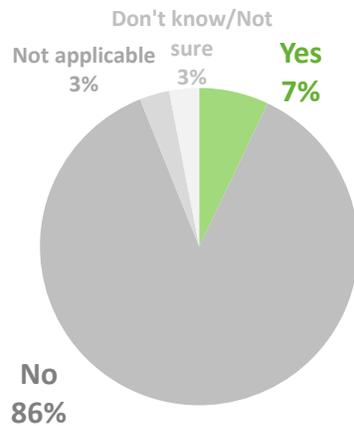
ASSOCIATION/AFFILIATION WITH PARALEGALS/PARALEGAL FIRMS

REFERS WORK TO OR RECEIVES WORK FROM A SPECIFIC PARALEGAL/PARALEGAL FIRM, EXTENT FORMAL REFERRAL ARRANGEMENTS IN PLACE AND REFERRAL ARRANGEMENTS

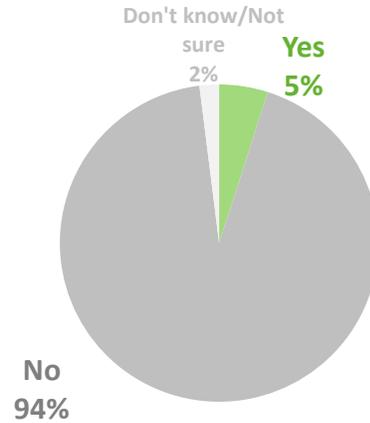
The vast majority of family lawyers have very limited contact with paralegal sole practitioners/firms; they do not refer to/receive work from paralegals or have any kind of formal arrangements in place.

- Among those few reporting some referral activity, most chose not to provide further information. This could suggest very limited work being exchanged even among those saying they provide or receive referrals.

REFERS WORK TO OR RECEIVES WORK FROM A SPECIFIC PARALEGAL OR PARALEGAL FIRM
(among those practicing family law)



FORMAL REFERRAL ARRANGEMENTS IN PLACE WITH A PARALEGAL OR PARALEGAL FIRM
(among those who said "Yes" refers/receives work to/from a paralegal/paralegal firm)



REFERRAL ARRANGEMENTS WITH PARALEGALS
(among those who said "Yes" refers/receives work to/from a paralegal/paralegal firm)

We refer landlord and tenant matters	8%
We refer small claims matters	6%
Referrals are typically non-family matters (all others)	5%
Small amount of referrals back and forth with one person I've known for many years/Informal referrals to/from paralegal	5%
Other	11%
NO	76%

Q13. Do you or your firm refer work to, or receive work from, a specific paralegal or paralegal firm?

Base: Practice family law at Q2 n=884

Q14. Do you or your firm have any formal referral arrangements in place with a paralegal or paralegal firm?

Base: Yes at Q13 n=66

Q15. Is there any other information you would like to provide about your referral arrangements with paralegals?

Base: Yes at either Q13 or Q14 n=66

FAMILY LEGAL SERVICES PROVIDER LICENCE INITIATIVE

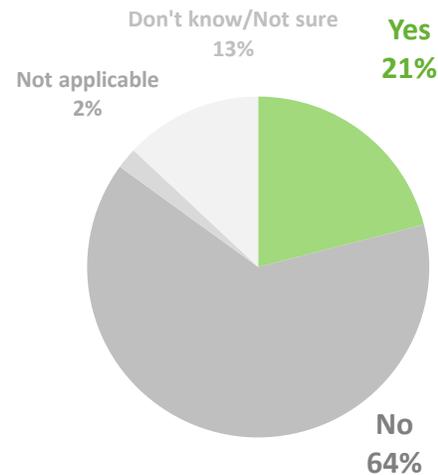
INVOLVED IN FAMILY JUSTICE SECTOR INITIATIVES AND FAMILY JUSTICE SECTOR INITIATIVES INVOLVEMENT

The majority of family lawyers are not involved in any family justice sector initiatives

- But those who are report being engaged in a variety of initiatives, especially unbundled legal services.

