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Law Society  
of Ontario

Barreau  
de l'Ontario

A REPORT TO  
LAW SOCIETY OF ONTARIO

## LAW CLERKS LEVEL OF INTEREST

Proposed Licence for the Family Legal Services  
Provider

April 2021

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# 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 regulated by the LSO, including family lawyers, paralegals and law clerks.

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

The specific objectives of this research are to:

- Better understand the current employment status, types of work and numbers of years working as a law clerk;
- Identify if their time is billed out and at what rate;
- Assess awareness of and interest in qualifying for the FLSP license; and
- Identify responses related to program delivery options, willingness to pay and the cost of the program.

### METHODOLOGY AND RELATED CONSIDERATIONS

- Law clerks were the most challenging target for this research, as no comprehensive database exists.
- An email invitation to respond to the survey was sent to law clerks through various law clerk associations in Ontario.
- In all, 156 responded (response rate unknown). This smaller sample size limits the ability to perform any meaningful subgroup analyses.
- The majority of law clerks in the final sample are employed by a law firm mainly in Toronto or the Central East region of the province.

# 2

## KEY FINDINGS

# Key Findings

## 1 TYPE OF WORK, SIZE OF FIRM AND YEARS OF EXPERIENCE

### **Most law clerks work for a law firm and typically in larger offices.**

- In all, 62% report working for a law firm. Two thirds of those work in firms of 11 or more staff, and nearly half work in offices of 20 people or more.
- There is a wide range of experience among law clerks in regard to number of years in practice. About a third of clerks have more than 20 years of experience.

## 2 BILLINGS

### **Most report that their hours are billed out, and at a relatively high rate.**

- In all, three quarters of law clerks say their time is billed to clients.
- Over half (57%) of those who bill for their time have an hourly rate of \$200 or more.

# Key Findings

## TYPES OF SERVICES PROVIDED

**3 Law clerks provide a wide variety of services across a broad range of practice areas.**

- Civil litigation and family law are the most commonly cited areas of practice for clerks, followed by corporate/commercial wills/estates/trusts, and real estate.
- In regard to the services provided in the area of family law, almost all clerks communicate directly with clients on behalf of a lawyer, and over 6-in-10 provide services directly to clients. More specifically, their work commonly involves organizing client documents, preparing clients' financial statements, preparing documents for court or mediation, and communicating with the other party.

## AWARENESS AND INTEREST IN INITIATIVE

**4 While awareness of the FLSP license is not especially high among clerks, interest is widespread and strong.**

- Awareness is fairly evenly split, with a slight edge going to those unaware (51% vs. 49% aware).
- Overall interest is high at 71%, with 46% being 'very' interested.
- Among the quarter of clerks not interested, the main reasons centre around general lack of interest in the area, comfort with their existing role, and already having enough work.

# Key Findings

## PROGRAM LENGTH AND DELIVERY METHOD WILL DRIVE INTEREST

**There is greatest interest in a short program delivered online and on weekends and evenings.**

- Interest is at 95% overall if the program length is less than 6 months, and 80% if it is between 6 months and 1 year.
- Interest is also higher if the program is delivered online (96%) or if it is offered evenings and weekends (84%).
- There is almost no interest in a program delivered in person, although there is some interest in a hybrid option.
- Related to this is the limited interest in a work placement. When asked to select a time period, the great majority opt for a placement of 12 week or less, and a substantial number want no placement time spent.
- Overall, this suggests that most law clerks interested in the program also want to continue to work while taking the program.

## PROGRAM COST IS AN IMPORTANT FACTOR

**The cost of the program will also likely factor into interest and uptake levels as law clerks appear to be more price than time sensitive.**

- Fully 79% of law clerks interested in expanding their skills set report that the cost of the program is at least 'somewhat' of a large factor in their decision to undertake it.
- There is near universal interest (93%) in a program costing between \$1000-\$2000 (with 68% 'very' likely to enroll), but this drops precipitously for costs above this level.
- Interest in a program costing between \$2000 - \$2500 is just 59%, with only 19% saying they are 'very' likely to register.

# Key Findings

## SERVICES IN FAMILY LAW THAT WOULD BEST COMPLEMENT LEGAL SERVICES CURRENTLY PROVIDED

### **Most law clerks had no response to this question**

- 59% gave no response to the question (Don't know).
- Filling out forms/documents was suggested by 12%, along with some citations of issues related to divorce and separation.
- Fully 74% of law clerks did not offer any additional comments on the initiative.
- Overall, despite expressions of interest this suggests that there may be issues around motivation, e.g. knowing what skills they might want to specifically acquire.

