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Law Society
of Ontario

Barreau
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A REPORT TO
LAW SOCIETY OF ONTARIO

PARALEGAL BUSINESS MODELS AND BILLING PRACTICES

Proposed Licence for the Family Legal Services
Provider

April, 2021

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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 paralegals 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 of paralegal service providers;
- Identify the services currently provided;
- Assess interest in qualifying for the FLSP license; and
- Identify expected length of qualifying program, related issues and costs willing to pay.

METHODOLOGY AND RELATED CONSIDERATIONS

- An email invitation and link to the survey were sent to 9,500 paralegal members in the LSO database. In all, 1,927 responded for a 20.3% response rate, which is excellent for this type of survey. Typically a business related survey will receive a response rate of less than 10%.
- In order to assess the extent to which respondents reflect the demographics and regional distribution of paralegals within the membership database, comparisons were made, where possible. The only major difference we identified is that 60% of members in the database are not currently practising or residing in Ontario, compared with 40% among respondents. In consultation with the LSO, we decided against weighting the survey data to bring it into alignment with the database, since we found few differences between practising and non-practising respondents on questions related to the FLSP proposal.
- Notably, for questions related to business practices, we included only those currently practicing in paralegal/legal practices and firms, and excluded those working in education, for government, or in-house.
- Finally, we found some significant differences in business practices between those working in a paralegal firm or practice (which includes sole practitioners) and those working in a law firm or practice. For this reason, we look at these groups separately in our analysis in the business practice section of the report.

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KEY FINDINGS

Key Findings

WORKING SITUATION

Paralegals work in a variety of situations. Half are sole practitioners and a few more work within small paralegal firms. The rest are about evenly split between either working for a law firm or providing services in the public sector, at legal clinics, or in-house.

- Almost two thirds (64%) of practicing paralegals are working in a small dedicated paralegal practice. Among them, 69% are sole practitioners working alone, and 26% work in a paralegal firm with 5 or fewer people.
- By comparison, 18% of paralegals provide legal services at a law firm and generally work for larger organizations, with only 26% of these respondents working in an office with 2 – 5 people.
- Most paralegals have been working in the field since regulation was introduced in 2007, with almost 7- in-10 practicing for 10 years or less. This is especially true among those working at a law firm, where 80% have been practicing for 10 years or less compared with 64% among those working with a paralegal firm or practice.

TYPE OF WORK UNDERTAKEN

Those working in a dedicated paralegal practice report a very different type of work than paralegals working for a law firm and also appear to work on cases with a shorter time duration.

- Those in a paralegal practice are much more likely than paralegals at a law firm to take on cases related to the Provincial Offences Act, Summary Conviction Offences, Small Claims Court, Workers Compensation, Human Rights and Landlord and Tenant issues.
- Paralegals working for a law firm, by contrast, are more likely to report SABS cases and to list a wide variety of case types not listed in the questionnaire (43% compared to just 16% among paralegals working in a paralegal practice).
- Paralegals working for a law firm also report carrying more files (presumably meaning a greater case load) and say that their cases take longer to resolve. In all, half report that cases take more than a year to resolve, compared with one-in-five among those in a paralegal firm.

Key Findings

RETAINERS AND OTHER BILLING OPTIONS

Paralegals offer a variety of billing options, including retainers, flat fees, block fees or an hourly rate, which are all cited with some frequency.

- When it comes to retainers, most (57%) do not charge a fixed amount. Among those who do, it is less than \$1,000 in over 6-in-10 cases.
- Among paralegals working for a law firm, a higher proportion report charging a retainer, and fewer report the use of block and flat fees, compared to those working in a dedicated paralegal practice.
- A larger proportion of paralegals in law firms also report charging a fixed retainer amount, and when they do, the retainer amount is much higher than that charged by those in a paralegal practice/firm. Presumably, this reflects the greater complexity of cases.

PARALEGAL BILLING RATE

Paralegal billing rates are quite similar for those working in a dedicated paralegal firm or practice compared to those working in a law firm or practice.

- The median amount for sole practitioners or those working within a paralegal firm is \$144 an hour. For those with a law firm, it is \$160. But the median amount hides a discrepancy at the top end of the billing scale, where a quarter of those working for a law firm report a billing rate of \$250 or more an hour, compared with just 6% of sole practitioners or those working in paralegal firm.

Key Findings

STRUCTURE OF THE OFFICE AND BILLING RATES FOR STAFF

The majority of paralegals working in a paralegal practice or firm are part of small scale operations, and most function without law clerks or assistants.

- The great majority of sole practitioners report working alone, and just 9% report having a law clerk. However, 23% report making use of an assistant, although it is unclear if this is on a part-time or full-time bases.
- Among those who are not sole practitioners, just a third report having a law clerk in their firm, while half report having an assistant.
- Overall, looking at sole practitioners and others working in a dedicated paralegal practice or firm, just 14% have a law clerk and just over a quarter have an assistant.
- Among those with an assistant or law clerk in their office, billing rates reported by paralegals working for a law firm are far higher than those reported by those working in a paralegal firm or practice.

OFFICE EXPENSES

The majority of paralegal firms are sole practitioners, and their office and other expenses are quite different from those operating within a larger practice.

- Sole practitioners are less likely than others to report office rent, maintenance and salary expenses as part of their overhead.
- On the other hand, those working within a larger paralegal or legal practice report many of these type of expenses.

Key Findings

REFERRALS

Referrals by paralegals to a specific lawyer/law firm are fairly common when an issue arises outside their scope of expertise. Referrals from a law firm/lawyer back to them are somewhat less common.

- About three quarters say they make referrals, but only half report referrals coming from the other direction.
- While referrals are common, few report formal referral arrangements, including those working with a law firm.

AWARENESS AND INTEREST IN THE FLSP INITIATIVE

There is a high level of awareness and interest in the new FLSP license model Initiative among paralegals.

- In all, 8-in-10 are at least ‘somewhat’ aware of the initiative. Those working in a dedicated paralegal firm or practice are the most aware, with nearly half (46%) saying they are ‘very’ aware of the initiative.
- Interest in the FLSP is also very widespread, at 85%, with almost two thirds (63%) saying they are ‘very’ interested. Intense interest is highest among sole practitioners (71%) and lowest (though still high) among those working at law firms (58%).
- It is also possible that this initiative could entice members who are not currently providing paralegal services to come back into practice, as six-in-ten (62%) of this group say they are ‘very’ interested in the licensing initiative.
- Lack of interest in family law or feeling secure in their current role are two of the main reasons cited by the few who say they are not interested in the FLSP.

Key Findings

PROGRAM DETAILS

The length of the training program and field placement, as well as the method of program delivery, are strongly correlated with the level of interest.

- Among paralegals interested in the program, the shorter the training program the stronger the interest.
- In all, 73% are 'very' interested in undertaking a training program of less than 6 months. This drops to 32% for a program between 6 months and a year, and to just 12% for a program lasting between 1 and 2 years.
- Field placements also dampen enthusiasm, with just 35% 'very' interested in a program that includes this. Where it does, there is a clear preference for a shorter placement period.
- Not surprisingly, program options that likely allow for paralegals to continue to work are of most interest, i.e. online, evenings/weekends, and, to a lesser extent, a hybrid online/in-person option. Relatively few (21%) express strong interest in an in-person program delivered at a college.

PRICE SENSITIVITY

Despite the initial strong interest there appears to be some sensitivity around the price of the program.

- In all, 8-in-10 say this is a least somewhat of a large factor, with half saying it is a very large factor.
- That price is a key driver (and appears to be a stronger driver than length of the program or delivery options) is evident in the response to various price options. Fully 70% say they are 'very' likely to register for the program if the tuition cost is between \$1,000 and \$2,000. But this drops precipitously to 16% when the tuition cost is between \$2001 and \$2500, and even lower for higher tuition costs.

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DETAILED FINDINGS

PRACTICE INFORMATION

CURRENT EMPLOYMENT STATUS AND NUMBER OF PEOPLE EMPLOYED BY FIRM/OFFICE

Six-in-ten respondents are currently providing legal services in Ontario. Among them, most work as sole practitioners or with a paralegal firm (64%), and the next largest group work for a law firm (18%).

- Just under one third (31%) of paralegals identify as sole practitioners, which rises to 52% among those who are currently practicing.
- Those in a dedicated paralegal firm or practice report far fewer staff than paralegals working for a law firm (95% versus 26% with 5 or fewer staff, respectively).

