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A REPORT TO
LAW SOCIETY OF ONTARIO

EXECUTIVE SUMMARY

Synthesis of Results from Surveys of Family Lawyers,
Paralegals and Law Clerks Regarding the Proposed
Licence for the Family Legal Services Provider

April, 2021

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ABOUT THE RESEARCH

About the Research

OBJECTIVES

This Executive Summary brings together the results of three surveys, each conducted among a specific group of legal practitioners, including:

- Family lawyers;
- Paralegals; and
- Law Clerks

The objectives of the research were to:

- Better understand current business models among practitioners;
- Identify the services currently provided;
- Assess perceptions of the Family Legal Services Provider (FLSP) initiative proposed by the LSO
- Identify expected length of a qualifying program and subsequent placement;
- Assess interest in qualifying for the FLSP license, preferences for program delivery, and the costs that they are willing to pay (among paralegals/law clerks); and;
- Assess willingness to hire and/or provide an internship for those completing the FLSP program (among family lawyers).

Many of the same questions were asked of the three groups in order to compare responses.

[Notably, nearly 1-in-5 of the paralegals included in the research (19%) reported working for a law firm. For the purpose of analysis, we have removed this group from the overall sample of paralegals on questions pertaining to business practices, so we can look at them separately and compare business practices between paralegal and law firms.]

While not reported on in this summary, two additional surveys were conducted as part of this research program, among end users of family law services, including:

- A survey of 1,500 members of the general public who had been involved in a family law matter in the past 10 years (with the sample obtained through the Asking Canadians and Dynata online panels) ; and
- A survey of 375 individuals whose mother tongue is not English, largely come from visible minority community, and have been involved in a family legal matter in the past 10 years. (with the sample obtained from an online panel managed by Ethnic Voice Accord)

Among these end users, the research looked at:

- Perceptions of the family justice system, generally;
- Issues related to affordability;
- Perceptions of paralegals and lawyers; and
- Openness to using trained, non-lawyer legal professionals for family law matters.

The surveys among both legal practitioners and end users took place during January and February, 2021.

METHODOLOGY

E mail invitations with a link to the survey were sent by the LSO to all family lawyers and paralegals, with the following results:

- Family lawyers: 5,535 invitations sent and 935 responses received for a 16.9% response rate; and
- Paralegals: 9,500 invitations sent and 1,927 responses received for a 20.3% response rate.

The response rates above are quite good for this type of study with busy professionals, which are typically under 10%.

For law clerks, the LSO relied on law clerk associations to distribute the invites. In total, 156 responses were received. A response rate cannot be calculated, however, as it is not known how many invitations were distributed.

Comparing respondents to the LSO database

In order to ascertain the extent to which those responding reflected what is known about LSO members, demographic characteristics were compared, where possible.

For family lawyers, we compared the following:

- Current employment status (e.g. sole practitioner, partner in a law firm, associate/employee, providing legal services, etc.)
- Number of years practicing law; and
- Proportion of practice devoted to family law

For current employment status and number of years in practice, the LSO data and survey responses were comparable. When it comes to the proportion of practices devoted to family law, however, survey respondents (59%) were far more likely than members in the data base (44%) to be working for a firm where family law accounts for 75% or more of the practice.

In general, when survey respondents are out of alignment with the actual population, we weight the data to bring it back in line for analysis. In consultation with the LSO, however, it was decided to leave the survey responses unweighted, with the understanding that the issue of FLSP license is likely more important to those whose practice is more focused on family law and that greater weight should be given to these responses.

For paralegals, we compared the following:

- Current employment status (e.g. sole practitioner, partner in a law firm, associate/employee, providing legal services, etc.); and
- Areas providing legal services (Ontario Court of Justice, Small Claims Court matters, Human Rights matters, etc.);

For areas providing legal services, the LSO data and survey responses are similar.