# 3

## DETAILED FINDINGS

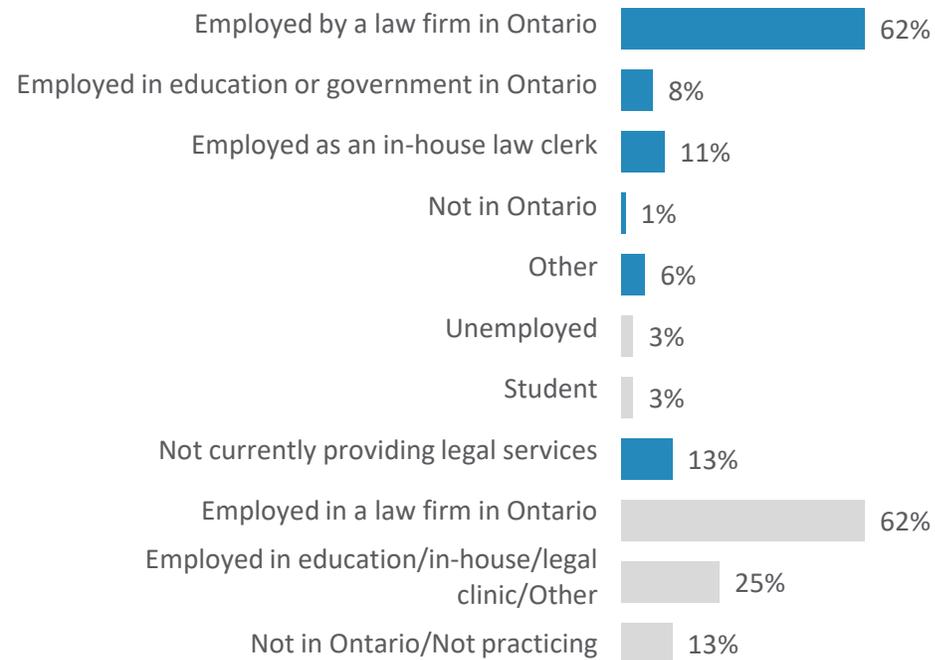
# PRACTICE INFORMATION

## CURRENT EMPLOYMENT STATUS AND YEARS OF EXPERIENCE IN LEGAL SERVICES

Most (86%) law clerks are currently practicing, and nearly all of them in Ontario. The majority are employed by a law firm and the group as a whole has a wide range of experience when it comes to years in practice.

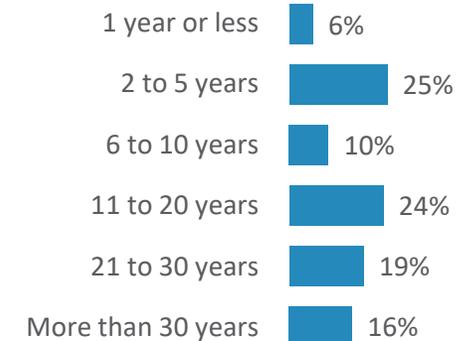
### CURRENT EMPLOYMENT STATUS

(among Total sample)



### YEARS OF EXPERIENCE IN LEGAL SERVICES

(among those currently practicing in Ontario)



Q1. What is your current employment status in Ontario?

Base: Total sample n=156

Q8. How many years of experience in legal services do you have?

Base: Currently practising in Ontario at Q1 n=125

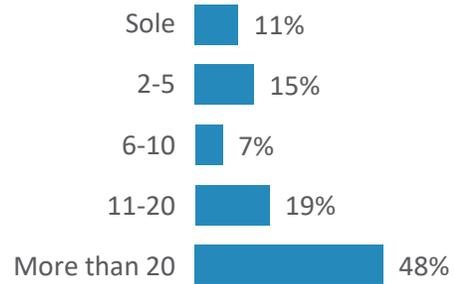
## SIZE OF LAW FIRM AND TIME BILLED OUT AND HOURLY RATE

Among those employed by a law firm, half work in larger firms with more than 20 employees, and a large majority have their time billed out.

- Nearly six-in-ten of those who have their time billed out report an hourly rate of \$200 or more.