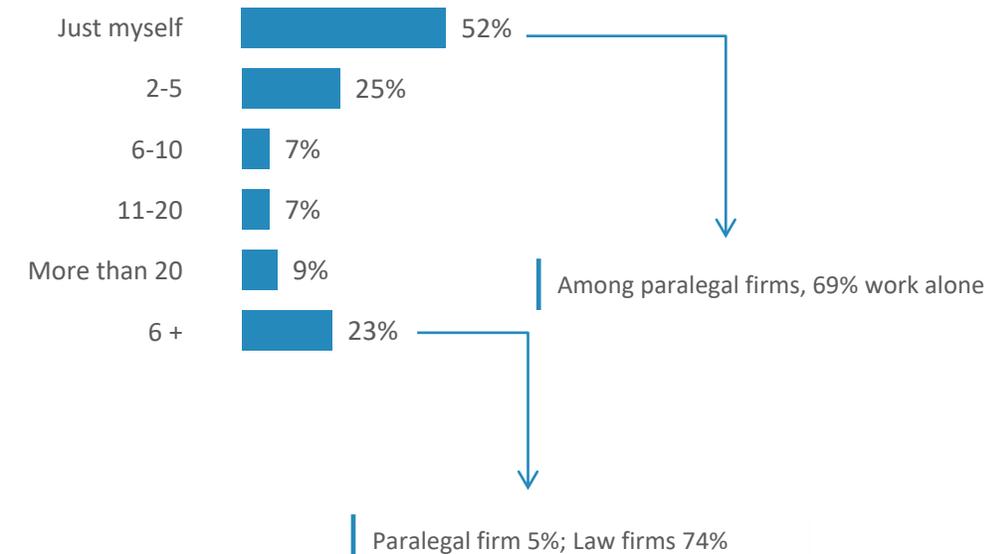
CURRENT EMPLOYMENT STATUS

(among Total sample)

	Total	Working as paralegal
Providing legal services	60%	100%
Not currently providing legal services	39%	-
Sole practitioner	31%	52%
Employed by a law firm in Ontario	11%	18%
Employed in Education or Government in Ontario	4%	7%
In-House Paralegal	4%	7%
Partner in a firm with other paralegals	3%	5%
Employed by a paralegal firm	3%	5%
Legal Clinic	2%	3%
Not in Ontario	1%	-
Partner in a firm with lawyers and paralegals	1%	2%
Other	3%	-
NET: Not in Ontario/Not currently providing	40%	-

NUMBER OF PEOPLE EMPLOYED BY FIRM/OFFICE

(among those who work at a firm/office)



Q1. What is your current employment status in Ontario?

Base: Total sample n=1927

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

Base: Work at a firm/office at Q1 n=945

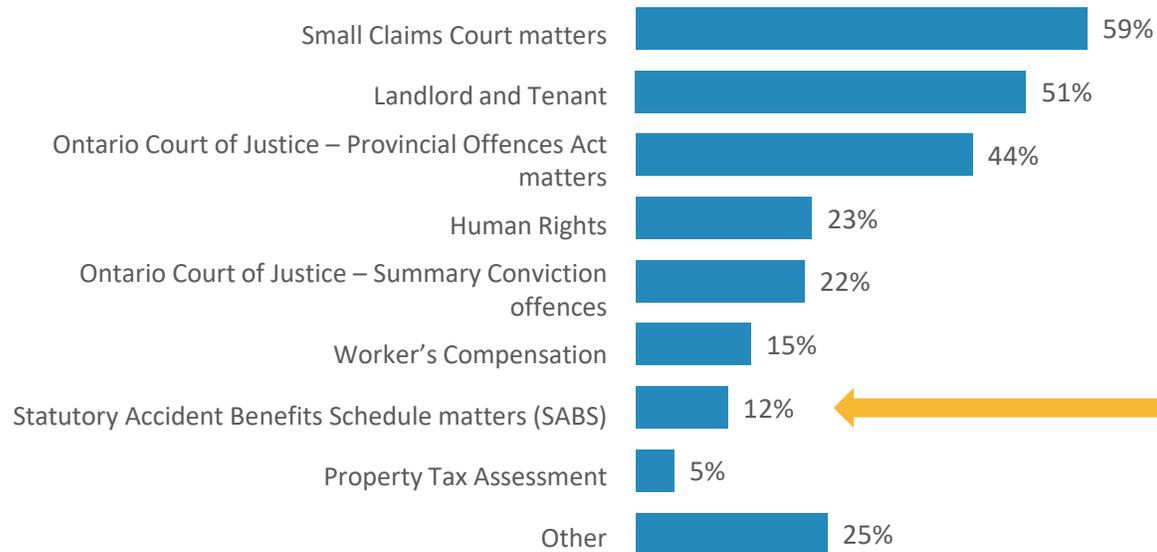
AREAS IN WHICH PROVIDE LEGAL SERVICES AND YEARS OF EXPERIENCE IN LEGAL SERVICES

Paralegals are most likely to be providing legal services related to Small Claims Court matters (59%), Landlord and Tenant issues (51%), and the Ontario Court of Justice – Provincial Offences Act (44%).

- About one in five are working in areas of Human Rights (23%) and/or Ontario Court of Justice Summary Conviction offences (22%).
- In regard to experience, about half (48%) report 5 years or less in paralegal services, most between 2-5 years and 14% one year or less.
- A fairly small segment, of 14%, has more than 20 years experience.

AREAS IN WHICH PROVIDE LEGAL SERVICES

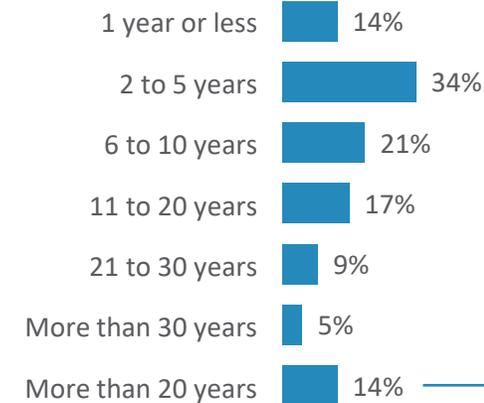
(among those practicing in Ontario)



Other than SABS, where paralegals working in a law firm are more likely to be providing this legal service (24%↑), those working as a sole practitioner or in a paralegal firm are significantly more likely to be providing the services listed. And, sole practitioners are the most likely to be providing legal services for Provincial Offences Act matters (60%↑).

YEARS OF EXPERIENCE IN LEGAL SERVICES

(among those practicing in Ontario)



Paralegals as a sole practitioner or working in a paralegal firm are more likely to have 20+ years experience: sole practitioner 16%↑; paralegal firm 22%↑; law firm 5%↓; non-paralegal,/non-law firm 13%.

Q2. In which of the following areas do you provide legal services? (Please check all that apply) Base: Practicing in Ontario at Q1 n=1099

Q3. Including any years prior to paralegal regulation in 2007, how many years of experience in legal services do you have? Base: Practicing in Ontario at Q1 n=1099

CARRIAGE OF FILES

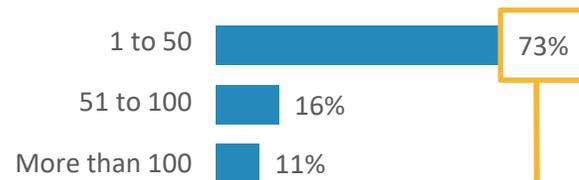
NUMBER OF FILES PERSONALLY CARRIED AT ONE TIME AND LENGTH OF TIME TO RESOLVE A FILE

Nearly 75% of paralegals that work in a firm/office personally carry between 1 and 50 files at any given time.

- Most say that it takes, in average, under a year to resolve a file, most commonly seven months to a year. Few (10%) say they can resolve a file in three months or less.

NUMBER OF FILES PERSONALLY CARRIED AT ONE TIME

(among those who work at a firm/office)



Sole practitioners are the most likely to report they personally carry 1-50 files at one time: sole practitioner 82%↑; paralegal firm 61%; law firm 55%.

LENGTH OF TIME TO RESOLVE A FILE IN THE AREA OF LEGAL SERVICE PRACTICE

(among those who work at a firm/office)



Those working in law firms tend to have files that take longer to resolve: sole practitioner 18%↓; paralegal firm 32%; law firm 51%↑.
This is also the case for those working in NE/NW Ontario: City of Toronto 26%; NE/NW 41%↑; East 39%; Southwest 30%

Q5. Approximately how many files do you personally carry at one time? Base: Work at a firm/office at Q1 n=945 (excluding don't know responses)

Q6. On average, how long does it take to resolve a file in the legal service area in which you practise? Base: Work at firm/office at Q1 n=945 (excluding don't know responses)

NUMBER OF FILES PERSONALLY CARRIED AT ONE TIME AND LENGTH OF TIME TO RESOLVE A FILE

Paralegals working at a law firm versus those working at a paralegal firm are slightly more likely to carry a heavier case load and have files that take longer to resolve.