For current employment status, however, 60% of paralegal members in the LSO data base report that they not currently providing legal services, compared with 40% among survey respondents. We made the decision to leave these responses unweighted, as well, because business practice questions were skipped with this group of non-practising paralegals, and because their responses to the FLSP initiative are similar to those providing legal services.

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KEY FINDINGS

Key Findings

FIRM SETTING

There are significant differences in the size and set up of paralegal offices compared to law offices.

- While paralegals and family lawyers are equally likely to be sole practitioners, paralegals are far more likely to be working alone and without staff support (69% versus 25%).
- Excluding those working alone among both groups, law offices tend to be bigger than paralegal firms, with nearly half (46%) of family lawyers reporting 6 or more staff in their firm, compared to just 15% of paralegals offices.
- Lawyers as a group are also more experienced than paralegals, with an average of 16 years in practice compared to 7 years among paralegals.

LENGTH OF A CASE

Cases taken on by law firms appear to take longer to resolve.

- Based on responses from paralegals working for a law firm, compared to those working as a sole practitioner or for a paralegal firm, cases taken on by a law firm tend to last longer.
- In all, 51% of paralegals working for law firm report cases lasting more than a year, compared to just 20% of paralegals working as a sole practitioner or for a paralegal firm.

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

While half of family lawyers and paralegals report being sole practitioners, paralegals are far more likely to be working alone or in small offices of five people or fewer.

- Law clerks, on the other hand, are far more likely than either lawyers or paralegals to be working in larger offices.

CURRENT EMPLOYMENT STATUS

(among those providing legal services)

	Working as a law clerk	Working as paralegal	Working as a lawyer
n	126	1110	910
	%	%	%
Providing legal services	100%	100%	100%
Sole practitioner	-	53	55
Partner in a law/paralegal firm	-	7	23
Associate/employed by a law/paralegal firm	77	23	19
Associate/employed paralegal firm		4	-
Associate/employed law firm	77	19	19
Employed in Education or Government	10	7	1
In-House law clerk/Paralegal/lawyer	13	7	1
Legal Clinic	-	3	2

NUMBER OF PEOPLE EMPLOYED BY FIRM/OFFICE

(among those who work at a firm/office)

	Law clerk	Paralegal*	Lawyer
n	96	711	884
	%	%	%
Just myself	-	69 (-)	25 (-)
2 – 5	11	26 (84)**	42 (56)
6 – 10	15	2 (6)	15 (20)
11 – 20	19	2 (6)	8 (11)
More than 20	48	1(3)	11 (15)

*All business related questions, only show paralegals who are working as sole practitioners or for a paralegal firm.
** Percent in brackets exclude those working alone.

LENGTH OF TIME TO RESOLVE A FILE

Paralegals working at a law firm are more likely than those working at a paralegal firm to report that files take a year or more to resolve.

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

(among paralegals who work at a firm/office)

	Paralegal Firms	Law*
n	711	204
	%	%
3 months	10	10
4 to 6 months	29	19
7 months to 1 year	41	20
More than 1 year	20	51

*As reported by paralegals working for a law firm

Key Findings

BILLING PRACTICES

The billing practices of paralegal offices are somewhat different than those at law offices.

- While both types of practitioners report many billing practices in common, lawyers are far more likely to charge a retainer and hourly rates than paralegals, and to offer flexible payment plans or reduced fees through an EAP.
- Paralegals, on the other hand, are much more likely than family lawyers to charge a flat fee and lower hourly rates.
- Moreover, when retainers are involved, family lawyers report far higher average amounts than paralegals.
- There are also some differences in billing practices, with paralegals far more likely than lawyers to bill upon completion of a specific service (44% versus 10%, respectively).

BILLING OPTIONS USED, TYPICAL RETAINER AMOUNT CHARGED AND FREQUENCY OF BILLING

Family lawyers are more likely to charge a retainer or by the hour, while paralegals are more likely to charge a flat fee.

- When a retainer is charged, amounts are much higher among lawyers.
- Paralegals are more likely than lawyers to bill upon completion of a specific service.