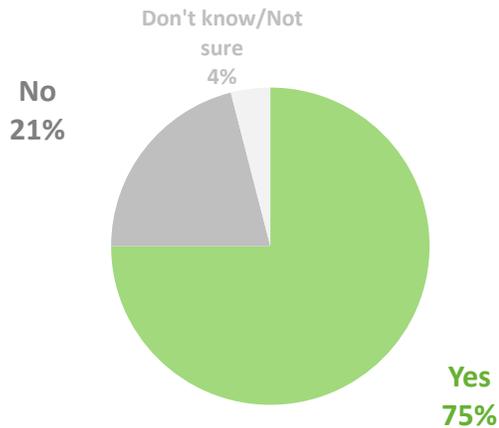
### SIZE OF LAW FIRM

(among those employed by a law firm in Ontario)



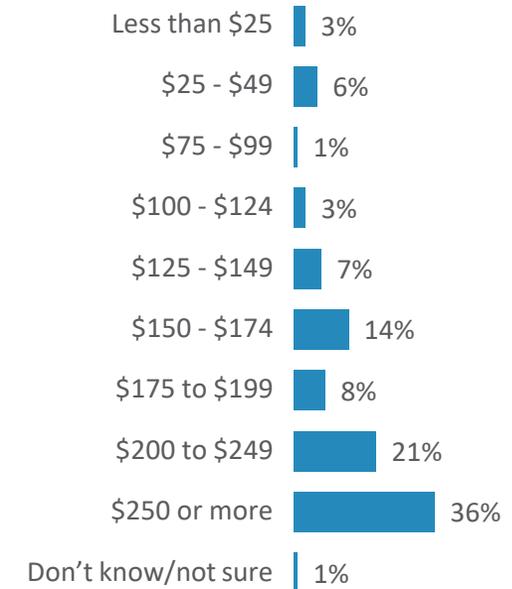
### TIME BILLED OUT

(among those employed by a law firm in Ontario)



### HOURLY RATE

(among those who have time billed out)



Q2. If you are employed by a law firm, what is the size of the firm?

Base: Employed by a law firm in Ontario at Q1 n=96

Q3. If you are employed by a law firm, do they bill out your time?

Base: Employed by a law firm in Ontario at Q1 n=96

Q4. What is your hourly rate?

Base: Employed by a law firm in Ontario, Yes at Q3 n=72

## AREAS IN WHICH PROVIDE LEGAL SERVICES

Law clerks provide legal services in many areas of law but most commonly in those related to civil litigation, family/matrimonial, corporate/commercial, wills/estates/trust and real estate.

### AREAS IN WHICH PROVIDE LEGAL SERVICES

(among those currently practicing in Ontario)



Q9. In which of the following areas do you provide legal services? (Check all that apply)

Base: Currently practicing in Ontario at Q1 n=125

## SERVICES PROVIDED AMONG THOSE WORKING IN THE AREA OF FAMILY/MATRIMONIAL LAW

Law clerks provide a wide range of services to their supervising lawyers, and nearly two thirds provide services directly to clients without supervision.

- When asked how an FSLP could best provide support and legal services in family law to clients, law clerks most commonly identify assistance with forms and documents or helping clients to navigate the process, overall. Notably, however, the largest group (42%) are unsure.

### CURRENT FAMILY LAW SERVICES PROVIDED TO ASSIST THE SUPERVISING LAWYER

(among those practicing family/matrimonial law)

Communicating with client	98%
Organizing client documents	98%
Assisting with preparation of client's financial statement	92%
Preparing draft documents for court or mediation/arbitration	90%
Communicating with opposing party on client's behalf	81%
Conducting initial client screening/in take	77%
Identifying and accessing out of court/community resources for client	75%
Process navigation	73%
Attending court or mediation/arbitration as a support for the client	38%
Other	10%
<i>Communicating with experts/relevant third parties</i>	<i>4%</i>
<i>Other</i>	<i>6%</i>

### FAMILY LAW SERVICES PROVIDED DIRECTLY TO CLIENTS WITHOUT SUPERVISION

(among those practicing family/matrimonial law)

I do not provide any services directly to clients	38%
NET DIRECT SERVICES	63%
Obtaining/completing financial statement/disclosure	31%
Communication/answering questions/discussing issues/explaining the process	19%
Meeting/client intake/booking appointments	23%
Obtaining/completing pleadings/briefs/affidavits/other documents	38%
Communication with opposing counsel	6%
Basic accounting/calculations/billing	6%
Other	6%

### WAYS A FAMILY LEGAL SERVICES PROVIDER COULD BEST PROVIDE SUPPORT AND LEGAL SERVICES IN FAMILY LAW TO CLIENTS

(among those practicing family/matrimonial law)