NUMBER OF FILES PERSONALLY CARRIED AT ONE TIME

(among those who work at a firm/office)

	Paralegal Firms	Law Firms
1 to 50	78	55
51 to 100	13	24
More than 100	8	21

LENGTH OF TIME TO RESOLVE A FILE IN THE AREA OF LEGAL SERVICE PRACTICE

(among those who work at a firm/office)

	Paralegal Firms	Law Firms
3 months	10	10
4 to 6 months	29	19
7 months to 1 year	41	20
More than 1 year	20	51

Q5. Approximately how many files do you personally carry at one time? Base: Work at a firm/office at Q1 Paralegal Firms n=658; Law Firms n=204 (excluding don't know responses)

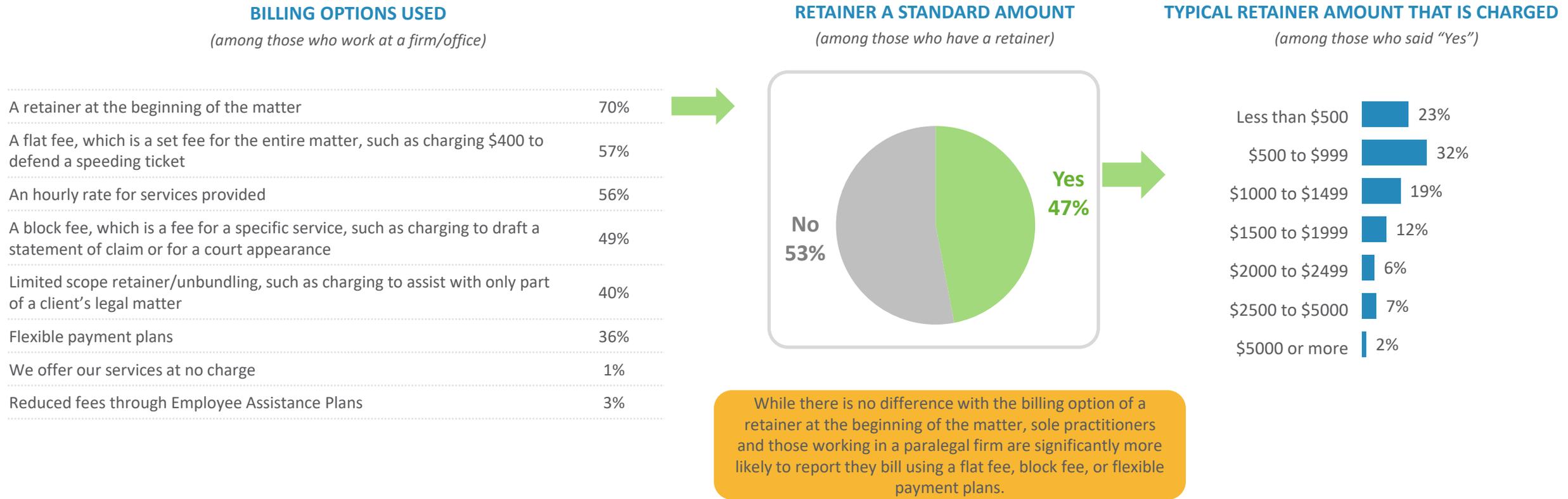
Q6. On average, how long does it take to resolve a file in the legal service area in which you practise? Base: Work at firm/office at Q1 Paralegal Firms n=644; Law Firms n=204 (excluding don't know responses)

BILLING

BILLING OPTIONS USED, RETAINER A STANDARD AMOUNT, AND TYPICAL RETAINER AMOUNT THAT IS CHARGED

Various billing options are used by paralegals. While a retainer at the beginning of the matter (70%) is the most cited option, over half use a flat fee (57%) or an hourly rate (56%).

- Almost half use a block fee (49%) and about 4 in 10 use a limited scope retainer (40%) or flexible payment plans (36%).
- Among those employing a retainer at the beginning of the matter, less than half (47%) say it is a standard amount. Over half (55%) report the typical retainer amount they charge is less than \$1,000, with a further 31% saying between \$1,000-\$2,000. Sole practitioners and those working in a paralegal firm are more likely to report retainers below \$1000.



Q7. Which of the following billing options are used by you or your firm? (Please check all that apply) Base: Work at firm/office at Q1 n=945 (excluding don't know responses)

Q8. Is the retainer a standard amount? Base: Retainer at Q7 n=602 (excluding don't know responses)

Q9. What is the typical retainer amount that you or your firm charges? Base: Yes at Q8 n=261 (excluding don't know responses)

BILLING OPTIONS USED, RETAINER A STANDARD AMOUNT, AND TYPICAL RETAINER AMOUNT THAT IS CHARGED

Paralegals working in a law firm versus a paralegal firm are more likely to say their firm requires a retainer, and typically a standard amount. The retainer also appears to be much higher in law firms than paralegal firms.

- Those working in a paralegal firm are more likely to report use of a flat fee, block fee, limited scope retainer, or flexible payment plan.

BILLING OPTIONS USED

(among those who work at a firm/office)

	Paralegal Firms	Law Firms
A retainer at the beginning of the matter	66	87
A flat fee, which is a set fee for the entire matter, such as charging \$400 to defend a speeding ticket	60	27
An hourly rate for services provided	55	62
A block fee, which is a fee for a specific service, such as charging to draft a statement of claim or for a court appearance	51	39
Limited scope retainer/unbundling, such as charging to assist with only part of a client's legal matter	42	34
Flexible payment plans	39	24
We offer our services at no charge	1	-
Reduced fees through Employee Assistance Plans	1	10

RETAINER A STANDARD AMOUNT

(among those who have a retainer)

	Paralegal Firms	Law Firms
Yes	43	62
No	57	38

TYPICAL RETAINER AMOUNT THAT IS CHARGED

(among those who said "Yes")

	Paralegal Firms	Law Firms
Less than \$500	27	6
\$500 to \$999	35	22
\$1000 to \$1499	20	16
\$1500 to \$1999	10	16
\$2000 to \$2499	6	6
\$2500 to \$5000	2	25
\$5000 or more	-	10
Median amount	\$828	\$1703

Q7. Which of the following billing options are used by you or your firm? Base: Work at firm/office at Q1. Paralegal Firms n=689; Law Firms n=165 (excluding don't know responses)

Q8. Is the retainer a standard amount? Base: Retainer at Q7. Paralegal Firms n=432; Law Firms n=120 (excluding don't know responses)

Q9. What is the typical retainer amount that you or your firm charges? Base: Yes at Q8. Paralegal Firms n=179; Law Firms n=51 (excluding don't know responses)

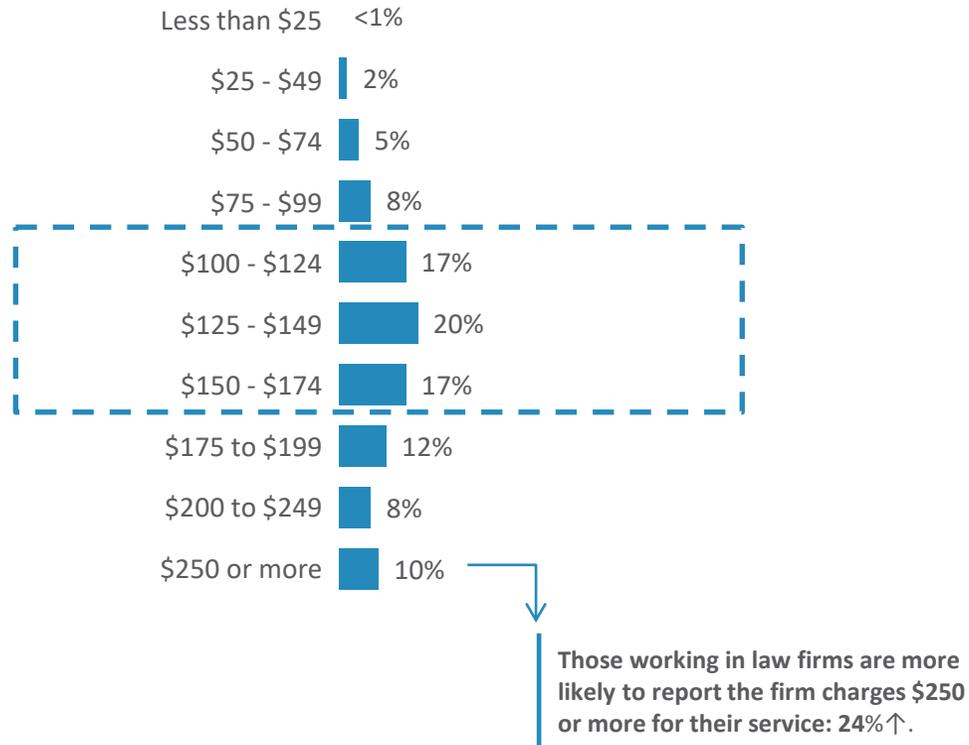
HOURLY RATE CHARGED FOR SERVICES AND FREQUENCY IN BILLING CLIENTS

Among those that charge an hourly rate, half (54%) report that it tends to fall between \$100-\$174 an hour.