INVOLVED IN FAMILY JUSTICE SECTOR INITIATIVES

(among those who practice family law)



FAMILY JUSTICE SECTOR INITIATIVES INVOLVEMENT

(among those who said "Yes" involved in family justice sector initiatives)

Unbundled legal services	55%
Law Society Referral Service	38%
COVID Emergency Family Law Referral Line	36%
Family Law Limited Scope Services Project	33%
Expanded summary legal advice/Legal Aid Ontario	28%
JusticeNet	24%
Legal Aid clinics	21%
Advice and Settlement Counsel Project	17%
Community funded clinics	15%
Luke's Place virtual domestic violence services	11%
Steps to Justice, Public Legal Education and Information	10%
Virtual Family Justice Centre	6%
Legal subscription plans	5%
Family Library Legal Information Sessions, organized through the Family Law Association or otherwise	4%
Steps to Justice Guided Pathways	3%
Women's Centre of Halton	2%
Kingston Legal Advice Clinic (through Military Resource Centre)	1%
Other	17%

Q26. Are you, or your firm, involved in any family justice sector initiatives, such as the Emergency Family Law Referral Line?

Base: Practices family law at Q2 n=884

Q27. Which if any of the following family justice sector initiatives are you or your firm involved? (Please check all that apply)

Base: Yes at Q26 n=188

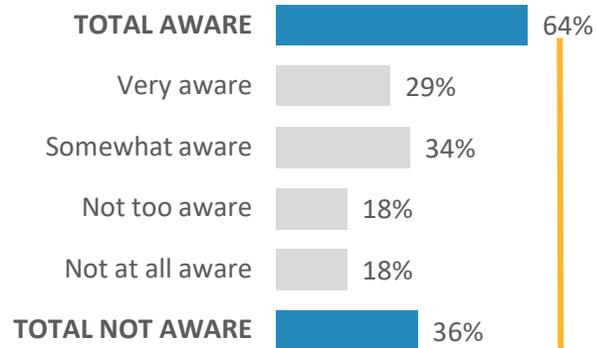
AWARE OF FLSP LICENSE INITIATIVE AND SUGGESTED SERVICES A FLSP COULD UNDERTAKE TO ASSIST A SELF-REPRESENTED LITIGANT

Two thirds of family lawyers are aware of the proposed FLSP license initiative, and those with a greater portion of their practice dedicated to family law are the most aware.

- Asked what kind of services an FLSP might provide to a self-represented litigant in a family law matter, the majority (54%) of family lawyers, either say “none” or have no suggestions.
- Among those with suggestions, administrative tasks are most commonly mentioned, with few citing actual types of case work, aside from simple or uncontested divorces (11%).

AWARE OF FLSP LICENSE INITIATIVE

(among Total sample)



Those whose practice is 75% or higher Family Law are the most likely to be aware (71%)

SUGGESTED SERVICES A FLSP COULD PROVIDE TO ASSIST A SELF-REPRESENTED LITIGANT IN FAMILY LAW

(among Total sample)

Filling out forms/applications/document preparation	26%
Uncontested divorce/Non-contested divorce/Simple divorce	11%
Initial consultation/coaching/training	7%
Complete financial statement/financial documents/financial disclosure	6%
Child support	5%
Family support/support (general)	4%
Simple court appearance/first court appearance	3%
Motions	3%
Child Custody/Child access/Visitation/Child custody and access	3%
Spousal support	1%
Divorce/Divorce application	1%
Other	8%
None	21%
DK/NA/REF	32%

Q28. The Law Society of Ontario is consulting on a proposed model for a family legal services provider licence. How aware are you of this initiative?

Base: Total sample n=935

Q29. What services would you suggest a non-lawyer, with appropriate training and regulation, provide to assist a self-represented litigant in family law?