Assistance with forms/gathering documents/reviewing and executing documents	29%
Navigating the overall process/explaining rules and procedures	21%
Affordable access to justice/providing lower rate/would not be as costly to the client	17%
Effective service/could do it quicker/saving time	15%
Uncontested/simple matters (e.g., uncontested divorce, simple separation agreement)	13%
Meeting with clients/communication/obtaining background information	8%
By freeing up the lawyer to work on other files/lawyers can focus on my important issues	8%
Emotional support for clients/making it less emotionally taxing	6%
Attending court/guidance with court process	6%
Other	6%
DK/NA/REF	42%

Q10. What current services in family law do you provide to assist the supervising lawyer? (Check all that apply)

Base: Family/matrimonial law at Q9 n=48

Q11. What services do you provide directly to clients in family law without supervision?

Base: Family/matrimonial law at Q9 n=48

Q12. How could a family legal services provider best provide support and legal services in family law to clients?

Base: Family/matrimonial law at Q9 n=48

# FAMILY LEGAL SERVICES PROVIDER LICENCE

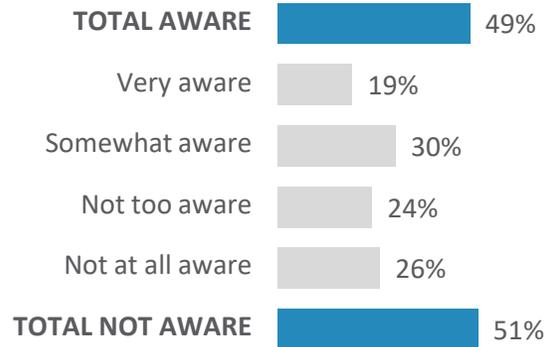
## AWARENESS OF/INTEREST IN PROPOSED LAW SOCIETY INITIATIVE FOR FAMILY LEGAL SERVICES

Awareness of the FLSP initiative is not especially high among law clerks, but the vast majority are interested in expanding their skillset into this area of law, with nearly half ‘very’ interested.

- Among the quarter of law clerks who are not interested in providing family legal service, the most common reason given is just general lack of interest, security in their current role, and already having enough work to keep them busy.

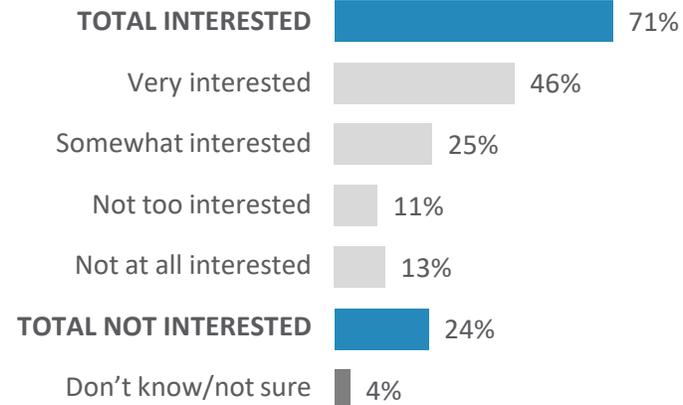
### AWARENESS LEVEL OF INITIATIVE: *The Law Society of Ontario is consulting on a proposed model for a family legal services provider licence*

(among Total sample)



### INTEREST LEVEL IN EXPANDING CURRENT SKILLS SET TO INCLUDE PROVIDING SOME OR ADDITIONAL LEGAL SERVICES

(among Total sample)



### MAIN REASON FOR NOT BEING INTERESTED IN PROVIDING FAMILY LEGAL SERVICES

(among those Not too interested/Not at all interested in expanding current skillset)

Not an area I am interested in developing	55%
Secure in my current role	53%
Have enough work already to keep me busy	42%
Would likely require more training/courses than I am willing to or have time to take on	16%
Do not have the time required to complete the training	16%
I need more experience before taking on new areas of practice	13%
Not providing services as a law clerk	11%
Cannot afford the additional expense of training	8%
The place where I work already has a family law practice and would not want law clerks in the office involved	5%
Other	13%
<i>Don't believe that law clerks should practice family law</i>	3%
<i>Close to retirement</i>	5%
<i>Other</i>	5%

Q13. 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=156

Q14. How interested are you in expanding your current skillset to include providing some or additional family legal services?