- About three-in-ten indicate that they bill clients in specific intervals of time, monthly (21%) being the most frequently cited. However, most (72%) say it's done either on an 'as needed' basis (30%) or upon completion of specific services (42%).

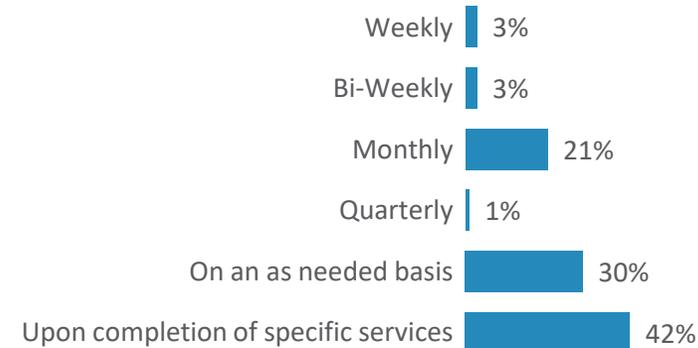
HOURLY RATE CHARGED FOR SERVICES

(among those who said "Hourly rate")



FREQUENCY IN BILLING CLIENTS

(among those who said "Hourly rate", excluding free services and Don't know)



There are differences by type of firm. Those working in a law firm are the most likely to indicate they charge on a monthly basis: 32%. And, sole practitioners are the most likely to bill on an 'as needed' basis - sole practitioner 31%; paralegal firm 28%; law firm 25% - or upon completion of specific services - sole practitioner 45%; paralegal firm 41%; law firm 34%.

Q10. What is the hourly rate which you or your firm charges for your services? Base: Hourly rate at Q7 n=481 (excluding don't know responses)

Q11. How frequently do you or your firm bill clients? Base: Hourly rate at Q10, excluding "offers free services" and "Don't know" n=849 (excluding don't know responses)

HOURLY RATE CHARGED FOR SERVICES AND FREQUENCY IN BILLING CLIENTS

Those working in a paralegal firm appear to charge a lower hourly rate than those working for a law firm.

- Far fewer also report a billing rate of \$250 an hour or more (just 6% compared to 24% among those working at a law firm).

HOURLY RATE CHARGED FOR PARALEGAL SERVICES

(among those who said "Hourly rate")

	Paralegal Firms	Law Firms
Less than \$25	<1	-
\$25 - \$49	2	2
\$50 - \$74	6	3
\$75 - \$99	10	3
\$100 - \$124	16	18
\$125 - \$149	21	18
\$150 - \$174	18	15
\$175 to \$199	13	9
\$200 to \$249	8	8
\$250 or more	6	24
Median amount	\$144	\$160

FREQUENCY IN BILLING CLIENTS

(among those who said "Hourly rate", excluding free services and Don't know)

	Paralegal Firms	Law Firms
Weekly	2	5
Bi-Weekly	3	3
Monthly	18	32
Quarterly	1	3
On an as needed basis	31	25
Upon completion of specific services	44	34

Q10. What is the hourly rate which you or your firm charges for your services? Base: Hourly rate at Q7. Paralegal Firms n=370; Law Firms n=91 (excluding don't know responses)

Q11. How frequently do you or your firm bill clients? Base: Hourly rate at Q10, excluding "offers free services" and "Don't know". Paralegal Firms n=664; Law Firms n=152 (excluding don't know responses)

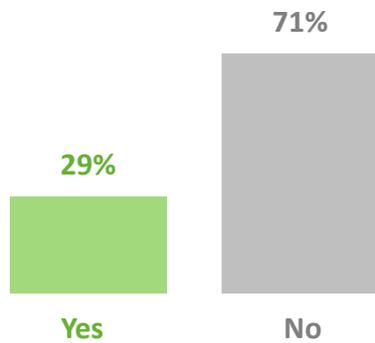
OVERHEAD COSTS

FIRM EMPLOYS A LAW CLERK AND BILLING PRACTICES 9

Overall, 29% of those working for firm/offices say they employ a law clerk. Among them, 69% report that the law clerk's time is billed out.

- Among those who say the law clerk's time is billed out, there is a wide range of hourly rates: 35% with an hourly rate below \$100; 46% between \$100-\$174; and 20% \$175 and above.

FIRM EMPLOYS A LAW CLERK
(among those who work at a firm/office)

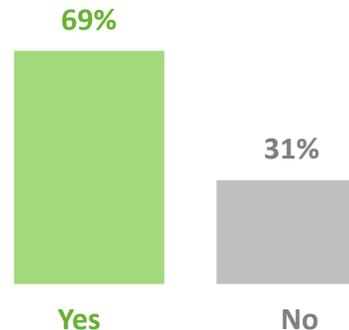


Yes

No

As would be expected, sole practitioners are significantly less likely to employ a law clerk (10%↓) than are paralegal firms (36%) or law firms (82%↑).

LAW CLERK'S TIME BILLED OUT
(among those who said "Yes" firm employs a law clerk)



Yes

No

HOURLY BILLING RATE OF LAW CLERK
(among those who said "Yes" law clerks time billed out)



Q17. Do you, or your firm, employ a law clerk? Base: Work at firm/office at Q1 n=945 (excluding don't know responses)

Q18. Is the law clerk's time billed out? Base: Yes at Q17 n=264 (excluding don't know responses)

Q19. What is their hourly billing rate? Base: Yes at Q18 n=126 (excluding don't know responses)

FIRM EMPLOYS A LAW CLERK AND BILLING PRACTICES 9

Law firms are far more likely to employ law clerks than paralegal firms and practices, and are more likely to bill them out. They are also more likely to bill more for their time, although the small sample sizes suggests caution in interpreting those differences, even though they are statistically significant.

- There is a statistically significant \$60 differences between the billing rate for law clerks with a paralegal firm/sole practitioner and law firms
- The median amount that law firms bill out clerks is \$144 per hour and which is slightly lower than the amount at which they bill out paralegals (\$160).

FIRM EMPLOYS A LAW CLERK

(among those who work at a firm/office)

	Paralegal Firms	Law Firms
Yes	14	82
No	86	18

LAW CLERK'S TIME BILLED OUT

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

	Paralegal Firms	Law Firms
Yes	57	78
No	42	22

HOURLY BILLING RATE OF LAW CLERK

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

	Paralegal Firms ^c	Law Firms
Less than \$25	10	-
\$25 - \$49	12	6
\$50 - \$74	20	-
\$75 - \$99	20	14
\$100 - \$124	5	13
\$125 - \$149	12	23
\$150 - \$174	8	21
\$175 to \$199	8	4
\$200 to \$249	5	14
\$250 or more	-	6
Median amount	\$84	\$144

Q17. Do you, or your firm, employ a law clerk? Base: Work at firm/office at Q1. Paralegal Firms n=675; Law Firms n=200 (excluding don't know responses)

Q18. Is the law clerk's time billed out? Base: Yes at Q17. Paralegal Firms n=75; Law Firms n=105 (excluding don't know responses)

Q19. What is their hourly billing rate? Base: Yes at Q18. Paralegal Firms n=40c; Law Firms n=71 (excluding don't know responses)

c Caution, small base size

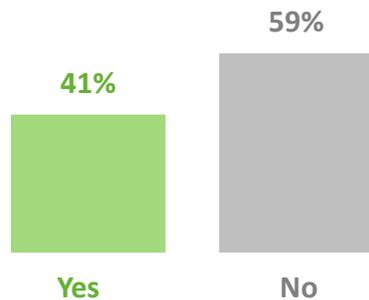
FIRM MAKES USE OF AN ASSISTANT AND BILLING PRACTICES

Four-in-ten (41%) of those working in firms or practices have an assistant on staff. Among those who do, 36% report billing for their assistant’s time for specific tasks, such as research or filing.

- Among those who say the assistant’s time is billed out, the majority bill less than \$100 an hour, with 43% having an hourly rate of under \$50 and 28% between \$75-\$124 hourly.

FIRM MAKES USE OF AN ASSISTANT

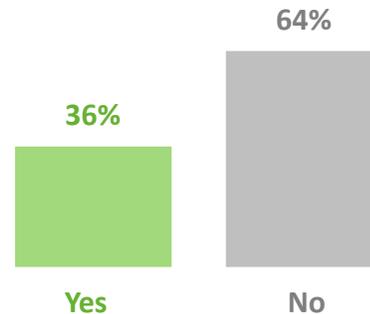
(among those who work at a firm/office)



Sole practitioners are also significantly less likely to make use of or have an assistant (24%↓) than are paralegal firms (47%) or law firms (82%↑).