Base: Total sample n=935

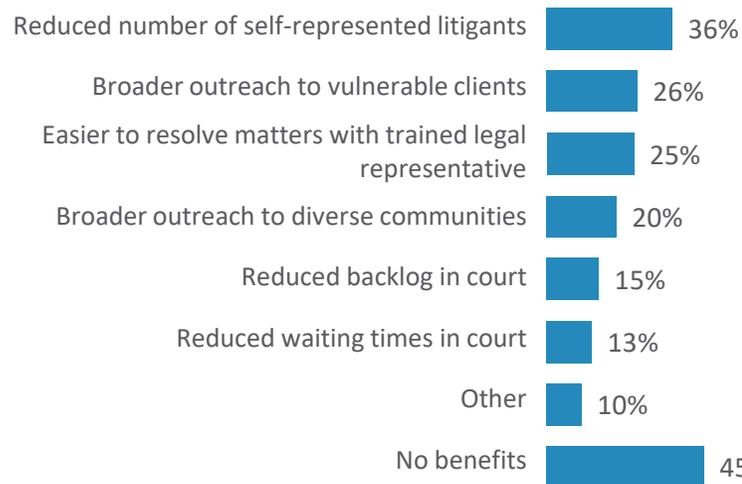
BENEFITS OF PERMITTING FLSPs TO PROVIDE LEGAL SERVICES IN FAMILY LAW AND CHALLENGES TO THIS APPROACH

Almost half (45%) of family lawyers do not believe there are any benefits to permitting non-lawyers, even with appropriate training and regulation, to provide legal services in the area of family law.

- Indeed, a large majority associate challenges and concerns with the FLSP initiative, including insufficient training, public confusion and the clarity of permissible activities.

BENEFITS OF PERMITTING NON-LAWYERS WITH APPROPRIATE TRAINING/REGULATION TO PROVIDE LEGAL SERVICES IN FAMILY LAW

(among Total sample)



Those whose practice is 50% or higher Family Law are the most likely to cite no benefits ~49%

CHALLENGES OF PERMITTING NON-LAWYERS WITH APPROPRIATE TRAINING/REGULATION TO PROVIDE LEGAL SERVICES IN FAMILY LAW

(among Total sample)



Q30. What would be some of the benefits of permitting non-lawyers, with appropriate training and regulation, to provide legal services in family law? (check all that apply)

Base: Total sample n=935

Q31. What may be some of the challenges related to permitting non-lawyers, with appropriate training and regulation, to provide legal services in family law? (Check all the apply)

Base: Total sample n=935

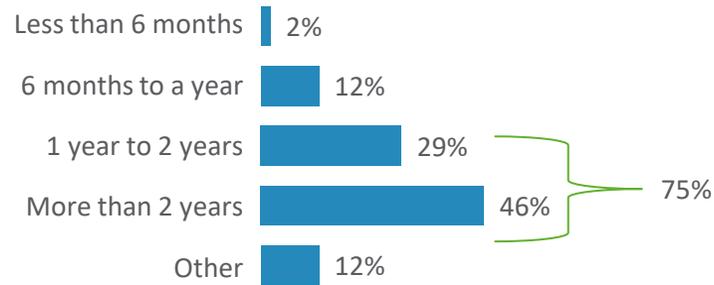
APPROPRIATE LENGTH OF INSTRUCTIONAL AND PRACTICAL TRAINING FOR AN FLSP

Most family lawyers want to see extended instructional and practical training programs for an FLSP.

- Almost half of family lawyers believe the instructional training should be more than two years in length, and three quarters say the placement should be more than 12 weeks in length.

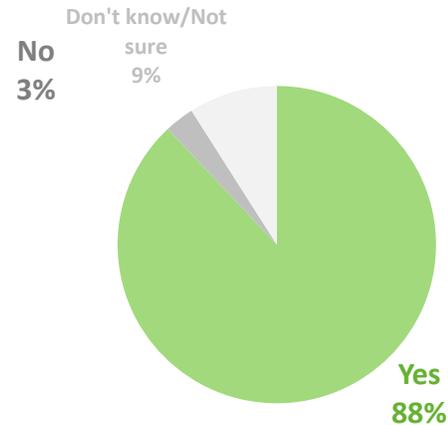
APPROPRIATE LENGTH FOR AN INSTRUCTIONAL TRAINING PROGRAM

(among Total sample)