Base: Total sample n=156

Q15. Which of the following is closest to the main reason that you are (RESPONSE TO Q14) in providing family legal services? (Check all that apply)

Base: Not too interested/Not at all interested at Q14 n=38

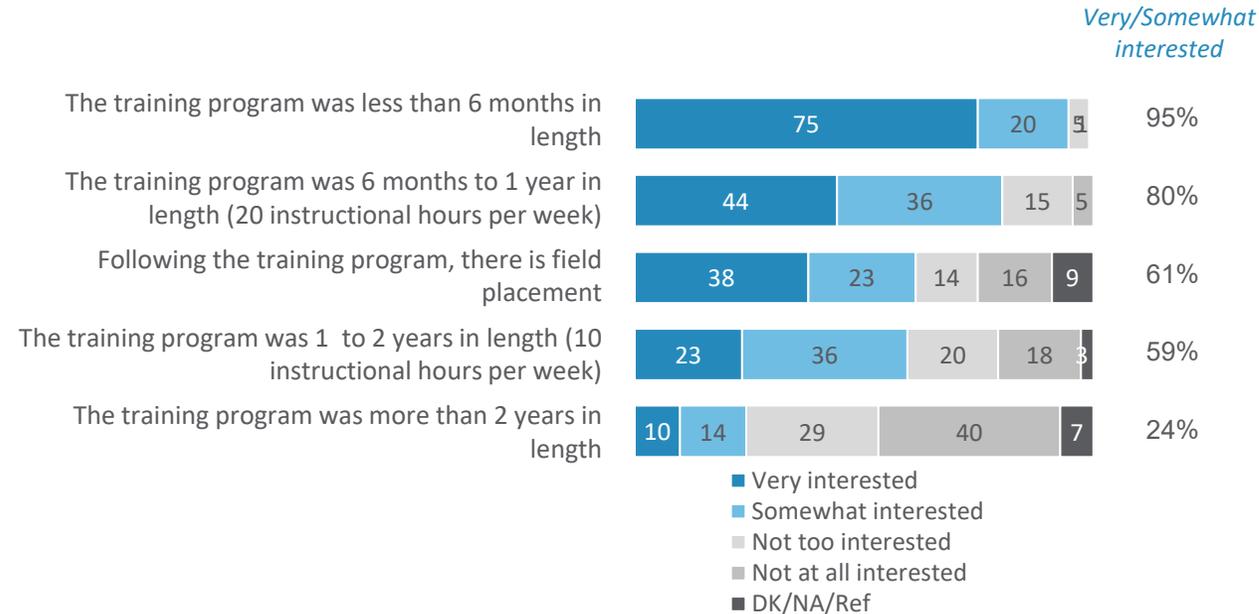
## INTEREST LEVEL IN UNDERTAKING REQUIRED TRAINING FOR THE INITIATIVE AND APPROPRIATE LENGTH OF FIELD PLACEMENT

Among those interested in the FSLP initiative, nearly all are interested in taking a training program that is under a year in length, especially one of six months or less (75% 'very interested'), which declines as the length of the proposed program increases.

- The idea of a field placement following training dampens interest somewhat, and when asked directly about length, the majority of those interested in expanding their current skill set have a limited time frame in mind for a placement.

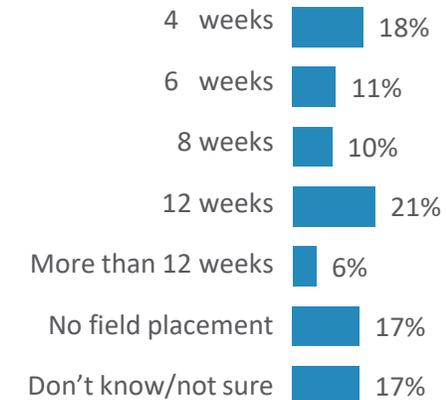
### INTEREST LEVEL IN UNDERTAKING REQUIRED TRAINING

(among those Very/Somewhat interested in expanding current skills set)



### APPROPRIATE LENGTH OF FIELD PLACEMENT FOLLOWING A TRAINING PROGRAM TO SUPPORT THE PROVISION OF LEGAL SERVICES IN FAMILY LAW

(among those excluding Not interested in expanding current skills set)



Q16. To qualify for this licence, an appropriate training program and licensing examination will be required. How interested are you in undertaking the required training for the following formats?

Base: Very/Somewhat interested at Q14 n=111

Q18. In your opinion, what length of field placement following a training program would be appropriate to support the provision of legal services in family law?