FIRM BILLS FOR ASSISTANT’S TIME FOR SPECIFIC TASKS

(among those who said “Yes” firm uses an assistant)



Of note, a sizeable proportion working in a paralegal firm (20%) or law firms (36%↑) don’t know, while this is not the case for sole proprietorships (3%↓).

HOURLY RATE OF ASSISTANT

(among those who said “Yes” assistant’s time is billed)



Q20. Do you or your firm make use of or have an assistant? Base: Work at firm/office at Q1 n=945 (excluding don’t know responses)

Q21. Do you or your firm bill for your assistant’s time for specific tasks, such as research or filing? Base: Yes at Q20 n=366 (excluding don’t know responses)

Q22. What is the assistant’s hourly rate? Base: Yes at Q21 n=104 (excluding don’t know responses)

FIRM MAKES USE OF AN ASSISTANT AND BILLING PRACTICES

Law firms are more likely to employ an assistant, compared to paralegal practices and firms, but they are no more likely to bill out their time. When they do, billing rates reported are higher at law firms, but the small size suggests that the difference in rates should be treated with caution.

FIRM MAKES USE OF AN ASSISTANT

(among those who work at a firm/office)

	Paralegal Firms	Law Firms
Yes	29	82
No	71	18

FIRM BILLS FOR ASSISTANT'S TIME FOR SPECIFIC TASKS

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

	Paralegal Firms	Law Firms
Yes	39	33
No	61	67

HOURLY RATE OF ASSISTANT

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

	Paralegal Firms	Law Firms ^c
Less than \$25	29	4
\$25 - \$49	26	9
\$50 - \$74	14	9
\$75 - \$99	15	17
\$100 - \$124	6	30
\$125 - \$149	3	13
\$150 - \$174	4	13
\$175 to \$199	3	4
\$200 to \$249	-	-
\$250 or more	-	-
Median amount	\$44	\$108

Q20. Do you or your firm make use of or have an assistant? Base: Work at firm/office at Q1. Paralegal Firms n=678; Law Firms n=191 (excluding don't know responses)

Q21. Do you or your firm bill for your assistant's time for specific tasks, such as research or filing? Base: Yes at Q20. Paralegal Firms n=181; Law Firms n=101 (excluding don't know responses)

Q22. What is the assistant's hourly rate? Base: Yes at Q21. Paralegal Firms n=66; Law Firms n=23c (excluding don't know responses)

c Caution, small base size

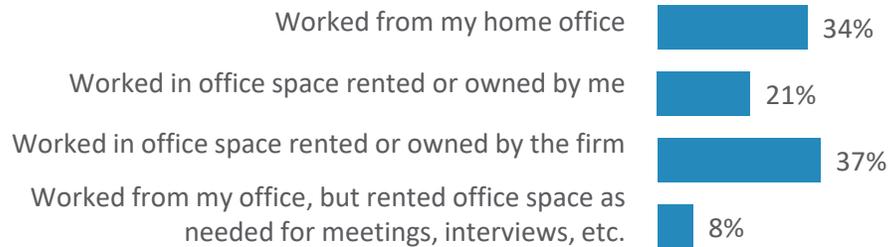
BEST DESCRIPTION OF WHERE WORKED PRIOR TO COVID-19 AND TYPICAL OVERHEAD EXPENSES OF PRACTICE

Prior to COVID-19, paralegals were most likely to have worked in an office space (58%) - either rented/owned by the firm (37%) or personally rented/owned (21%). One-third (34%) worked from their home office.

- Most report overhead expenses that include liability insurance (92%) and membership fees (91%), most commonly, followed by advertising/marketing (61%), office rent (59%), and practice management software (58%).
- Additionally, many indicate that overhead expenses include office management (45%), employee salaries (41%), and mortgage expenses (30%).

BEST DESCRIPTION OF WHERE WORKED PRIOR TO COVID-19

(among those who work at a firm/office)



As would be expected, sole practitioners are significantly more likely to indicate they worked from their home office (sole practitioner 48%↑; paralegal firm 22%; law firm 7%↓) or an office space rented/owned by them (sole practitioner 31%↑; paralegal firm 11%; law firm 1%↓).

TYPICAL OVERHEAD EXPENSES OF PRACTICE

(among those who work at a firm/office)



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

Base: Work at firm/office at Q1 n=945

Q23. Which of the following are typical overhead expenses that you or the practice pays? (Check all that apply)

Base: Work at firm/office at Q1 n=945

ASSOCIATION/AFFILIATION WITH LAWYERS/LAW FIRM

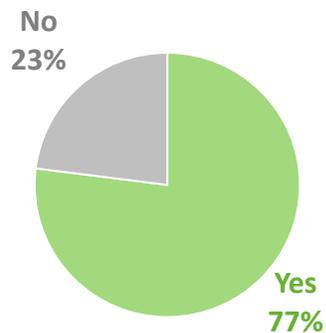
REFERRALS

Three-quarters (77%) of paralegals say they refer clients to a specific lawyer or law firm if the matter is out of scope or their area of expertise. They are less likely to get work referred from a specific lawyer or firm (53%).

- Among those that are involved with referrals, few (16%) have a formal referral arrangement in place. Among those who do, one-third (36%) work in association or affiliation with a specific lawyer or law firm.

CLIENT REFERRED TO A SPECIFIC LAWYER/LAW FIRM IF SCOPE IS OUT OF PERSONAL AREA OF EXPERTISE

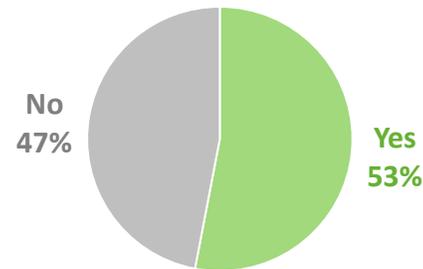
(among those who work at a firm/office)



Paralegals working at a law firm are significantly more likely to say they 'don't know' if clients are referred (25%), if they get work referred from a specific lawyer/firm (38%), or if their firm has formal referral arrangements in place (41%).

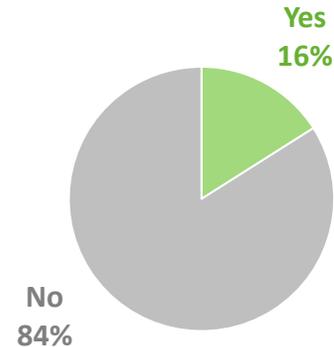
WORK REFERRED FROM A SPECIFIC LAWYER/LAW FIRM TO OWN FIRM

(among those who work at a firm/office)



FIRM HAS FORMAL REFERRAL ARRANGEMENTS IN PLACE

(among those who said "Yes" to scope is out of personal area of expertise/firm gets referrals)



WORKS IN ASSOCIATION/AFFILIATION WITH SPECIFIC LAWYER/LAW FIRM

(among those who said "Yes" to formal referral arrangements in place)



Sole practitioners are less likely to report they work in association or affiliation with a specific lawyer or law firm: 26%

- Q12. If a matter is out of scope or out of your area of expertise, do you or your firm refer the client to a specific lawyer or law firm? Base: Work at firm/office at Q1 n=945
 Q13. Do you or your firm get work referred from a specific lawyer or law firm? Base: Work in a firm/office n=945 (excluding don't know responses)
 Q14. Do you or your firm have any formal referral arrangements in place? Base: Yes at Q12 or Q13 n=635 (excluding don't know responses)
 Q15. Do you work in association or affiliation with a specific lawyer or law firm? Base: Yes at Q14 n=84 (excluding don't know responses)

REFERRALS

Those working at a paralegal firm are somewhat less likely than those working at a law firm to refer work to a specific lawyer or law firm, or to have work referred to them from a specific lawyer or law firm.

- Few among either group has a formal referral arrangement in place.