BILLING OPTIONS USED

(among those who work at a firm/office)

	Paralegal Firms	Law Firms
n	689	869
	%	%
A retainer at the beginning of the matter	66	89
A flat fee, which is a set fee for the entire matter, such as charging \$400 to defend a speeding ticket	61	32
An hourly rate for services provided	55	85
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	45
Limited scope retainer/unbundling, such as charging to assist with only part of a client's legal matter	42	62
Flexible payment plans	39	54
We offer our services at no charge	1	3
Reduced fees through Employee Assistance Plans	1	21

TYPICAL RETAINER AMOUNT THAT IS CHARGED

(among lawyers who require a retainer and paralegals who say they have a fixed retainer amount)

	Paralegal Firms	Law Firms
n	179	762
	%	%
Less than \$500	27	1
\$500 to \$999	35	4
\$1000 to \$1499	20	7
\$1500 to \$1999	10	13
\$2000 to \$2499	6	16
\$2500 to \$5000	2	44
\$5000 or more	-	12
Median amount	\$828	\$2925

FREQUENCY IN BILLING CLIENTS

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

	Paralegal Firms	Law Firms
n	664	833
	%	%
Weekly	2	2
Bi-Weekly	3	4
Monthly	18	33
Quarterly	1	3
On an as needed basis	31	27
Upon completion of specific services	44	10

Key Findings

LAWYERS AND PARALEGALS - HOURLY BILLING RATES

4 Paralegal firms report far lower hourly billing rates than family lawyers.

- Paralegals working as a sole practitioner or for a paralegal firm charge an average of \$144 per hour, whereas family lawyers charge, on average, more than twice that at \$330 an hour.
- Looking just at sole practitioners among both paralegals and family lawyers, the spread is even wider at \$138 and \$332 per hour, on average, respectively.
- The average hourly rate charged by a law firm for a paralegal's services varies somewhat depending on whether it is reported by a lawyer (\$127 an hour) or a paralegal (\$160 an hour).

HOURLY RATE CHARGED BY LAWYERS AND PARALEGALS

A lawyers' hourly rate is much higher than that of a paralegal working as a sole practitioner or for a paralegal firm. But the hourly rate charged for paralegals working for a law firm, varies depending on who is doing the reporting; the hourly rate reported for paralegals, as reported by paralegals, is \$33 higher than that reported by a lawyer.

- Among sole practitioners, the hourly rate reported by lawyers is \$332 (based on n=400 responses) compared with \$138 (based on n=304) responses among paralegals.

HOURLY RATE CHARGED FOR LEGAL SERVICES

(among paralegals working as sole practitioners or for a paralegal firm and family lawyers who said "Hourly rate")

	Paralegal Firms	Law Firms
n	370	730
	%	%
Less than \$100	18	1
\$100 - \$149	37	2
\$150 - \$199	31	4
\$200 - \$249	8	14
\$250 or more	7	79
Median amount	\$144	\$330

HOURLY RATE CHARGED FOR PARALEGAL SERVICES

(among paralegals working as sole practitioners or with a paralegal firm, (col 1) lawyers who report paralegal staff (col 2) and paralegals who report working for a law firm (col 3))

	Paralegal Firms	Law* Firms	Law** Firms
n	370	112	91
	%	%	%
Less than \$25	<1	3	-
\$25 - \$49	2	4	2
\$50 - \$74	6	8	3
\$75 - \$99	10	16	3
\$100 - \$124	16	19	18
\$125 - \$149	21	9	18
\$150 - \$174	18	16	15
\$175 to \$199	13	13	9
\$200 to \$249	8	9	8
\$250 or more	6	3	24
Median amount	\$144	\$127	\$160

*As reported by lawyers employing paralegals

**As reported by paralegals working for a law firm

Key Findings

SUPPORT STAFF AND BILLING RATES

5 Paralegal firms report far fewer support staff and lower average billing rates than law firms.

- Law firms are far more likely than paralegal firms to employ law clerks (60% versus 14%, respectively).
- Among those who do employ law clerks, paralegal firms are less likely than law firms to charge out their time, and more likely to charge a lower hourly rate when they do (\$84 versus \$132, respectively).
- Law firms are also more likely to employ assistants than paralegal firms (68% compared to 29%, respectively) although both types of firm generally do not bill them out directly. When they do, however, law firms bill out assistants at a higher rate than paralegal firms (\$104 compared to \$44, respectively).