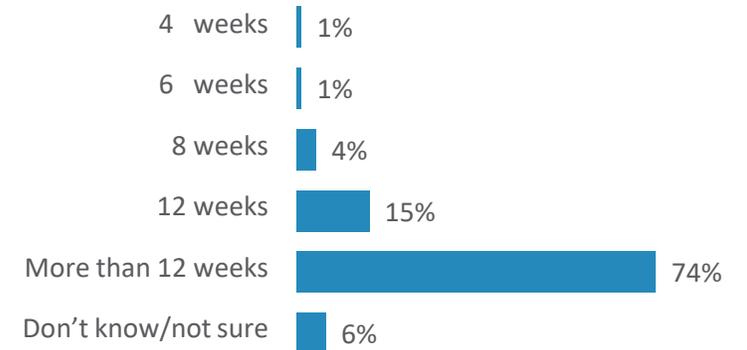
PRACTICAL TRAINING AS A NECESSARY ELEMENT

(among Total sample)



APPROPRIATE LENGTH OF PRACTICAL TRAINING

(among those who said "Yes" to practical training as a necessary element)



Q32. Recognizing that a family legal services provider would be permitted to offer a limited scope of services in family law, what would be an appropriate length for an instructional training program, offered by an accredited Ontario college or law school, to assure competence?

Base: Total sample n=935

Q33. Should a period of practical training, similar to articling, be a necessary element of training for a family legal services provider?

Base: Total sample n=935

Q34. What length of practical training, following an instructional training program, would be appropriate to support the provision of legal services in family law?

Base: Yes at Q33 n=824

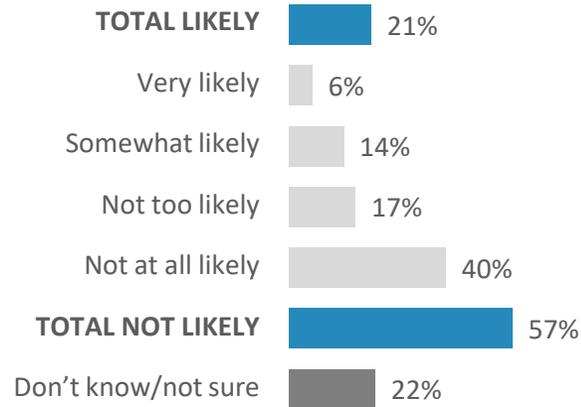
LIKELIHOOD OF OFFERING A CO-OP OR ARTICLING TYPE PLACEMENT TO A FLSP AND MAIN REASON FOR OFFERING A PLACEMENT

Few (21%) family lawyers say they are likely to offer a co-op or placement to an FLSP, with just 6% ‘very’ likely.

- Among those willing to offer a placement, having help with their practice is the most frequent reason cited. However, many of the other comments are negative or unsupportive of the initiative, suggesting that support for the idea among this 21% is soft.

LIKELIHOOD OF OFFERING A CO-OP OR ARTICLING TYPE PLACEMENT TO A FLSP

(among those practicing law in Ontario)



MAIN REASON FOR OFFERING A PLACEMENT TO A FLSP

(among those who said “Likely” in offering a co-op/articling placement)

% Positive

Will welcome help/assistance/would consider it	49%
Training/time to train and oversee/supervision required/not a babysitter/not able to supervise sufficiently/no time to	25%
Cheap/less expensive for the client	9%
Lack of competence/no proper training/lack of qualification/not qualified/uncertain as to ability	7%
Would need to know what depth of training this person will come with/requirements from firm’s standpoint	7%
It might be a good way to hire someone/potential for full time role/to recruit	4%
I don’t support it/don’t agree with this/non-lawyers shouldn’t practice	4%
Miscellaneous comments about having sufficient resources (e.g., enough staff, we have internal law clerks, students)	4%
I’m a sole practitioner/prefer to work on my own	3%
No office space/insufficient room/lack of space/don’t have the facilities/no capacity	3%
No time/busy/time constraints	3%
Cost/too expensive/budget restraint/can’t afford it/no funds	2%
Would prefer to hire support staff or an associate/clerk/articling student	2%
Other	3%
DK/NA/REF	18%

Q35. How likely would you or your firm be willing to offer a co-op or articling type placement to a family legal services provider?