Base: Excludes Not interested at Q14 n=111

**INTEREST LEVEL IN PROGRAM DELIVERY OPTIONS AND PRICE FACTOR IN WILLINGNESS TO UNDERTAKE PROGRAM AND LIKELIHOOD OF REGISTERING FOR PROGRAM BASED ON TUITION COST**

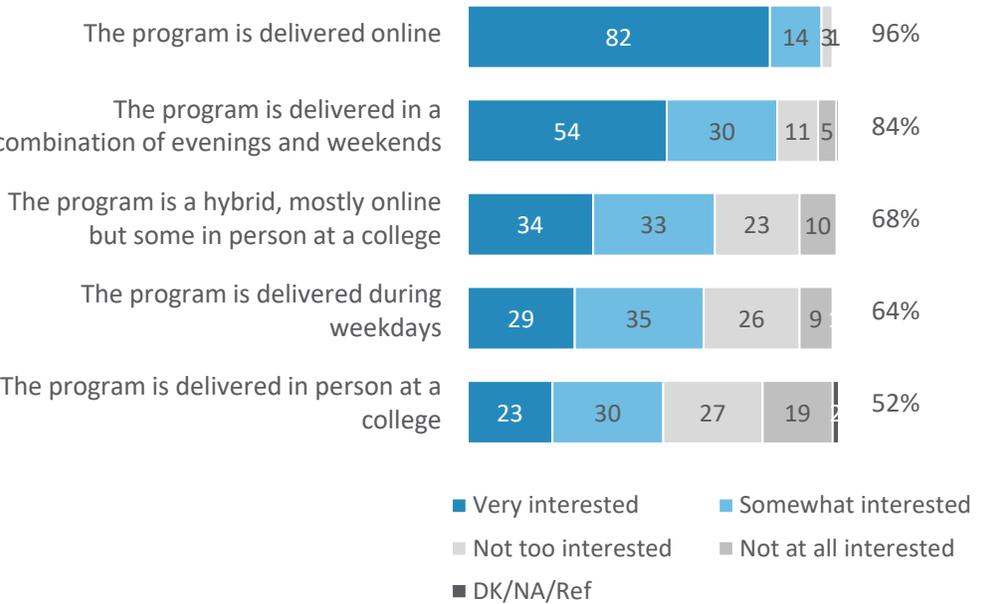
Interest in the program is higher if it is delivered online and/or on weekends and evenings (presumably so those enrolled could continue working). A hybrid option is also of some interest, with relatively few expressing interest in an in-person program.

- Cost is also a factor for most in any decision to undertake the program. Notably, while nearly seven in ten are ‘very’ likely to register for a program under \$2000, this declines steeply for anything above that price.

**INTEREST LEVEL IN PROGRAM DELIVERY OPTIONS**

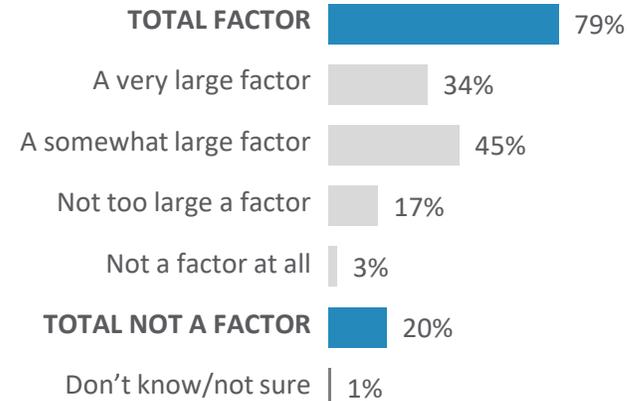
(among those Very/Somewhat interested in expanding current skills set)

Very/Somewhat interested



**PRICE FACTOR IN WILLINGNESS TO UNDERTAKE PROGRAM**

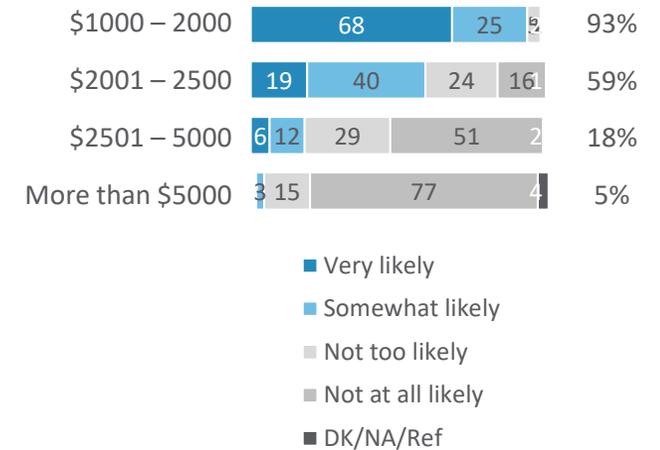
(among those Very/Somewhat interested in expanding current skills set)



**LIKELIHOOD OF REGISTERING FOR PROGRAM BASED ON TUITION COST**

(among those Very/Somewhat interested in expanding current skills set)

Very/Somewhat likely



Q17. In terms of program delivery, how interested are you in the following delivery options?