FIRM EMPLOYS A LAW CLERK AND BILLING PRACTICES

Law firms are much more likely to employ a law clerk than paralegals, and to bill out their services separately and at a higher rate.

FIRM EMPLOYS A LAW CLERK

(among those who work at a firm/office)

	Paralegal Firms	Law Firms
n	675	864
	%	%
Yes	14	60
No	86	40

LAW CLERK'S TIME BILLED OUT

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

	Law Clerk	Paralegal Firms	Law Firms
n	92	75	485
	%	%	%
Yes	78	57	71
No	22	42	29

HOURLY BILLING RATE OF LAW CLERK

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

	Law Clerks	Paralegal Firms	Law Firms
n	71	40	332
	%	%	%
Less than \$25	3	10	3
\$25 - \$49	6	12	2
\$50 - \$74	-	20	6
\$75 - \$99	1	20	14
\$100 - \$124	8	5	20
\$125 - \$149	7	12	16
\$150 - \$174	14	8	15
\$175 to \$199	8	8	14
\$200 to \$249	21	5	7
\$250 or more	36	-	2
Median amount	\$217	\$84	\$132

FIRM MAKES USE OF AN ASSISTANT AND BILLING PRACTICES

Law firms are far more likely to have an assistant than paralegal firms, but are no more likely to bill an assistant's rate for the specific tasks they undertake. Where this kind of billing occurs, however, law firms tend to charge a higher rate for assistants compared to paralegal firms.

FIRM MAKES USE OF AN ASSISTANT

(among those who work at a firm/office)

	Paralegal Firms	Law Firms
n	678	863
	%	%
Yes	29	68
No	71	32

FIRM BILLS FOR ASSISTANT'S TIME FOR SPECIFIC TASKS

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

	Paralegal Firms	Law Firms
n	181	545
	%	%
Yes	39	32
No	61	68

HOURLY RATE OF ASSISTANT

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

	Paralegal Firms	Law Firms
n	66	163
	%	%
Less than \$25	29	6
\$25 - \$49	26	5
\$50 - \$74	14	11
\$75 - \$99	15	22
\$100 - \$124	6	24
\$125 - \$149	3	14
\$150 - \$174	4	7
\$175 to \$199	3	5
\$200 to \$249	-	2
\$250 or more	-	-
Median amount	\$44	\$104

Key Findings

OVERHEAD COSTS

A basic difference in the cost structure between law firms and paralegal firms is office space; law firms, being larger, have higher office costs than paralegal firms.

- The greatest difference is that more paralegals than lawyers work from home, and this means that law firms are more likely to report paying office rent and maintenance costs. Paralegals, on the other hand, are more likely to report mortgage costs.
- More law firms than paralegal firms also report incurring costs for practice management software.

OFFICE SITUATION PRIOR TO COVID-19 AND TYPICAL OVERHEAD EXPENSES OF PRACTICE

That more paralegals work alone impacts their office situation, with many more of them working from home compared to lawyers. Paralegals are much less likely to pay rent and have office maintenance costs, as a result, and are somewhat more likely to have mortgage expenses.

- The other overhead difference is that more family lawyers than paralegals report practice management software.