Base: Yes at Q33, Practicing law in Ontario n=912

Q36. What is the main reason you or your firm would be (RESPONSE TO Q35) to offer a placement to a family legal services provider?

Base: Likely at Q35 n=191

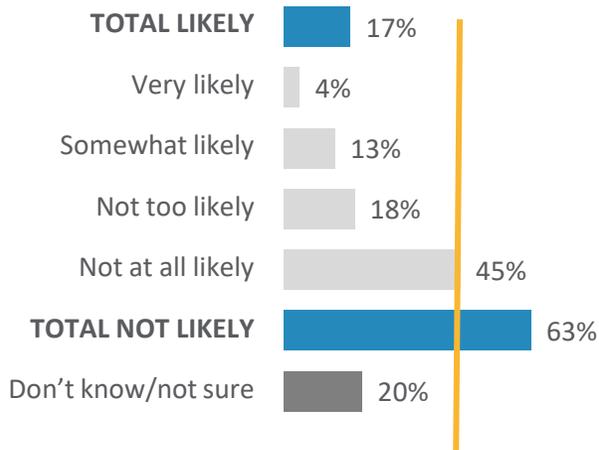
LIKELIHOOD OF CONSIDERING HIRING A FLSP TO SUPPORT PRACTICE AND MAIN REASONS FOR AND AGAINST

Just 17% of family lawyers report being likely to consider hiring an FLSP to support their practice, with only 4% saying they are ‘very’ likely.

- Those who would consider it are most likely to be motivated by the support it would offer, specifically in regard to freeing up their time for more complex matters. Among those unlikely to hire an FLSP, a range of reasons are given, the most common being concerns about competence/qualifications, followed by general disagreement with the idea of a non-lawyer providing these services.

LIKELIHOOD OF CONSIDERING HIRING A FLSP TO SUPPORT PRACTICE

(among those practicing law in Ontario)



12% among those whose practice is 75% or more Family Law

MAIN REASON FOR NOT LIKELY CONSIDERING HIRING A FLSP

(among those “Not too” or “Not at all likely” to hire a FLSP)

Lack of competence/no proper training/lack of qualification/not qualified/uncertain as to ability	17%
I don't support it/don't agree with this/non-lawyers shouldn't practice	16%
Cost/too expensive/budget restraint/can't afford it/no funds	11%
No need/not required/not necessary	10%
Liability/too much risk	8%
Miscellaneous comments about having sufficient resources (e.g., enough staff)	7%
Would prefer to hire support staff or an associate/clerk/articling student	6%
Training/time to train and oversee/supervision required/not a babysitter/not able to supervise sufficiently/no time to	6%
I'm a sole practitioner/prefer to work on my own	5%
Not enough work/insufficient work/not busy enough	5%
Worthless/see no value/no benefit	5%
Would prefer to hire a lawyer/junior lawyer	5%
We have competent lawyers/family law lawyers for that	4%
No office space/insufficient room/lack of space/don't have the facilities/no capacity	4%
Nearing retirement/winding down practice	2%
No time/busy/time constraints	2%
Don't do family law	2%
Small practice/too small/not large enough (no mentions of space)	2%
Other	7%
DK/NA/REF	15%

MAIN REASON FOR LIKELIHOOD OF CONSIDERING HIRING A FLSP

(among those “Very” or “Somewhat likely” to consider hiring a FLSP)

Provides support to myself/the firm	86%
Frees up lawyer's time to focus on more complex/complicated/litigious legal matters	85%
More affordable than hiring a junior lawyer	56%
Able to offer more services independently than a law clerk and/or articling candidate	55%
More permanent than an articling candidate	46%
Requires less supervision than an articling candidate	37%
Creates networks for increased business	26%
Other	6%

Q37. How likely would you or your firm be to consider hiring a family legal services provider to support your practice?

Base: Practicing law n=912

Q38. What is the main reason you would be (RESPONSE TO 37) to consider hiring a family legal services provider?