CLIENT REFERRED TO A SPECIFIC LAWYER/LAW FIRM IF SCOPE IS OUT OF PERSONAL AREA OF EXPERTISE

(among those who work at a firm/office)

	Paralegal Firms	Law Firms
Yes	77	90
No	23	10

WORK REFERRED FROM A SPECIFIC LAWYER/LAW FIRM TO OWN FIRM

(among those who work at a firm/office)

	Paralegal Firms	Law Firms
Yes	49	78
No	51	23

FIRM HAS FORMAL REFERRAL ARRANGEMENTS IN PLACE

(among those who said "Yes" to scope is out of personal area of expertise/firm gets referrals)

	Paralegal Firms	Law Firms
Yes	16	16
No	84	84

WORKS IN ASSOCIATION/AFFILIATION WITH SPECIFIC LAWYER/LAW FIRM

(among those who said "Yes" to formal referral arrangements in place)

	Caution, small base sizes	Paralegal Firms ^c	Law Firms
Yes		33	60
No		67	40

Q12. If a matter is out of scope or out of your area of expertise, do you or your firm refer the client to a specific lawyer or law firm? Base: Work at firm/office at Q1. Paralegal Firms n=604; Law Firms n=128 (excluding don't know responses)

Q13. Do you or your firm get work referred from a specific lawyer or law firm? Base: Work in a firm/office. Paralegal Firms n=601; Law Firms n=111 (excluding don't know responses)

Q14. Do you or your firm have any formal referral arrangements in place? Base: Yes at Q12 or Q13. Paralegal Firms n=451; Law Firms n=75 (excluding don't know responses)

Q15. Do you work in association or affiliation with a specific lawyer or law firm? Base: Yes at Q14. Paralegal Firms n=67; Law Firms n=10c (excluding don't know responses). ^c Caution, small base size

FAMILY LEGAL SERVICES PROVIDER LICENCE

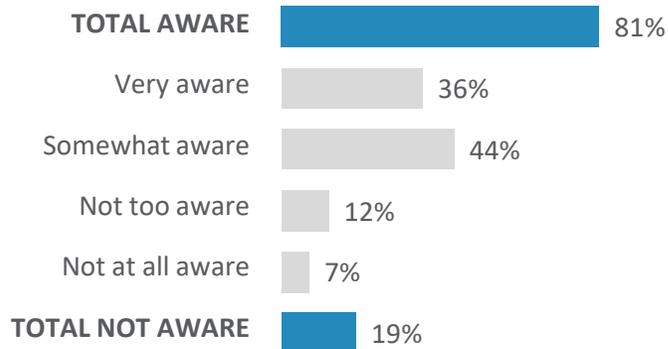
AWARENESS OF FAMILY LEGAL SERVICES PROVIDER LICENCE INITIATIVE AND LEVEL OF INTEREST

At 81%, there is a widespread awareness of the new Family Legal Service Provider (FLSP) initiative and licensing model, with 36% being 'very' aware.

- Most (85%) express interest in expanding their practice or expertise to include some family legal services, with 63% 'very' interested (so widespread intense interest).
- Among those not interested, the most common reason given is a lack of interest in that area of law (51%) followed by security in their current role (42%), and having enough work already (31%).

AWARENESS LEVEL OF INITIATIVE

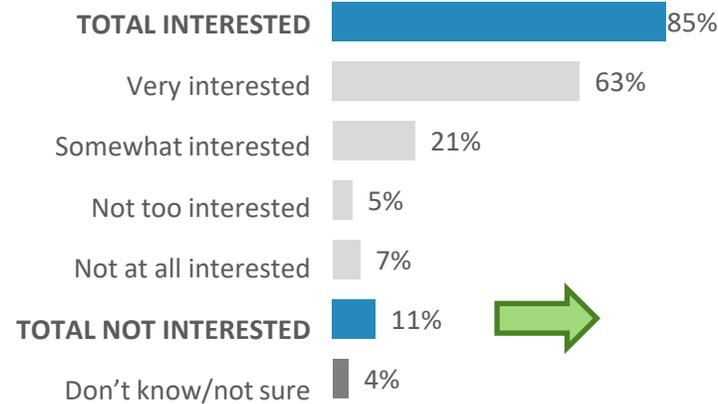
(among Total sample)



There are differing levels of awareness by type of firm: sole practitioner 88%; paralegal firm 90%; law firm 76%↓; non-paralegal,/non-law firm 79%↓. Those not currently providing paralegal services/not in Ontario also have lower levels of awareness (75%↓).

INTEREST LEVEL IN EXPANDING AREAS OF PRACTICE OR EXPERTISE TO INCLUDE PROVIDING SOME FAMILY LEGAL SERVICES

(among Total sample)



Sole practitioners indicate the strongest interest: 'very' interested - sole practitioner 71%; paralegal firm 63%; law firm 58%; non-paralegal,/non-law firm 56%. Those not currently providing paralegal services/not in Ontario: 'very' interested (62%).

MAIN REASON NOT INTERESTED IN PROVIDING FAMILY LEGAL SERVICES

(among those too or not at all interested)

Not an area I/the firm am/is interested in developing	51%
Secure in my current role	42%
Have enough work already to keep me /my firm busy	31%
Not practising as a paralegal	23%
Would likely require more training/courses than I am willing to or have time to take on	21%
I need more experience before taking on new areas of practice	19%
Cannot afford the additional expense of training	16%
Cannot afford to take time off of my daily practice to attend training	13%
No longer live in Ontario	2%
The place where I work already has a family law practice and would not want paralegals in the office involved	<1%
Other	5%

Those not currently providing paralegal services/not in Ontario: 66%.

Q24. How aware are you of this initiative? Base: Total sample n=1927

Q25. How interested are you in either expanding your current areas of practice or your expertise to include providing some family legal services? Base: Total sample n=1927

Q26. Which of the following is closest to the main reason that you are (RESPONSE TO Q25) in providing family legal services? (Please check all that apply) Base: Too or not at all interested at Q25 n=221

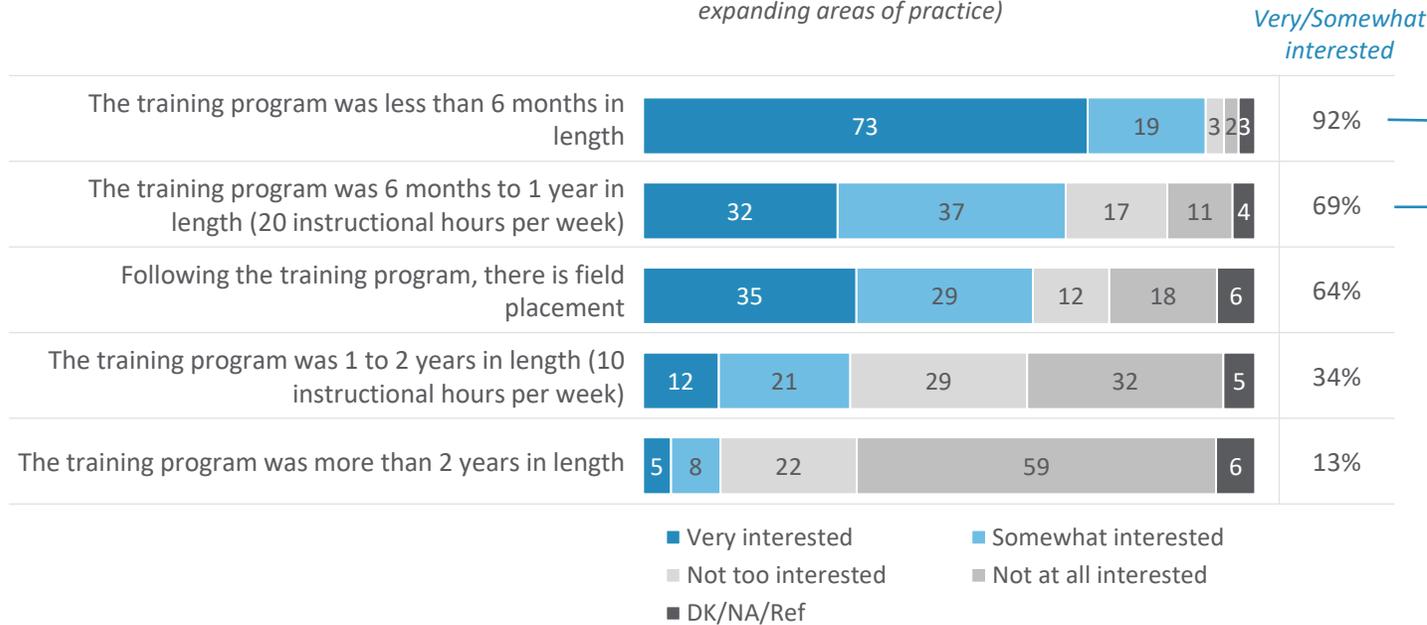
INTEREST LEVEL IN UNDERTAKING THE REQUIRED TRAINING FORMATS AND APPROPRIATE LENGTH OF FIELD PLACEMENT

The vast majority (92%) of those interested in pursuing an FLSP license are interested in a training program of less than six months, with 73% 'very' interested in the license based on this shorter format.

- In regard to a field placement, interest drops to 64% when it's required. In terms of length, the plurality (22%) say that a short duration of 4 weeks would be appropriate, and nearly one-in-five (17%) do not believe that a field placement is necessary.