BEST DESCRIPTION OF WHERE WORKED PRIOR TO COVID-19

(among those who work at a firm/office)

	Paralegal Firms	Law Firms
n	711	884
	%	%
Worked from home office	44	11
Worked in office space rented or owned by me	28	40
Worked in office space rented or owned by the company	19	45
Worked from my office, but rented space as needed for meetings/interviews, etc.	10	4

TYPICAL OVERHEAD EXPENSES OF PRACTICE

(among those who work at a firm/office)

	Paralegal Firms	Law Firms
n	711	884
	%	%
Membership fees	95	98
Liability insurance	96	97
Advertising/marketing	64	67
Office rent	54	82
Practice management software	54	86
Office maintenance (janitorial, repairs, etc.)	41	66
Mortgage expenses if working from home or own office space	35	23
Other	12	18

Key Findings

AWARENESS AND INITIAL INTEREST IN THE FLSP PROGRAM

Awareness of the proposed FLSP program is high among paralegals and, to a lesser extent, law clerks.

- Most paralegals (81%) have some awareness of the FLSP initiative, with nearly 4 in 10 (36%) 'very' aware. Far fewer law clerks have at least some awareness (49%) of the initiative.
- Among family lawyers, awareness is highly dependent upon the extent to which their practice is involved in family law.
 - Overall, two thirds are aware and 29% report being 'very' aware,
 - But among those where 75% of their practice consists of family law, 71% are aware and 36% 'very' aware of the initiative.
- Two thirds of paralegals and half of law clerks express strong interest in expanding their practice to include some family legal services.

EXTENT OF INTEREST IN THE FLSP PROGRAM

While initial interest among paralegals and law clerks is widespread, their degree of interest declines by the effort required.

- When paralegals and law clerks, who are initially interested, are asked about program length, most are very interested only in a program of less than 6 months.
- Similarly, when it comes to field placement, a majority of interested law clerks (56%) and paralegals (66%) want either no field placement or one of 8 weeks or shorter.
- Family lawyers, on the other hand, support a far longer training period (46% say more than 2 years) and field placement (over three quarters (76%) want a field placement of 12 weeks or more).
- There is also great sensitivity among paralegals and law clerks in regard to program costs; with strong resistance to anything above \$2,000.
- In terms of program delivery, online drives interest and in-person requirements reduce it significantly. Interest for most is also dependent on the program being offered on weekends/ evenings.

AWARENESS AND INTEREST IN FAMILY LEGAL SERVICES PROVIDER LICENCE INITIATIVE

The vast majority of paralegals are aware of the FLSP initiative and interested in expanding their area of practice to include some family legal services. There is less awareness, and somewhat less interest, among law clerks, although half have strong interest.

- Awareness among family lawyers is linked to the proportion of their practice dedicated to family law. Among those for whom family law makes up 75% or more of their practice, 71% have some awareness and 36% say they are 'very' aware of the initiative, compared to just 44% and 12% , respectively, among those where family law makes up less than 25% of their practice.

AWARENESS LEVEL OF INITIATIVE

(among total sample)

	Law Clerks	Paralegals	Lawyers
n	156	1927	935
	%	%	%
Very/Somewhat Aware	49	81	64
Very aware	19	36	29
Somewhat aware	30	44	34
Not too aware	24	12	18
Not at all aware c.	26	7	18

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

(among total sample)

	Law Clerks	Paralegals
n	156	1927
	%	%
Very/Somewhat Interested	71	85
Very interested	46	63
Somewhat interested	25	21
Not too interested	11	5
Not at all interested .	13	7

LENGTH OF TRAINING AND PLACEMENTS

While interest in expanding their area of practice among both paralegals and law clerks is high, the level of interest is strongly influenced by the length of the training required, with strong resistance to longer programs. Most family lawyers, however, want longer programs. The same pattern is repeated for field placements.