Base: Not too or not at all likely at Q37 n=574

Q39. Which of the following are the main reasons you would be (RESPONSE TO Q37) to consider hiring a family legal services provider? (Check all that apply)

Base: Very or Somewhat likely at Q37 n=155

FINAL COMMENTS AND REGION OF PRACTICE

GENERAL COMMENTS

Most respondents did not have any final comments on the issue, but the few comments offered tended to be negative towards the FLSP License initiative.

(among Total sample)

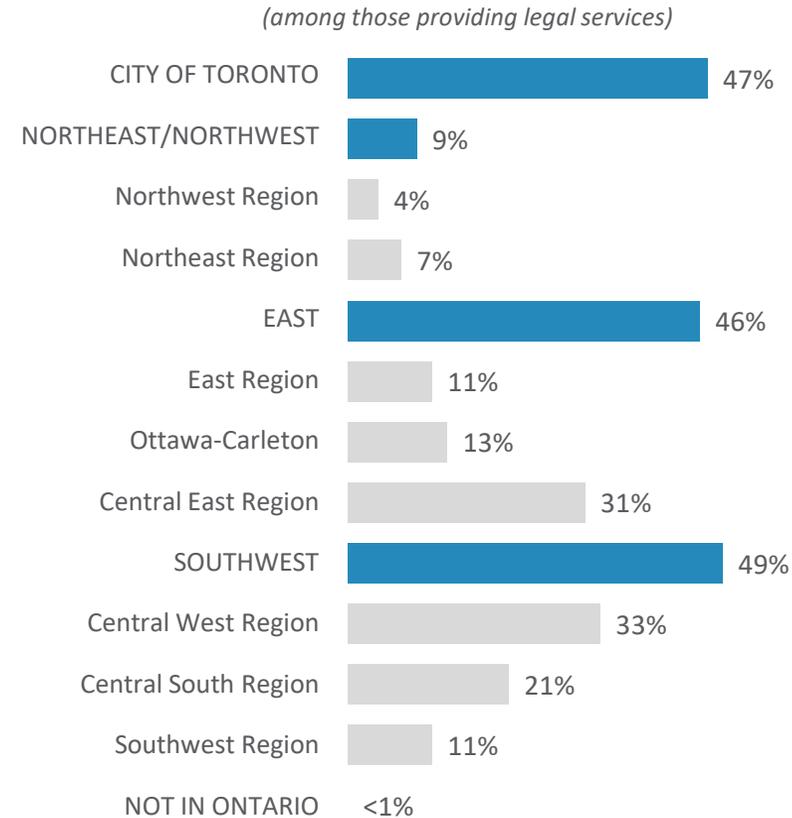
This is a bad idea/I don't agree with expanding scope of paralegals	22%
Could cause tremendous harm to families by making mistakes/worsening conflict	7%
Would not solve access to justice/this is passing the buck/not fixing the root of the problem	7%
It needs to be an in-depth program/extra education/training/well designed training would be helpful	6%
The majority of fees and costs to client is the court system/legal aid/improper funding	5%
Concerned that there will not be enough education/too easy to complete	5%
Might not be a cost-efficient way to assist the public/it is unlikely that this alternative will be less expensive	4%
A mentor would be preferable/should be directly supervised by a family lawyer	3%
Would support paralegals providing well-defined/specific legal services in family law/not go beyond their scope	2%
This initiative is essential/I hope this goes through/I agree with expanding scope of paralegals	2%
This will mislead the public regarding a paralegal's qualifications/paralegal acting/posing as a lawyer	2%
There are enough lawyers who can do this/currently there is an oversupply/would increase competition	2%
Other	7%
No/None/No additional comments	63%
DK/NA/REF	<1%

Q41. Are there any additional comments you would like to add?

Base: Total sample n=935

REGIONS IN WHICH PROVIDE LEGAL SERVICES

Family lawyers are most likely to offer services in the City of Toronto and Southwest and East regions of Ontario.



Q40. Please identify the regions in which you provide legal services (Check all that apply.)

Base: Currently providing legal services at Q1 n=914