INTEREST LEVEL IN EXPANDING AREAS OF PRACTICE IF REQUIRED TO UNDERTAKE SPECIFIC PROGRAM TRAINING LENGTHS

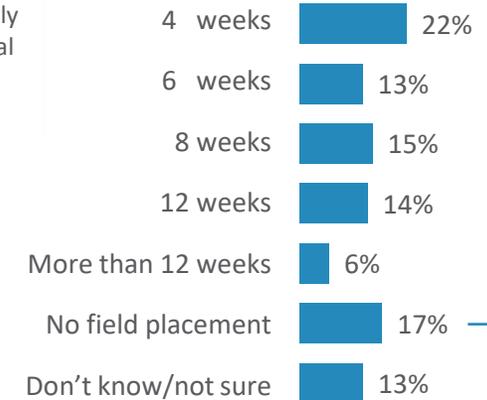
(among those Very/Somewhat interested in expanding areas of practice)



Sole practitioner 67%; paralegal firm 69%; law firm 79%↑; non-paralegal, /non-law firm 69%.

APPROPRIATE LENGTH OF FIELD PLACEMENT TO SUPPORT THE PROVISION OF LEGAL SERVICES IN FAMILY LAW

(among those Very/Somewhat interested in expanding areas of practice)



Those not currently providing paralegal services/not in Ontario: 91%.

Those not currently providing paralegal services/not in Ontario are more likely to indicate a length of 8-12 weeks and less likely to think that no field placement was required (12%↓).

Q27. 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 Q25 n=1706

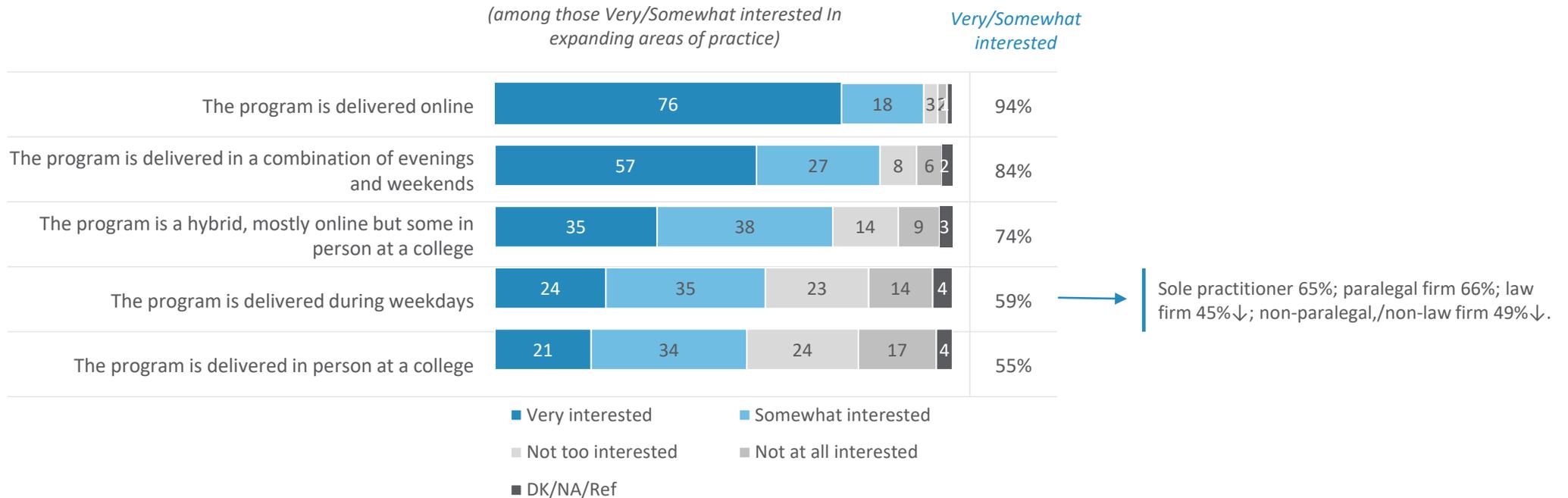
Q29. In your opinion, what length of field placement following a training program would be appropriate to support the provision of legal services in family law?

Base: Very/Somewhat interested at Q25 n=1706

INTEREST LEVEL IN PROGRAM DELIVERY OPTIONS

Almost all of those interested in the FSLP license prefer that the program be delivered online (94%) and on evenings and weekends (84%).

- Three-quarters (74%) are also interested in a hybrid delivery, mostly online with some in-person.
- There is least interest in a program delivered during weekdays and fully in-person.



Q28. In terms of program delivery, how interested are you in the following delivery options?

Base: Very/Somewhat interested at Q25 n=1706

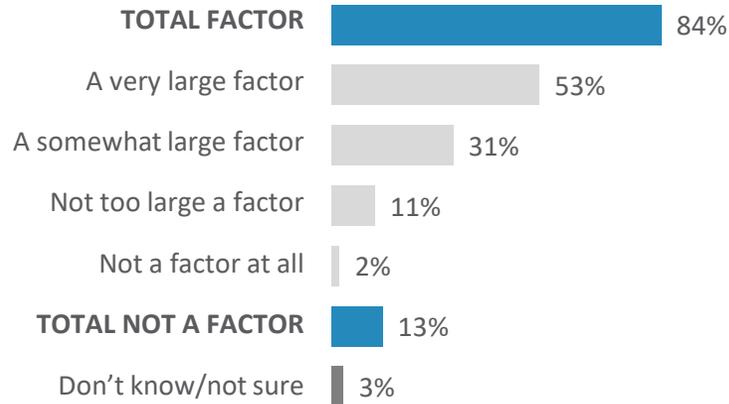
PRICE FACTOR IN WILLINGNESS TO UNDERTAKE PROGRAM AND LIKELIHOOD OF REGISTERING FOR THE PROGRAM BASED ON TUITION COSTS

Among those interested in the FLSP license, 84% say that price is a factor in their willingness to undertake the program.

- With a tuition between \$1000-\$2000, nearly all (93%) say that they would be likely to register, with fully 70% saying they would be ‘very’ likely.
- With tuition between \$2001-\$2500, just over half (55%) say they would be likely to register, but with those ‘very’ likely declining to 16%.

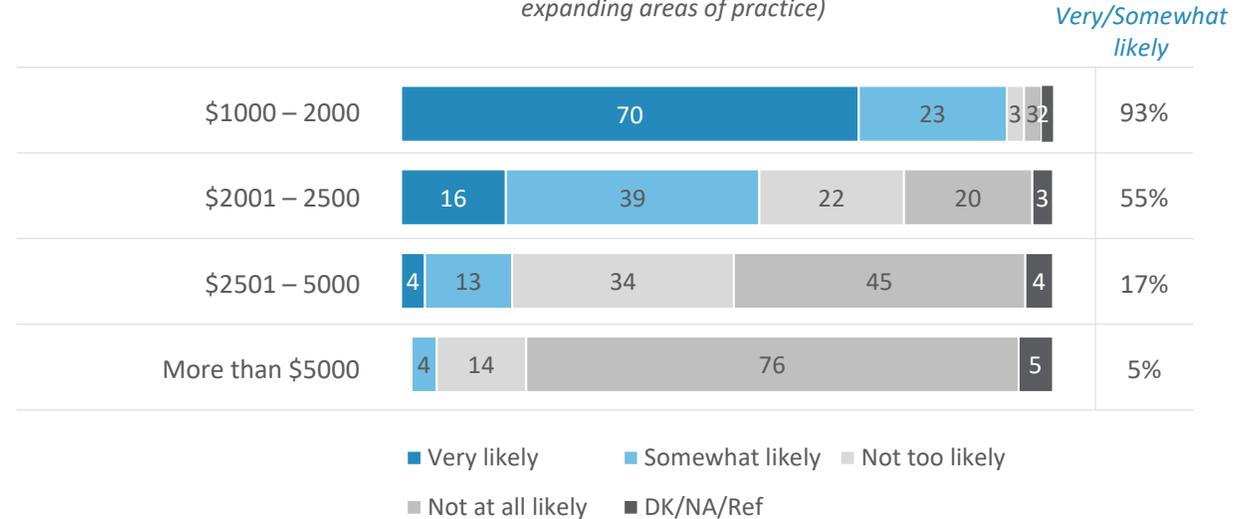
PRICE FACTOR IN WILLINGNESS TO UNDERTAKE PROGRAM

(among those Very/Somewhat interested in expanding areas of practice)



LIKELIHOOD LEVEL IN REGISTERING FOR THE PROGRAM BASED ON TUITION COSTS

(among those Very/Somewhat interested in expanding areas of practice)



Q30. 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: Very/Somewhat interested at Q25 n=1706

Q31. How likely would you be to register for the program for the following tuition costs?