INTEREST LEVEL AMONG LAW CLERKS AND PARALEGALS IN UNDERTAKING THE REQUIRED TRAINING BY LENGTH OF TRAINING

(among those very or somewhat interested in expanding their expertise)

	Law Clerks	Paralegals
	Very interested	Very interested
n	111	1706
	%	%
Less than 6 months	75	73
6 months to a year (20 instructional hours per week)	44	32
1 – 2 years (10 instructional hours per week)	24	12
More than 2 years	11	5
Following training, there is field placement	42	35

LENGTH OF PREFERRED TRAINING PROGRAM AMONG LAWYERS

(among total sample of family lawyers)

	Lawyers
	Length of training period
n	935
	%
Less than 6 months	2
6 months to a year (20 instructional hours per week)	12
1 – 2 years (10 instructional hours per week)	29
More than 2 years	46
Other	12
Following training, there is field placement (% Yes, excluding DKs)	97

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

(among law clerks and paralegals very or somewhat interested in expanding their expertise and total sample of lawyers)

	Law Clerks	Paralegals	lawyers
n	111	1706	935
	%	%	%
No field placement	17	17	3
4 week	18	22	1
6 weeks	11	13	<1
8 weeks	10	14	4
12 weeks	21	14	13
More than 12 weeks	6	6	65
Don't know/not sure	17	13	14

RESPONSE TO PROGRAM DELIVERY OPTIONS AND COSTS

Interest in the program among paralegals and law clerks is strongly influenced by the mode of program delivery, and price. Both also prefer an online approach, versus in person, and evenings/weekends.

- There is significant resistance to a program costs of above \$2,000. This, though, does bring into question the actual level of interest among both groups.

INTEREST LEVEL IN THE PROGRAM BY SPECIFIC PROGRAM DELIVERY OPTIONS

(among those very or somewhat interested in expanding their area of practice)

	Law Clerks	Paralegals
	Very interested	Very interested
n	111	1706
	%	%
Delivered online	82	76
Delivered evenings/weekends	54	57
Hybrid mostly online with some in-person	24	35
Delivered weekends	29	24
Delivered in-person	23	21

EXTENT PRICE IS A FACTOR IN DECISION TO REGISTER

(among those very or somewhat interested in expanding their area of practice)

	Law Clerks	Paralegals
	n	n
n	111	1706
	%	%
Very/Somewhat large factor	80	84
Very large	35	53
Somewhat large	45	31
Not too large	17	11
Not at all a factor	3	2

LIKELIHOOD OF REGISTERING FOR PROGRAM BASED ON COSTS

(among those very or somewhat interested in expanding their area of practice and excluding don't know responses)

	Law Clerks	Paralegals
	Very interested	Very interested
n	111	1706
	%	%
\$1000 - \$2000	68	70
\$2001 - \$2500	19	16
\$2501 - \$5000	6	4
More than \$5000	3	2

Key Findings

BENEFITS AND CHALLENGES TO THE FLSP INITIATIVE

Family lawyers are quite divided over the benefits associated with the FLSP and have a significant number of objections.

- Nearly half (45%) of family lawyers say there are no benefits to the FSLP initiative.
- Roughly a third (36%), however, identify a reduction in the number self-represented litigants as a benefit, making this the top one. About a quarter of family lawyers also say that this initiative would result in broader outreach to vulnerable clients and make matters easier to resolve, with one-in-five saying that diverse communities would benefit as well.
- On the flip side, the vast majority of family lawyers associate a wide range of challenges and concerns with the initiative, including insufficient training, confusion, and negative impacts on clients.
- These responses likely tie in to the desire among family lawyers for extensive training in support of the FSLP initiative (46% want to see a program of more than 2 years, and 74% want to see a placement of greater than 12 weeks).