Base: Excludes Not interested at Q14 n=111

Q19. In addition to considering the length of the program, how much of a factor would the price be in your willingness to undertake the program?

Base: Excludes Not interested at Q14 n=111

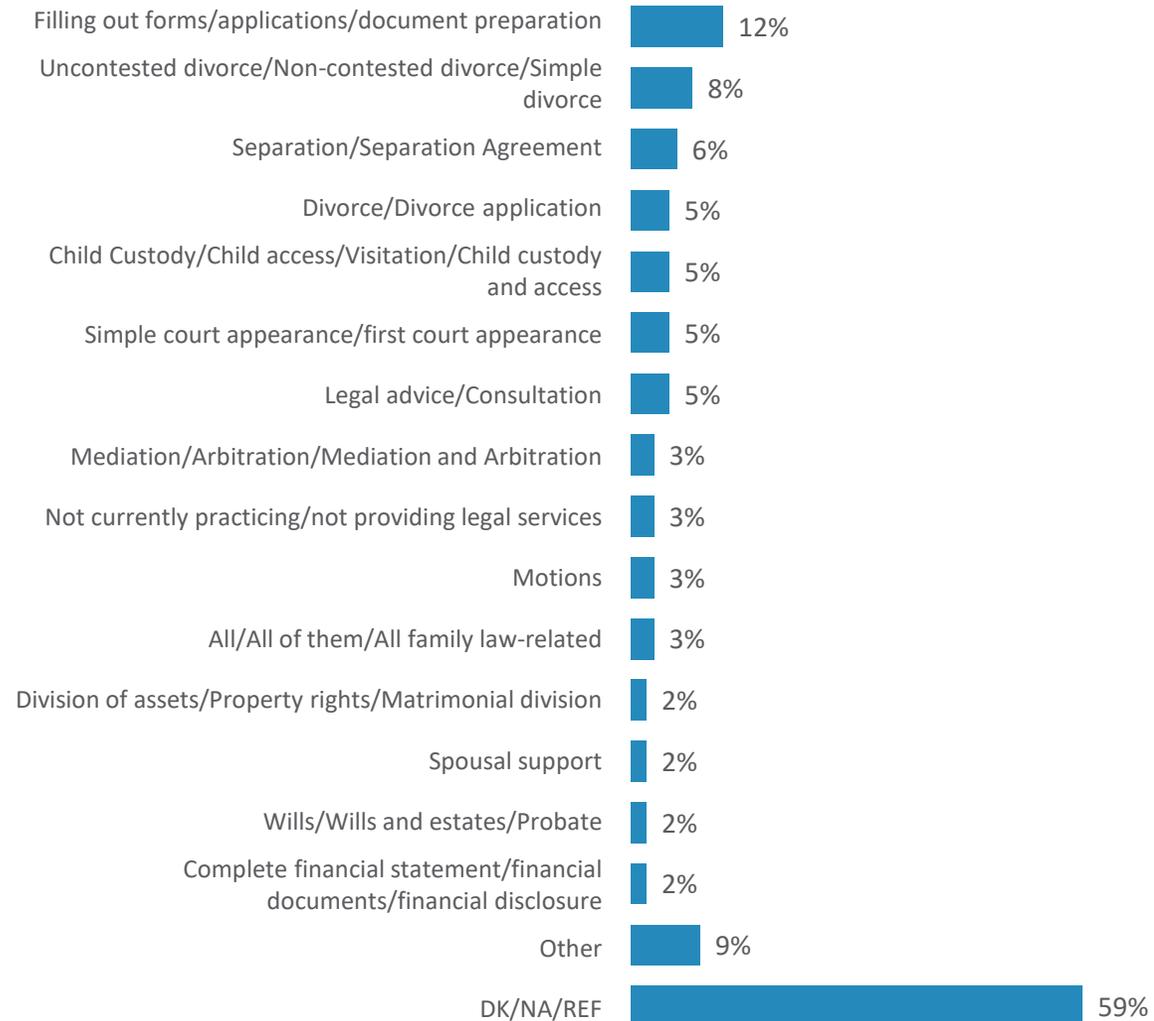
Q20. How likely would you be to register for the program for the following tuition costs?