Base: Very/Somewhat interested at Q25 n=1706

SERVICES IN FAMILY LAW THAT WOULD BEST COMPLIMENT CURRENT PRACTICE AND AREAS IN WHICH PROVIDE LEGAL SERVICES

Most (61%) with an interest in the program are not sure what areas would compliment their current practice. Among those with a response, divorce (contested and uncontested) child custody and separation agreements are the most cited services.

SERVICES IN FAMILY LAW THAT WOULD BEST COMPLIMENT CURRENT PRACTICE

(among those Very/Somewhat interested in expanding areas of practice)

Divorce/Divorce application	10%
Uncontested divorce/Non-contested divorce/Simple divorce	10%
Child Custody/Child access/Visitation/Child custody and access	10%
Separation/Separation Agreement	9%
Mediation/Arbitration/Mediation and Arbitration	6%
Child support	4%
Filling out forms/applications/document preparation	3%
All/All of them/All family law-related	3%
Family justice services	2%
Division of assets/Property rights/Matrimonial division	2%
Legal advice/Consultation	2%
Spousal support	2%
Wills/Wills and estates/Probate	2%
Other	10%
None	1%
DK/NA/REF	61%

Q32. If you were to obtain the family legal services provider licence, what services in family law would best compliment your current practice?

Base: Very/Somewhat interested at Q25 n=1706

FAMILY LEGAL SERVICES PRE-REGULATION

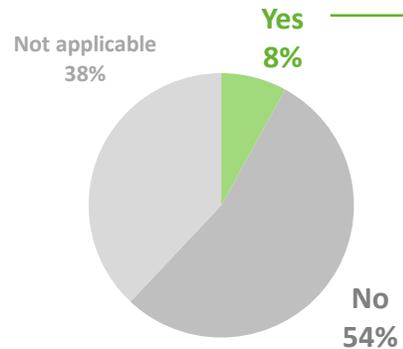
FIRM PROVIDED LEGAL SERVICES IN FAMILY LAW PRIOR TO THE LAW SOCIETY PARALEGAL REGULATION IN 2007

Prior to the LSO assuming regulation in 2007, 8% of paralegals say they belonged to a firm or practice that was providing legal services in the area of family law.

- The most common services being provided were connected to divorce (49%), child custody (20%), separation (16%) or all family law-related matters (11%).
- Of note, fully half are not sure of the fees that were charged for family law services, and may not recall them, though hourly rates and flat fees were the most cited.

FIRM PROVIDED LEGAL SERVICES IN FAMILY LAW PRIOR TO THE LAW SOCIETY PARALEGAL REGULATION IN 2007

(among Total sample)



Sole practitioner 11%; paralegal firm 5%; law firm 18% ↑; non-paralegal/non-law firm 8%.

Those not currently providing paralegal services/not in Ontario: 3% ↓.

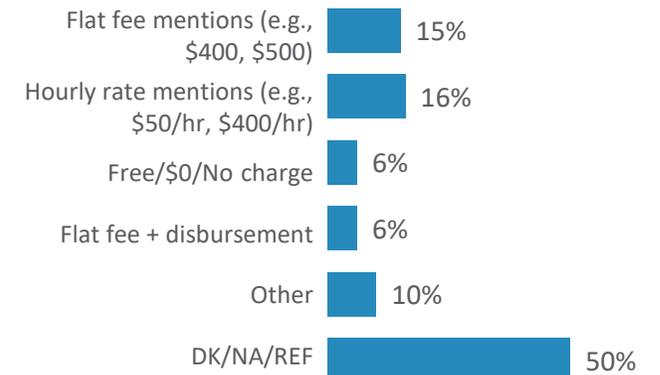
LEGAL SERVICES PROVIDED IN FAMILY LAW

(among those who said "Yes" firm provided legal services in family law prior to regulation)

Uncontested divorce/Non-contested divorce/Simple divorce	25%
Divorce/Divorce application	24%
Child Custody/Child access/Visitation/Child custody and access	20%
Separation/Separation Agreement	16%
All/All of them/All family law-related	11%
Family support/support (general)	7%
Filling out forms/applications/document preparation	6%
Division of assets/Property rights/Matrimonial division	5%
Joint divorce	5%
Mediation/Arbitration/Mediation and Arbitration	3%
Spousal support	3%
Child support	2%
Complete financial statement/financial documents/financial disclosure	2%
Other	19%
None	2%
DK/NA/REF	13%

FEES CHARGED FOR SERVICES IN FAMILY LAW

(among those who said "Yes" firm provided legal services in family law prior to regulation)



Q33. Prior to the Law Society assuming paralegal regulation in 2007, were you or your firm providing legal services in family law? Base: Total sample n=1927

Q34. What legal services were you or your firm providing in family law? Base: Yes at Q33 n=153

Q35. What fees were you or your firm charging for those services? Base: Yes at Q33 n=153

COMMENTS

Most paralegals had no additional comments about the FLSP. Among those who did, the most common remarks focused on the importance of the initiative, followed by concerns about length and cost of the program.

(among Total sample)

This initiative is essential/I hope this goes through/I agree with expanding scope of paralegals/allowing paralegals to practice family law	10%
Program should not be too long/shouldn't be a lengthy option/6 month or less/should be able to do it part-time	4%
I'm interested/going to sign up at the earliest opportunity/I look forward to obtaining my Family Legal Services Provider license	2%
This would allow affordable services to the public/assist the public in a cost-efficient way/family lawyers are expensive	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	1%
Should provide the program at the lowest possible cost/should be affordable/not cost too much	1%
Would support paralegals providing well-defined/specific legal services in family law/not go beyond their scope	1%
Miscellaneous positive comments (e.g., thank you, good luck, thank you for this survey)	1%
Other	4%
No/None/No additional comments	1%
DK/NA/REF	73%

Q37. Are there any additional comments you would like to add?

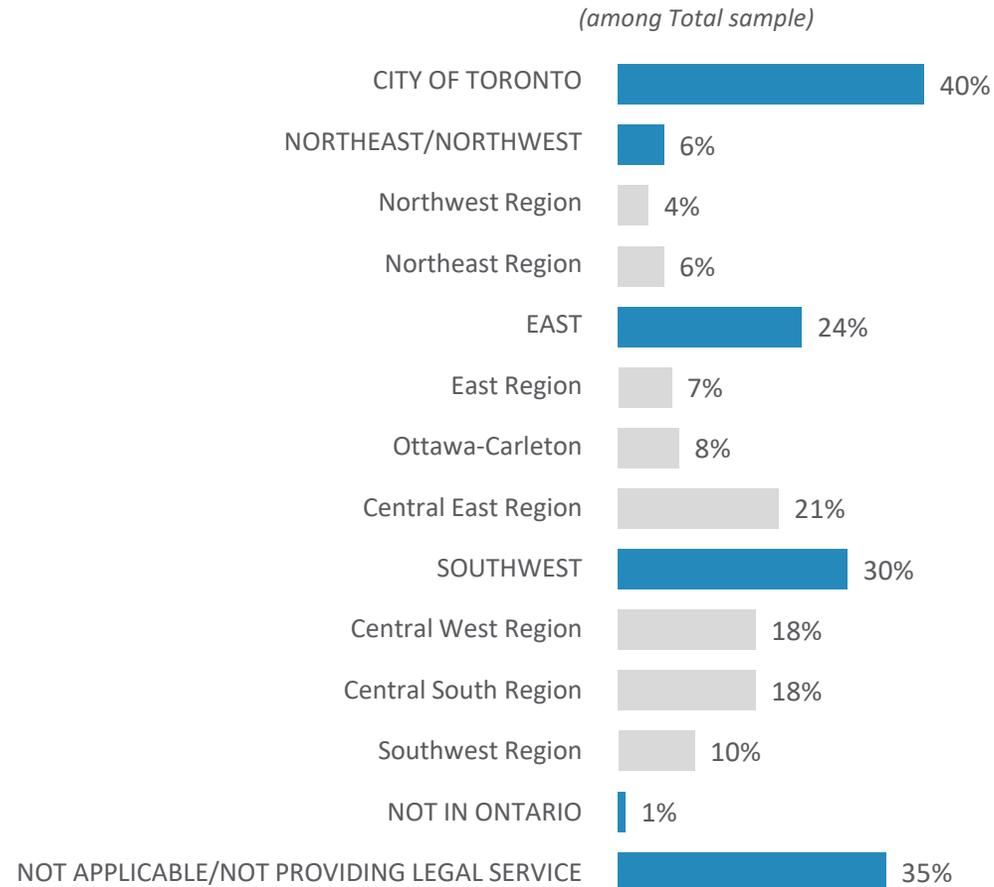
Base: Total sample n=1927

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APPENDIX

REGIONS IN WHICH PROVIDE LEGAL SERVICES

Those responding to the survey work in all areas of the province.



Q36. Please identify the regions in which you provide legal services (Check all that apply.)

Base: Total sample n=1927