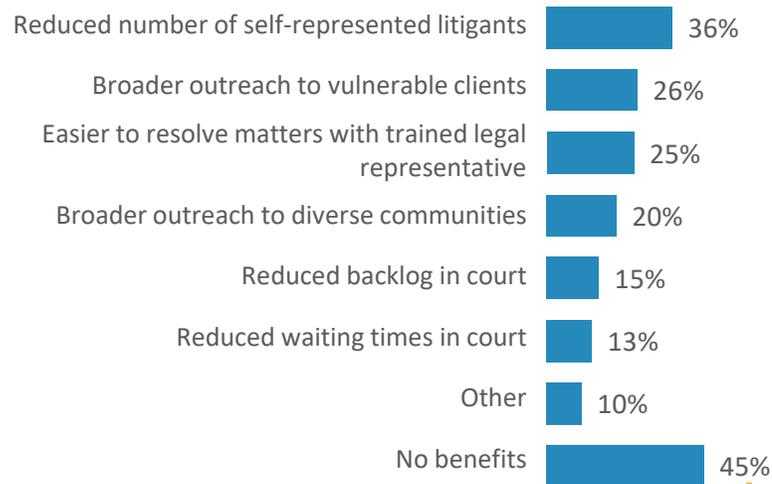
BENEFITS OF PERMITTING FLSPs TO PROVIDE LEGAL SERVICES IN FAMILY LAW AND CHALLENGES TO THIS APPROACH

Almost half (45%) of family lawyers say there are no benefits to permitting non-lawyers with appropriate training and regulation to provide legal services in family law.

- A large majority associate numerous challenges with the FLSP initiative, including concerns about 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)



Key Findings

LIKELIHOOD OF OFFERING A PLACEMENT OR HIRING AN FLSP

Some family lawyers would consider offering a placement or job for FLSPs within their practice.

- One-in-five (21%) say they would be at least somewhat likely to offer a placement, and approximately the same number (17%) would hire an FLSP. While low, this suggests that there will be at least some opportunities for FLSP graduates at law firms, if the program moves forward.
- The most common reason for offering a placement is the value of the help (49%). This is also overwhelmingly the top reason for hiring an FLSP, among those who would consider it (86%), along with freeing up lawyers for more complex matter (85%). Most also feel that an FLSP would be more affordable (56%) or more capable/independent (55%) than a law clerk or articling student.
- Reasons for not hiring are varied, with no one reason dominating, but issues around competency and lack of need for an FLSP underlie many of the responses.
- When asked what services an appropriately trained and regulated FLSP could undertake, over half of family lawyers said none or “don’t know”.

SERVICE AREAS

There is very limited agreement across the three groups about the services that a FLSP could offer.

- The two with some agreement are:
 - Filling out forms, document preparation;
 - Uncontested divorces.
- However, the fact that a majority among all 3 groups did not respond to the question makes interpretation of responses difficult.
- Further, the question capturing this type of information was a write in (open ended) and this typically limits what is conveyed.

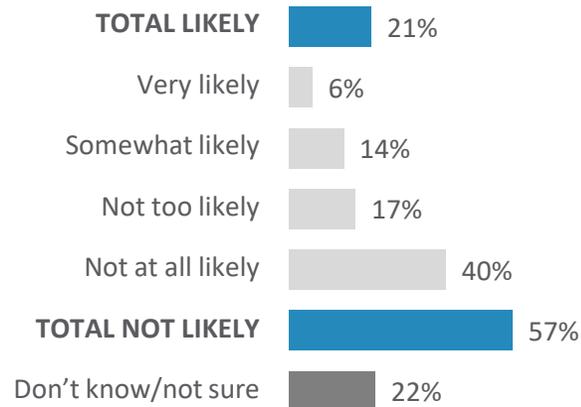
LIKELIHOOD OF OFFERING A CO-OP OR ARTICLING PLACEMENT TO A FLSP AND MAIN REASON FOR OFFERING A PLACEMENT

Some family lawyers (21%) say they are likely to offer a co-op or placement to a FLSP, and 6% say they are ‘very’ likely. Over one-in-five are unsure, while close to six-in-ten say they would not offer this opportunity.

- Among those willing to offer a placement, having help with their practice is the most frequent reason cited. However, a number of the other comments are negative or unsupportive of the initiative, suggesting that the willingness of this 21% to provide a placement could be soft.