Base: Excludes Not interested at Q14 n=111

## SERVICES IN FAMILY LAW THAT WOULD BEST COMPLEMENT LEGAL SERVICES CURRENTLY PROVIDED

Most (59%) are unsure of the kinds of services in family law that would best complement their current work. Those with an idea cite a fairly wide variety of services, most commonly filling out forms (12%).

*(among those Very/Somewhat interested in expanding current skills set)*



Q21. If you were to obtain the family legal services provider licence, what services in family law would best complement the legal services you currently provide?

Base: Excludes Not interested at Q14 n=111

## ADDITIONAL INFORMATION

The vast majority of law clerks (75%) had no additional comments to add, but among those who did, the most frequent comments were in favour on the initiative.

*(among Total sample)*

This initiative is essential/I hope this goes through/I agree with expanding scope of paralegals/allowing paralegals to	12%
Would allow affordable services to the public/assist the public in a cost-efficient way/family lawyers are expensive/fam	2%
Would ease the huge backlog/unclog the court system/family courts are overloaded with cases	1%
Program should not be too long/shouldn't be a lengthy option/6 month or less/should be able to do it part-time	1%
I'm interested/going to sign up at the earliest opportunity/I look forward to obtaining my Family Legal Services Provi	1%
Should require candidates to have practicing experience/licenced for a few years	1%
It needs to be an in-depth program/extra education/training/well designed training would be helpful	1%
Concerned that there will not be enough education/too easy to complete/family law is a complicated area/some licensed pa	1%
This is a bad idea/I don't agree with expanding scope of paralegals/allowing non-lawyers to do any aspect of family la	1%
Would not solve access to justice/this is passing the buck/not fixing the root of the problem/there are other ways to in	1%
Miscellaneous positive comments (e.g., thank you, good luck, thank you for this survey)	3%
Other	3%
No/None/No additional comments	74%
DK/NA/REF	1%

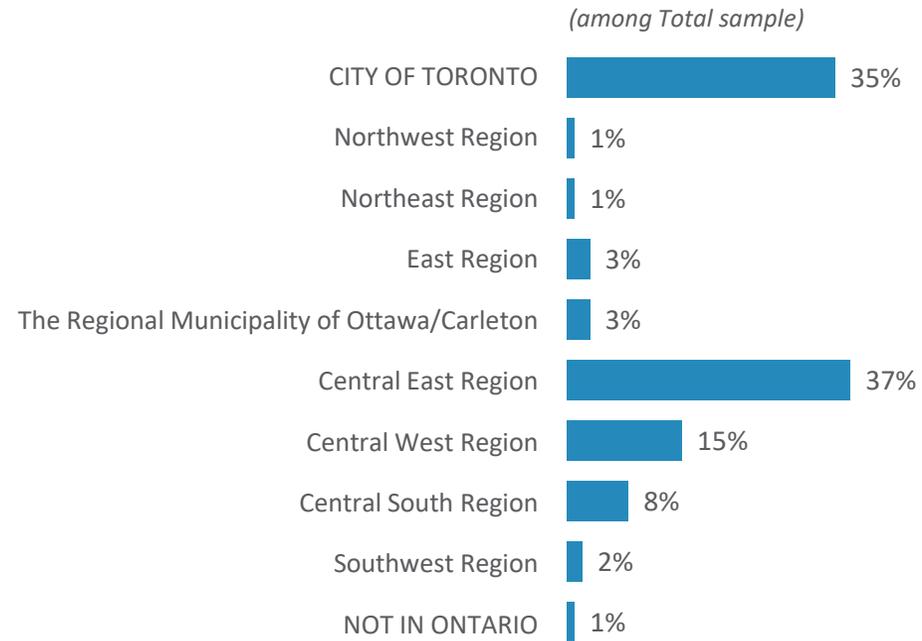
Q23. Is there any additional information you would like to add?

Base: Total sample n=155

# APPENDIX

## REGION IN WHICH LOCATED

The majority of law clerks are located in the City of Toronto or the Central East region of the province.



Q22. Please identify the region in which you are located:?

Base: Total sample n=156