LIKELIHOOD OF OFFERING A CO-OP OR 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%

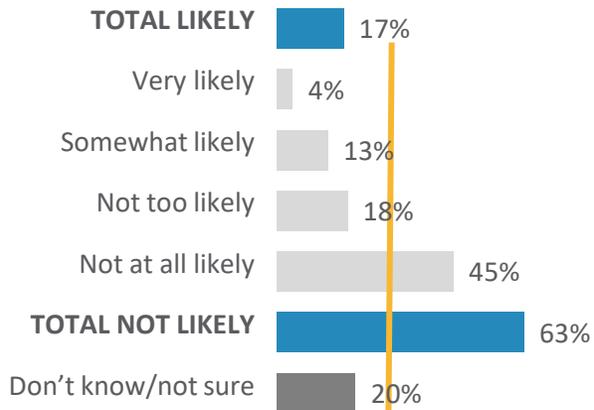
LIKELIHOOD OF CONSIDERING HIRING A FLSP TO SUPPORT PRACTICE AND MAIN REASONS FOR AND AGAINST

In all, 17% of family lawyers report being likely to consider hiring a FLSP to support their practice, with 4% saying they are ‘very’ likely. Another one in five are unsure.

- Almost all of those unlikely to hire a FLSP provide a reason for this, and there are many of them, including issues around training, affordability and limited need. The main reasons among those who would consider a hire are related to the support it would offer, particularly in freeing up a lawyer’s time to focus on more complicated matters.

LIKELIHOOD OF CONSIDERING HIRING A FLSP TO SUPPORT PRACTICE

(Total family lawyers)



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%
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%

Unaided, few seem to have a good idea of the kinds of services that an FLSP could provide.

- Among law clerks and paralegals, half say they don't know, while a third of family lawyers say the same and one in five (21%) say none.

IDENTIFICATION OF FAMILY LAW SERVICES THAT COULD BE PROVIDED

*(among those law clerks and paralegals interested in expanding current skills to include some family legal services.
among all lawyers)*

	Law Clerks	Paralegals*	Lawyers
n	111	1005	935
	%	%	%
Filling out forms/applications document preparation	12	3	26
Uncontested divorces/simple divorce	8	15	11
Initial consultation/coaching/consultation	5	2	7
Complete financial statements/financial documents	2	-	6
Child support	-	5	5
Child custody/child access	5	13	3
Mediation/arbitration	3	7	
Separation agreements	6	12	
Divorce/divorce application	5	12	1
Division of assets	2	2	
Spousal support	2	2	1
Legal advice/consultation	5		
None	-	-	21
Don't know/not sure	59	51	32

* Only those currently practicing

Discussion

- The end user data suggests that affordability is an issue that forces some to represent themselves. It also shows that interest exists for a lower cost alternative, at least in some instances. Notably, however, as the perceived complexity of a case increases, so does the demand for a lawyer, quite significantly.
- This suggests that a non-lawyer FSLP would be acceptable to the public in a limited number of cases, at least, given that paralegals working as sole practitioners or with a paralegal firm charge lower hourly rates than family lawyers and are more likely to charge flat fees.
- There is the large gap in attitudes and expectations regarding family law service provision between family law practitioners, on the one hand (especially those whose firms are more dedicated to this area of law), and paralegals and law clerks, on the other, who are interested in expanding into this area.
- This gap has a number of dimensions, as the research has highlighted, especially around the length of training and placements for FLSPs which may present some difficulties in finding a way forward.
- While large majorities of paralegals and law clerks have an interest in expanding their area of practice into family law, this interest declines significantly with the length of training required and as the cost increases. Paralegals and law clerks appear to want a minimal investment of time and money. Consequently, a lengthy training period and placement (which might satisfy lawyers), combined with higher costs, could significantly deter interest and uptake. On the other hand, the program could be made more attractive to paralegals and law clerks if it is delivered online, and on evenings and weekends, which would allow for continued work. There is also some indication that few paralegals, law clerks or family lawyers have a concrete sense of the types of services that might be offered by FLSPs